KINROSS TOWNSHIP
ORDINANCE NO. 1.116

Adopted: July 15, 1996
Effective: September 13, 1996
Amended: Nov. 18, 1996 and Nov. 15, 1999

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ORDINANCE NO 16

An ordinance to establish a solid waste collection system, including solid waste storage and disposal, rates and charges for solid waste collection, and penalties for violation thereof in the Woodside Area of the Charter Township of Kinross, Chippewa County, Michigan.

ARTICLE I

SHORT TITLE

SECTION 101: Short Title:
This Ordinance shall be known as the "Solid Waste Collection Ordinance" and may be cited as such.

ARTICLE II

DEFINITIONS

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

SECTION 201: "Act 451" means the Natural Resources and Environmental Protection Act, which is Act 451 of the Public Acts of Michigan of 1994, as amended.

SECTION 202: "Clerk" means the Township Clerk or his or her authorized deputies, assistants, or agents.

SECTION 203: "Collection District" means the plats of Cedar Grove Estates No.1, Cedar Grove Estates No.2, Cedar Grove Estates No.3, Country Club Condominiums and Windermere Condominiums, all being located in the Charter Township of Kinross and commonly known as Woodside.

SECTION 204: "Collection Fee" means the fee established by the Township for the collection of Solid Waste from Premises located within the Collection District.

SECTION 205: "Customer" means any Person owning or occupying Premises within the Collection District.

SECTION 206: "Hazardous Waste" means hazardous waste as defined in Act 451 and related administrative rules.

SECTION 207: "Miscellaneous Customer Charges" means amounts charged to Customers for miscellaneous services and related administrative costs associated with the Solid Waste Collection System, including, without limitation, the additional expense of collecting furniture, appliances, tires, and similar items in excess of 30 pounds and dead animals in excess of 5 pounds, and the expense incurred by the Township to collect and/or pick up accumulated Solid Waste on Premises within the Collection District, which has not been properly stored or disposed of by the owner or occupant of said Premises under the terms of the Ordinance.

SECTION 208: "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

SECTION 209: "Premises" means a separate lot or parcel used or intended for use for residential purposes, only (either owner occupied or rental) and not for commercial or industrial purposes, to which a separate street address, postal address or box, tax roll description, and activated water meter has been assigned.

SECTION 210: "Solid Waste Collection System" means the services provided by this Ordinance for the collection of Solid Waste in the Collection District.

SECTION 211: "Solid Waste" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable; household rubbish including, without limitation, paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or other nonputrescible, combustible and noncombustible litter of any kind that may be a detriment to the public health and safety. For purposes of this Ordinance, Solid Waste shall not include Hazardous Waste, human body waste, Yard Clippings, and other types of waste materials or substances excluded from the definition of Solid Waste as set forth in Section 11506(1) of Act 451.

SECTION 212: "Solid Waste Plan" means that certain Solid Waste Management Plan for Chippewa, Luce, and Mackinaw Counties dated September 1990, and as amended from time to time, prepared by the Eastern Upper Peninsula Regional Planning and Development Commission.

SECTION 213: "Township" means the Charter Township of Kinross, Chippewa County, Michigan, as represented by the Kinross Township Board.

SECTION 214: "Waste Hauler" means any Person collecting, transporting, delivering, or disposing of Solid Waste generated within the collection District pursuant to contract with the Township.

SECTION 215: "Yard Clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus.

ARTICLE III

POWERS AND AUTHORITY

SECTION 301: Statutory Authority.

The Township enacts this Ordinance and establishes the Solid Waste Collection System within the Collection District pursuant to its powers and, authority under the Charter Township Act, which is Act 359 of the Public Acts of Michigan of 1947, as amended, and the Revenue Bond Act of 1933, which is Act 94 of the Public Acts of Michigan of 1933, as amended.

SECTION 302: Public Health and Safety; Public Improvement.

The Township determines that the disposal of Solid Waste from a Person's own household upon the Person's own Premises located within the Collection District constitutes a nuisance and a hazard to public health. The Township hereby further determines that the Solid Waste Collection System and regulation of storage and disposal of Solid Waste within the Collection District:

(a) is necessary to ensure public health and safety in accordance with Section 15 of the Charter Township Act and

(b) constitutes a public improvement within the meaning of Section 3(c) of the Revenue Bond Act of 1933.

SECTION 303: Solid Waste Plan.

The Township hereby determines that the Solid Waste Collection System and the regulation of storage and disposal of solid Waste within the Collection District as set forth in this Ordinance are consistent with and in furtherance of the goals and recommendations of the Solid Waste Plan.

ARTICLE IV

WASTE HAULER AND TRANSPORTATION OF SOLID WASTE

SECTION 401: Contract With Waste Hauler.

The Township shall contract with one or more licensed waste haulers selected through the process of competitive bidding to collect Solid Waste from Premises located in the Collection District. The contract between the Waste Hauler and the Township shall include, without limitation, the following provisions:

a. Solid Waste Transportation Unit

(1) Any Solid Waste transportation unit operated pursuant to this Ordinance shall have the name of the duly authorized Waste Hauler, the address and telephone number plainly marked upon both sides of the vehicle in a place and color plainly visible, in letters and figures of three (3) inches or more.

(2) A Solid Waste transporting unit operated pursuant to this Ordinance shall not be parked in a residence zone longer than necessary to collect Solid Waste unless within a completely enclosed garage or building. A Solid Waste transporting unit

shall not be parked, stored or established at any location so as to cause a nuisance or hazard to health.

b. Identification of Solid Waste Containers

A Solid Waste container used by the Township's Waste hauler which has a capacity of at least one-half *(1/2)* cubic yard shall be plainly marked on at least three (3) sides of the Solid Waste container in letters and figures not less than three (3) inches in height with the name, current street address and current telephone number of the Waste Hauler.

c. Insurance

The Township's Waste Hauler shall furnish to the Township evidence of Worker's Compensation Insurance having at a minimum, the statute only mandated coverage and evidence of Contractor's Motor Vehicle Bodily Injury and Property Damage Insurance in amounts acceptable to the Township. All such policies shall be issued by carriers acceptable to the Township and shall name the Township as additional insured.

d. Compliance With Laws

The Township's Waste Hauler shall comply with all the provisions of this Ordinance, the Solid Waste Plan and all applicable Federal and State laws, statutes, rules and regulations (including, but not limited to Act 451 and related administrative rules) in the collection, transportation, delivery, and disposal of Solid Waste.

SECTION 402: Disposal of Solid Waste in Interstate Commerce.

Neither this Ordinance nor the township's contract with the Waste Hauler shall be construed to limit the disposal of Solid Waste in interstate commerce by the Waste Hauler.

ARTICLE V

SOLID WASTE AND SOLID WASTE COLLECTION

SECTION 501: Solid Waste Collection Service.

The Township shall provide Solid Waste Collection Service to all Premises in the Collection District. Use of the Solid Waste Collection System and adherence to the provisions of this Ordinance are mandatory for all owners and occupants of Premises within the Collection District for all materials included in the definition of Solid Waste set forth in Article 2 of this Ordinance. Solid Waste collection within the Collection District shall be provided only by a Waste Hauler pursuant to contract with the Township. Premises which are unoccupied for a period of at least forty five (45) consecutive days shall be eligible for exemption from the rates and charges imposed under Article VI of this Ordinance for each full calendar month during such period of vacancy provided the owner of such property files with the Township at least fifteen (15) days in advance of the commencement of such period a signed affidavit setting forth the beginning date and ending date of the period of vacancy.

SECTION 502: Accumulation of Solid Waste.

No Person shall accumulate or allow the accumulation for a period of more than seven (7) consecutive days of any Solid Waste on any Premises owned, occupied, or controlled by that person which is located within the Collection District. No Person

shall throw or deposit any Solid Waste upon or into any street, alley or other property, public or private within the Collection District. It shall be the duty of every occupant of Premises within the Collection District and of every owner of unoccupied Premises within the Collection District at all times to maintain the Premises occupied or owned by him or her, in a clean and orderly condition, permitting no deposit of accumulation of solid Waste upon such Premises, unless stored or accumulated as permitted by this Ordinance.

SECTION 503: Storage of Solid Waste.

Unless otherwise permitted in the Ordinance, all Solid Waste stored on any Premises between collections must be stored in plastic bags or plastic bag lined rigid containers. The owner or occupant of any Premises within the Collection District shall maintain on said Premises one (1) or more refuse containers, each having a capacity of not more than thirty (30) gallons, and the number of containers kept on each Premises shall be sufficient to conveniently store the normal accumulation of Solid Waste on said Premises over a period of not less than seven (7) days. Such containers may be constructed of rigid metal or plastic with tightly fitting covers, which are rodent-proof, or may be polyethylene plastic refuse bags or other plastic bags. Rigid refuse containers must be plastic bag lined and kept tightly covered except when opened for deposit or removal of Solid Waste. Plastic bags used as storage containers must be kept in a clean and sanitary condition. Certain items must be stored and prepared for collection as follows.

(1) Broken glass must be double wrapped in newspaper before being placed in container.
(2) Cardboard boxes must be flattened and securely bundled, weighing no more than 30 pounds per bundle and need not be placed inside a container.
(3) Newspapers must be bundled with strong string or twine and weigh no more than 30 pounds per bundle and need not be placed inside a container.
(4) Rigid containers for storage of Solid Waste and permitted bundles of Solid Waste shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons; plastic bags, when used as storage containers, and not as liners for rigid containers, must be kept tightly sealed and must be located, prior to placement for collection, in a place not readily accessible to animals, children or the elements. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 504: Placement of Solid Waste for Collection.

All Solid Waste, whether in proper containers or permitted bundles, intended for Township collection must be placed in the parkway near the street curb in front of the Premises, before 7:00 a.m. on the day of collection. In no case shall Solid Waste or containers intended for Township collection be placed at the curb or alley before 7:00 p.m. of the day preceding the collection day. Solid Waste shall not be placed or accumulated at the collection location except in accordance with this Ordinance.

SECTION 505: Frequency of Collection.

Solid Waste shall be collected one (I) day per week within the Collection District according to a schedule established by the Township. The Township shall inform the Customer in writing of the collection schedule.

SECTION 506: Holidays.

Solid Waste Collections will not be made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Whenever collections are interrupted because of one (1) of these holidays, the scheduled collection of Solid Waste will be postponed by one (1) day.

SECTION 507: Weight Limit.

Unless special arrangements are made with the Township Supervisor, no container or bundle of Solid Waste shall exceed thirty (30) pounds or thirty (30) gallons when full. Larger items which constitute Solid Waste, such as furniture, appliances and tires, will not be collected during regularly scheduled collection times. Arrangements for pick-up of larger items must be made with the Township.

SECTION 508: Responsibility for Solid Waste.

The Owner or occupant of Premises shall be responsible to clean up any scattered Solid Waste resulting from the breakage or opening of plastic bags or rigid containers prior to collection. The owner or occupant of the Premises shall take necessary measures to ensure that Solid Waste is protected from animals, and that it is packaged in such a way that it does not cause breakage of the container. Owners and occupants of Premises within the Collection District shall be responsible for the removal of any Solid Waste located on the parkway or in an alley adjacent to the Premises, except when the items are placed on the parkway or in the alley for Township collection in accordance with this Ordinance.

SECTION 509: Dead Animals.

The Township shall collect dead animals, provided they are placed in tightly sealed polyethylene bags or covered boxes. The Township shall collect dead animals weighing less than five (5) pounds in the routine weekly collection of Solid Waste collection. Customers shall make arrangements with the Township for collection of larger dead animals. This service shall be provided for residential premises within the Collection District only, and is not intended for use by veterinarians or commercial establishments.

SECTION 510: Source Separation.

The Township may provide for the separation, at the point of collection, of newspapers or certain other specific materials, which may be salvageable. Any such source separated materials must be securely bundled or in proper containers and must not weigh in excess of thirty (30) pounds.

ARTICLE VI

RATES AND CHARGES

SECTION 601: Collection Fee.

The Township Board shall, by resolution, be authorized to establish a Collection Fee schedule for the collection of Solid Waste, and may, by resolution, adjust the Collection Fee schedule as necessary, without amending the Solid Waste Collection Ordinance. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 602: Miscellaneous Customer Charge.

The Township shall, from time to time, establish Miscellaneous Customer Charges, as necessary, for miscellaneous services and related administrative costs associated with the Solid Waste Collection System.

ARTICLE VII

PAYMENT & COLLECTIONS

SECTION 701: Monthly Bills.

Bills for the Collection Fee and Miscellaneous Customer Charges shall be dated and mailed monthly as a separately stated item on the water and sewer bill issued by the Township. These monthly bills shall be due and payable at the business office of the Township or to any designated agent on their date of issue. If not paid by the 20th day after the date of the bills, a time price differential equal to 1 % per month or fraction of a month shall be charged on the unpaid balance. In addition, there shall be charged a late penalty in an amount to be established by the Township Board by resolution. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 702: Remedies for Nonpayment.

If the Collection Fee and Miscellaneous Customer Charge are not paid on or before their respective due date, the Township may:

i. institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
ii. enforce the lien created in Section 703 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 in equity. Under no circumstances shall action taken by the Township to collect unpaid rates and charges, penalties and interest, invalidate or waive the lien created by Section 703 below.

SECTION 703: Lien.

Except as set forth below, the Collection Fee, Miscellaneous Customer Charge, interest or late penalty shall be a lien on the respective Premises served by the Solid Waste Collection System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September I of each year to the tax-assessing officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to Premises which is subject to a legally executed lease that expressly provides that the Premises lessee, and not the Premises lessor, shall be liable for payment of any Collection Fee and Miscellaneous Customer Charge for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written

notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit in the amount equal to three months of Collection Fees, which upon failure of the lessee to pay the Collection Fee and Miscellaneous Customer Charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon failure of the lessee to do so within ten (10) days of said advance, the Township may institute an action in any court of competent jurisdiction for the collection of unpaid amounts including penalties, interest and reasonable attorney fees. (Amended Nov. 18.1996) and (Amended Nov. 15, 1999)

SECTION 704: No Free Service.

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

SECTION 705: Notice of Rates and Charges.

All bills and notices relating to the conduct of the business of the Township and of the Solid Waste Collection System will be mailed to the Customer's address set forth on the Township tax roll unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice by reason of non-delivery thereof.

SECTION 706: Interruptions of Service.

The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. The Township will notify all Customers affected by an interruption in service in advance whenever it is possible to do so.

SECTION 707: Appeals.

Any Customer has the right to appeal any Collection Fee or Miscellaneous Customer Charge levied in accordance with this Ordinance. Appeals shall be directed to the township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for Collection Fees and Miscellaneous Customer Charges shall continue to be due and payable. Upon resolution of the appeal, the Township shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous 12 months' billings only.

ARTICLE VIII

ENTRY ONTO PREM ISES

SECTION 801: Entry for Collection.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Collection District for collection of Solid Waste in accordance with this Ordinance.

SECTION 802: Entry to Remedy Violation.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Township in order to remedy any violation of this Ordinance.

SECTION 803: Observation of Safety.

While performing the duties of Sections 801 and 802 above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises.

ARTICLE IX

PENALTIES

SECTION 901: Notice of Violation.

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 902: Civil Infraction.

Any violation of any provision of this Ordinance, or any violation beyond the time limit provided for in Section 901, 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 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 the 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.

SECTION 903: Nuisance.

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 is hereby empowered to enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including, without limitation, entry onto the subject Premises to remedy the 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 taking such action.

SECTION 904: Township's Costs and Expenses.
Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

SECTION 905: Remedies Cumulative.
The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE X

VALIDITY

SECTION 1001: Repeal of Conflicting Provisions.
All Ordinances or parts of Ordinances in conflict herewith and relating to the Solid Waste Collection System are hereby repealed.

SECTION 1002: Severability of Invalid Provisions.
The invalidity 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 without such invalid part or parts.

ARTICLE XI

PUBLICATION AND EFFECTIVE DATE

SECTION 1101: Newspaper Publication.
A true copy of this Ordinance shall be published in The Community Voice within thirty (30) days after the adoption of the Ordinance by the Township.

SECTION 1l02: Effective Date.
This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XII

AMENDMENT

SECTION 1201: Reservation 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 fees, charges or rates herein provided.

(Ord.1.117) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 18, 1996. And the Township Ordinance No. l.l17 or a summary thereof was published in The Evening News

and Community Voice on November 28, 1996. (AMENDMENT 1.117)

(Ord. 1.118) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 15, 1999. This ordinance was published in The Community Voice on November 25, 1999, and in The Evening News on November 24, 1999. This ordinance shall become effective on December 1, 1999. (AMENDMENT 1.118)

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 15, 1996, and approved by me on July 15, 1996. **(and Amended as stated above)**

KINROSS TOWNSHIP
ORDINANCE NO. 1.116

Adopted: July 15, 1996
Effective: September 13, 1996
Amended: Nov. 18, 1996 and Nov. 15, 1999

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

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(a) is necessary to ensure public health and safety in accordance with Section 15 of the Charter Township Act and

(b) constitutes a public improvement within the meaning of Section 3(c) of the Revenue Bond Act of 1933.

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(1) Any Solid Waste transportation unit operated pursuant to this Ordinance shall have the name of the duly authorized Waste Hauler, the address and telephone number plainly marked upon both sides of the vehicle in a place and color plainly visible, in letters and figures of three (3) inches or more.

(2) A Solid Waste transporting unit operated pursuant to this Ordinance shall not be parked in a residence zone longer than necessary to collect Solid Waste unless within a completely enclosed garage or building. A Solid Waste transporting unit

shall not be parked, stored or established at any location so as to cause a nuisance or hazard to health.

b. Identification of Solid Waste Containers

A Solid Waste container used by the Township's Waste hauler which has a capacity of at least one-half *(1/2)* cubic yard shall be plainly marked on at least three (3) sides of the Solid Waste container in letters and figures not less than three (3) inches in height with the name, current street address and current telephone number of the Waste Hauler.

c. Insurance

The Township's Waste Hauler shall furnish to the Township evidence of Worker's Compensation Insurance having at a minimum, the statute only mandated coverage and evidence of Contractor's Motor Vehicle Bodily Injury and Property Damage Insurance in amounts acceptable to the Township. All such policies shall be issued by carriers acceptable to the Township and shall name the Township as additional insured.

d. Compliance With Laws

The Township's Waste Hauler shall comply with all the provisions of this Ordinance, the Solid Waste Plan and all applicable Federal and State laws, statutes, rules and regulations (including, but not limited to Act 451 and related administrative rules) in the collection, transportation, delivery, and disposal of Solid Waste.

SECTION 402: Disposal of Solid Waste in Interstate Commerce.

Neither this Ordinance nor the township's contract with the Waste Hauler shall be construed to limit the disposal of Solid Waste in interstate commerce by the Waste Hauler.

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SECTION 502: Accumulation of Solid Waste.

No Person shall accumulate or allow the accumulation for a period of more than seven (7) consecutive days of any Solid Waste on any Premises owned, occupied, or controlled by that person which is located within the Collection District. No Person

shall throw or deposit any Solid Waste upon or into any street, alley or other property, public or private within the Collection District. It shall be the duty of every occupant of Premises within the Collection District and of every owner of unoccupied Premises within the Collection District at all times to maintain the Premises occupied or owned by him or her, in a clean and orderly condition, permitting no deposit of accumulation of solid Waste upon such Premises, unless stored or accumulated as permitted by this Ordinance.

SECTION 503: Storage of Solid Waste.

Unless otherwise permitted in the Ordinance, all Solid Waste stored on any Premises between collections must be stored in plastic bags or plastic bag lined rigid containers. The owner or occupant of any Premises within the Collection District shall maintain on said Premises one (1) or more refuse containers, each having a capacity of not more than thirty (30) gallons, and the number of containers kept on each Premises shall be sufficient to conveniently store the normal accumulation of Solid Waste on said Premises over a period of not less than seven (7) days. Such containers may be constructed of rigid metal or plastic with tightly fitting covers, which are rodent-proof, or may be polyethylene plastic refuse bags or other plastic bags. Rigid refuse containers must be plastic bag lined and kept tightly covered except when opened for deposit or removal of Solid Waste. Plastic bags used as storage containers must be kept in a clean and sanitary condition. Certain items must be stored and prepared for collection as follows.

(1) Broken glass must be double wrapped in newspaper before being placed in container.
(2) Cardboard boxes must be flattened and securely bundled, weighing no more than 30 pounds per bundle and need not be placed inside a container.
(3) Newspapers must be bundled with strong string or twine and weigh no more than 30 pounds per bundle and need not be placed inside a container.
(4) Rigid containers for storage of Solid Waste and permitted bundles of Solid Waste shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons; plastic bags, when used as storage containers, and not as liners for rigid containers, must be kept tightly sealed and must be located, prior to placement for collection, in a place not readily accessible to animals, children or the elements. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 504: Placement of Solid Waste for Collection.

All Solid Waste, whether in proper containers or permitted bundles, intended for Township collection must be placed in the parkway near the street curb in front of the Premises, before 7:00 a.m. on the day of collection. In no case shall Solid Waste or containers intended for Township collection be placed at the curb or alley before 7:00 p.m. of the day preceding the collection day. Solid Waste shall not be placed or accumulated at the collection location except in accordance with this Ordinance.

SECTION 505: Frequency of Collection.

Solid Waste shall be collected one (I) day per week within the Collection District according to a schedule established by the Township. The Township shall inform the Customer in writing of the collection schedule.

SECTION 506: Holidays.

Solid Waste Collections will not be made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Whenever collections are interrupted because of one (1) of these holidays, the scheduled collection of Solid Waste will be postponed by one (1) day.

SECTION 507: Weight Limit.

Unless special arrangements are made with the Township Supervisor, no container or bundle of Solid Waste shall exceed thirty (30) pounds or thirty (30) gallons when full. Larger items which constitute Solid Waste, such as furniture, appliances and tires, will not be collected during regularly scheduled collection times. Arrangements for pick-up of larger items must be made with the Township.

SECTION 508: Responsibility for Solid Waste.

The Owner or occupant of Premises shall be responsible to clean up any scattered Solid Waste resulting from the breakage or opening of plastic bags or rigid containers prior to collection. The owner or occupant of the Premises shall take necessary measures to ensure that Solid Waste is protected from animals, and that it is packaged in such a way that it does not cause breakage of the container. Owners and occupants of Premises within the Collection District shall be responsible for the removal of any Solid Waste located on the parkway or in an alley adjacent to the Premises, except when the items are placed on the parkway or in the alley for Township collection in accordance with this Ordinance.

SECTION 509: Dead Animals.

The Township shall collect dead animals, provided they are placed in tightly sealed polyethylene bags or covered boxes. The Township shall collect dead animals weighing less than five (5) pounds in the routine weekly collection of Solid Waste collection. Customers shall make arrangements with the Township for collection of larger dead animals. This service shall be provided for residential premises within the Collection District only, and is not intended for use by veterinarians or commercial establishments.

SECTION 510: Source Separation.

The Township may provide for the separation, at the point of collection, of newspapers or certain other specific materials, which may be salvageable. Any such source separated materials must be securely bundled or in proper containers and must not weigh in excess of thirty (30) pounds.

ARTICLE VI

RATES AND CHARGES

SECTION 601: Collection Fee.

The Township Board shall, by resolution, be authorized to establish a Collection Fee schedule for the collection of Solid Waste, and may, by resolution, adjust the Collection Fee schedule as necessary, without amending the Solid Waste Collection Ordinance. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 602: Miscellaneous Customer Charge.

The Township shall, from time to time, establish Miscellaneous Customer Charges, as necessary, for miscellaneous services and related administrative costs associated with the Solid Waste Collection System.

ARTICLE VII

PAYMENT & COLLECTIONS

SECTION 701: Monthly Bills.

Bills for the Collection Fee and Miscellaneous Customer Charges shall be dated and mailed monthly as a separately stated item on the water and sewer bill issued by the Township. These monthly bills shall be due and payable at the business office of the Township or to any designated agent on their date of issue. If not paid by the 20th day after the date of the bills, a time price differential equal to 1 % per month or fraction of a month shall be charged on the unpaid balance. In addition, there shall be charged a late penalty in an amount to be established by the Township Board by resolution. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 702: Remedies for Nonpayment.

If the Collection Fee and Miscellaneous Customer Charge are not paid on or before their respective due date, the Township may:

i. institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
ii. enforce the lien created in Section 703 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 in equity. Under no circumstances shall action taken by the Township to collect unpaid rates and charges, penalties and interest, invalidate or waive the lien created by Section 703 below.

SECTION 703: Lien.

Except as set forth below, the Collection Fee, Miscellaneous Customer Charge, interest or late penalty shall be a lien on the respective Premises served by the Solid Waste Collection System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September I of each year to the tax-assessing officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to Premises which is subject to a legally executed lease that expressly provides that the Premises lessee, and not the Premises lessor, shall be liable for payment of any Collection Fee and Miscellaneous Customer Charge for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written

notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit in the amount equal to three months of Collection Fees, which upon failure of the lessee to pay the Collection Fee and Miscellaneous Customer Charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon failure of the lessee to do so within ten (10) days of said advance, the Township may institute an action in any court of competent jurisdiction for the collection of unpaid amounts including penalties, interest and reasonable attorney fees. (Amended Nov. 18.1996) and (Amended Nov. 15, 1999)

SECTION 704: No Free Service.

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

SECTION 705: Notice of Rates and Charges.

All bills and notices relating to the conduct of the business of the Township and of the Solid Waste Collection System will be mailed to the Customer's address set forth on the Township tax roll unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice by reason of non-delivery thereof.

SECTION 706: Interruptions of Service.

The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. The Township will notify all Customers affected by an interruption in service in advance whenever it is possible to do so.

SECTION 707: Appeals.

Any Customer has the right to appeal any Collection Fee or Miscellaneous Customer Charge levied in accordance with this Ordinance. Appeals shall be directed to the township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for Collection Fees and Miscellaneous Customer Charges shall continue to be due and payable. Upon resolution of the appeal, the Township shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous 12 months' billings only.

ARTICLE VIII

ENTRY ONTO PREM ISES

SECTION 801: Entry for Collection.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Collection District for collection of Solid Waste in accordance with this Ordinance.

SECTION 802: Entry to Remedy Violation.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Township in order to remedy any violation of this Ordinance.

SECTION 803: Observation of Safety.

While performing the duties of Sections 801 and 802 above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises.

ARTICLE IX

PENALTIES

SECTION 901: Notice of Violation.

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 902: Civil Infraction.

Any violation of any provision of this Ordinance, or any violation beyond the time limit provided for in Section 901, 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 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 the 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.

SECTION 903: Nuisance.

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 is hereby empowered to enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including, without limitation, entry onto the subject Premises to remedy the 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 taking such action.

SECTION 904: Township's Costs and Expenses.
Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

SECTION 905: Remedies Cumulative.
The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE X

VALIDITY

SECTION 1001: Repeal of Conflicting Provisions.
All Ordinances or parts of Ordinances in conflict herewith and relating to the Solid Waste Collection System are hereby repealed.

SECTION 1002: Severability of Invalid Provisions.
The invalidity 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 without such invalid part or parts.

ARTICLE XI

PUBLICATION AND EFFECTIVE DATE

SECTION 1101: Newspaper Publication.
A true copy of this Ordinance shall be published in The Community Voice within thirty (30) days after the adoption of the Ordinance by the Township.

SECTION 1l02: Effective Date.
This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XII

AMENDMENT

SECTION 1201: Reservation 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 fees, charges or rates herein provided.

(Ord.1.117) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 18, 1996. And the Township Ordinance No. l.l17 or a summary thereof was published in The Evening News

and Community Voice on November 28, 1996. (AMENDMENT 1.117)

(Ord. 1.118) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 15, 1999. This ordinance was published in The Community Voice on November 25, 1999, and in The Evening News on November 24, 1999. This ordinance shall become effective on December 1, 1999. (AMENDMENT 1.118)

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 15, 1996, and approved by me on July 15, 1996. **(and Amended as stated above)**

KINROSS CHARTER TOWNSHIP
COMMERCIAL TRUCK ROUTE ORDINANCE
ORDINANCE NO. 1.130

Adopted:

Published:

Effective Date:

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title
This Ordinance shall be known and may be cited as the "Kinross Charter Township Commercial Truck Route Ordinance."

Section 2: Purpose
The purpose of this Ordinance is to establish and regulate truck traffic routes; prohibit truck traffic on other roads; and provide penalties for the violation thereof.

Section 3: Definitions
A. “Implement of husbandry” means every vehicle that is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

B. “Road” means any street, highway or route within Kinross Charter Township.

C. “Semi-trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by some other vehicle.

D. “Trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

E. “Truck” means every motor vehicle that is designed, used or maintained primarily for the transportation of property, except a pick-up truck or a van designed to carry loads of no more than one (1) ton.

F. “Truck-tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

G. “Person” includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 4: Rule of Construction
Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 5: Truck Routes
The following roads in Kinross Charter Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

A. M-80 also know as Tone Road.
B. Gaines Highway.
C. Mackinaw Trail/H-63.
D. W. Thompson Road.
E. Bound Road.
F. Tilson Rd.
G. W Curtis St.
H. S. Watertower Dr.
I. S. Riley St.
J. All roads in the industrial complex.
K. S. Johnson Rd.
L. Fair Rd.
M. S. Wilson Rd.
N. Ploegstra Rd.
O. Kincheloe Dr. from Tone Rd. to South Watertower Dr.
P. South Hugginin St.

Section 6: Prohibition Against Travel on Other than Truck Routes
Except as expressly permitted under this ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in Kinross Charter Township on any road other than a designated truck route.

Section 7: Exemptions
The truck route limitations prescribed in this ordinance shall not apply to:

A. Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property, or

B. Implements of husbandry incidentally moved upon a road, or

C. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township, or

D. Garbage service vehicles while involved in the provision of services to residents of the Township.

Section 8: Pick-Ups, Deliveries, Service Calls
A vehicle that would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups, deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

Section 9: Special Permits
The Township Supervisor shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this ordinance. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle and a copy of permit shall be given to the Kinross District Police Department. The Township Board shall, by resolution, set a fee and criteria for special permits.

Section 10: Signs
The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

Section 11: Enforcement and Penalties.
The Township may enforce any violation of this Ordinance by resort to one of the following:

Criminal Enforcement.
Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than $500 or shall be imprisoned in the Chippewa County jail for not more than 90 days or both such fine and imprisonment at the discretion of the court.

Municipal Civil Infraction Citation.
Any person who is found responsible or admits responsibility for violation of this Ordinance shall be subject to a civil fine and costs. The civil fines are set forth in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in any ordinary civil action and may include all expenses, direct and indirect, including attorney fees, that the Township bears in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than $9.00 nor more than $500.00 be ordered.

Municipal Civil Infraction Violation Notice.
Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as municipal civil infraction citations, as provided in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131. Any person who receives a municipal civil infraction violation notice (as opposed to a citation) may choose to dispose of the municipal civil infraction at the Kinross Charter Township Municipal Ordinance Violations Bureau by admitting responsibility and paying the scheduled fine. The bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

Section 12: Severability

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

Section 13: Administrative Liability

No officer, agent, or employee of Kinross Charter Township, or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this ordinance.

Section 14: Repeal

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as of the effective date of this ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and enforcement of this ordinance only will in no way, manner or form repeal, notify or otherwise change the definition of any such terms as used in other ordinances of Kinross Charter Township.

Section 15: Effective Date

This ordinance was approved and adopted by the Township Board of Kinross Charter Township, Chippewa County, Michigan, on _____, 2009, and is ordered to take effect on _____, 2009, said date being 30 or more days after publication.

ADOPTED BY THE TOWNSHIP BOARD:

_____
Lawrence Palma
Kinross Charter Township Supervisor

STATE OF MICHIGAN)
) ss
COUNTY OF CHIPPEWA)

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Kinross, Chippewa County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board on the _____ day of _____, 2009, and that such ordinance was duly published in the _____ on the _____ day of _____, 2009.

_____
Marvin Besteman
Kinross Charter Township Clerk

KINROSS CHARTER TOWNSHIP
CIVIL INFRACTIONS ORDINANCE
ORDINANCE NO. 1.132

Adopted: 02/16/10
Published: 12/20/09 & 02/25/10
Effective Date: 03/20/10

An ordinance to provide for the enforcement of Kinross Charter Township ordinance violations through the issuance of Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, establish the Kinross Charter Township Municipal Ordinance Violations Bureau, and establish that members of the Township Police Department may issue Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

SECTION 1: Purpose.

The purpose of this Ordinance is to provide for the enforcement of Kinross Charter Township ordinance violations through the issuance of Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices, establish the Kinross Charter Township Municipal Ordinance Violations Bureau, and establish that members of the Township Police Department may issue Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices.

SECTION 2: Definitions.

As used in this Ordinance:

A. *"Act"* means Act No. 236 of the Public Acts of 1961, as amended.

B. *"Authorized Township Official"* means a police officer or other personnel of the Township authorized by this Ordinance or any ordinance to issue Municipal Civil Infraction Citations or Municipal Civil Infraction Violation Notices, including Kinross Auxiliary Police Officers, Sault Tribe Police Officers, members of the Chippewa County Sheriff's Department who provide services to the Township and Michigan State Police.

C. *"Bureau"* means the Kinross Charter Township Municipal Ordinance Violations Bureau as established by this ordinance.

D. *"District Court"* means the 91st District Court, Chippewa County, Michigan.

E. *"Municipal Civil Infraction Action"* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

F. *"Municipal Civil Infraction Citation"* or *"Citation"* means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

G. *"Municipal Civil Infraction Violation Notice"* means a written notice prepared by an authorized township official, directing a person to appear at the Kinross Charter Township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under Sections 8396 and 8707(6) of the Act.

H. *"Township"* means Kinross Charter Township.

SECTION 3: Municipal Civil Infraction Action; Commencement.

A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Township Official of:

A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or

B. A Municipal Civil Infraction Violation Notice providing the alleged violator with an option to appear at the Bureau.

SECTION 4: Municipal Civil Infraction Citations; Issuance and Service.

Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.

B. The place for appearance specified in a Citation shall be the District Court.

C. Each Citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original Citation shall be filed with the District Court. Copies of the Citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.

D. A Citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*

E. An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

F. An Authorized Township Official may issue a Citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or township attorney approves in writing the issuance of the Citation.

G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:

(1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator.

(2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building, or other structure, a copy of the Citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building structure. In addition, a copy of the Citation shall be sent by first class mail to the owner of the land, building, or structure at the owners' last known address.

SECTION 5: Municipal Civil Infraction Citations; Contents.

A. A Municipal Civil Infraction Citation shall contain

(1) A description of the violation;

(2) The amount of the scheduled fines and/or costs for the violation;

(3) The name and address of the alleged violator; and

(4) The place where the alleged violator shall appear in court; and

(5) The telephone number of the court, and the time at or by which the appearance shall be made.

B. The Citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney,

unless a formal hearing before the judge is requested by the Township.

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

C. The Citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the Citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.

(4) That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

D. The Citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the Citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the Municipal Civil Infraction Citation.

SECTION 6: Municipal Ordinance Violations Bureau.

A. The Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized Township Officials, and to collect and retain civil fines and costs as prescribed by this ordinance and any related ordinance.

B. The Bureau shall be located at the Kinross Charter Township Hall, and shall be under the direct supervision and control of the Township Supervisor. The Township Supervisor, subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township Treasurer or any other necessary qualified Township employees to administer the Bureau.

C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to a Citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau, and instead may choose to have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility or any person who admits responsibility only with explanation, for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee from any person who denies having committed the offense and in no event shall the Bureau determine, or attempt to determine, the veracity of any fact or matter relating to an alleged violation.

E. Municipal civil infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations as prescribed in this Ordinance. In addition to any other information required by this Code of Ordinances, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

F. An alleged violator receiving a Municipal Civil Infraction Violation Notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in The Municipal Civil Infraction Violation Notice. An appearance may be made by mail, in person, or by representation.

G. If an Authorized Township Official issues and serves a Municipal Ordinance Violation Notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the District Court and a copy of the Citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The Citation filed with the District Court does not need to comply in all particulars with the requirements for Citations as provided by this Ordinance, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the Citation.

SECTION 7: Records and accounting.

The Bureau clerk or other designated Township official shall retain a copy of all Municipal Civil Infraction Citations and Municipal Civil Infraction Violation Notices and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the

Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

SECTION 8: Schedule of Civil Fines Established.

A. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in Section 8(B), unless otherwise specified in the Code of Ordinances. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in an ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than $9.00 or more than $500.00 be ordered.

B. Each violation shall be considered a separate offense. The fines for the violations listed below shall be as follows:

Offense (Violation)	**Fine**
Failure to comply with any provision of the Ordinance.	Not less than $100.00
First repeat offense.	$250.00
Second (or any subsequent) repeat offense.	$500.00

C. "Repeat offense" means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within one (1) year of a violation.

SECTION 9: Availability of Other Enforcement Options.

Nothing in this Ordinance shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activities through the issuance of a municipal civil infraction violation notice. As to each ordinance violation designated as a municipal civil infraction, the township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take any such other enforcement action as is authorized by ordinance or law.

SECTION 10: Severability.

The various parts, sections and clauses of this Ordinance are hereby 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 hereby.

SECTION 11: Effective Date.

This Ordinance shall become effective thirty (30) days after publication in a newspaper in general circulation within Kinross Charter Township.

ADOPTED BY THE TOWNSHIP BOARD:

_____
Lawrence Palma
Kinross Charter Township Supervisor

STATE OF MICHIGAN)
) ss
COUNTY OF CHIPPEWA)

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Kinross, Chippewa County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board on the _____ day of _____, 2010, and that such ordinance was duly published in the _____ on the _____ day of _____, 2010.

_____
Marvin Besteman
Kinross Charter Township Clerk

CHARTER TOWNSHIP OF KINROSS
COUNTY OF CHIPPEWA, MICHIGAN
Adopted May 3, 2010
Published May 26, 2010
Effective June 25, 2010

NOTICE OF ADOPTION OF ORDINANCE AMENDMENT AND SUMMARY OF THE REGULATORY EFFECT THEREOF

PUBLIC NOTICE IS HEREBY GIVEN that on May 3, 2010, the Township Board of the Charter Township of Kinross adopted Ordinance No. 1.133, an ordinance entitled, "An Ordinance to Amend Ordinance No. 1.116, "The Solid Waste Collection Ordinance" (the "Ordinance"). A summary of the provisions of the Ordinance is set forth below:

Section 1. Addition of New Section 511. A new section, Section 511 entitled "Recycling," is added to the Ordinance to address the Township's voluntary recycling of certain products including, but not limited to, newspapers, magazines, plastic containers and aluminum. Certain materials, including plastic wrap, plastic bags or any other plastic container that is not marked with a "1" or "2," oil containers, tires, paints, batteries, phone books, junk mail or any paper products not authorized by Township policy, are excluded from the Township's recycling program.

Section 2. Amendment of Sections 212, 302, 401, 601, 701 and 703. Existing Sections 212, 302, 401, 601, 602, 701 and 703 of the Solid Waste Collection Ordinance, are amended to generally provide as follows:

Section 212 is amended to redefine the term "Solid Waste Plan."

Section 302 is amended to expressly adopt the public health findings and determinations set forth in the Solid Waste Plan. Further, Section 302 includes the Township's determination that the Solid Waste Collection System and regulation of storage and disposal of Solid Waste within the Collection District is necessary to ensure public health and safety and constitutes a public improvement under the Revenue Bond Act of 1933.

Section 401, as amended by the Ordinance, establishes the requirements for licensed waste haulers operating within the Township including, but not limited to, requirements for marking of vehicles and solid waste containers, and insurance requirements.

Section 601 is amended to set forth the requirements for the imposition and collection of the Solid Waste Collection Fee, which is an amount established by resolution of the Township Board and includes a component for bi-monthly recycling.

Section 602, as amended by the Ordinance, authorizes the Township to establish and charge "Miscellaneous Customer Charges," as necessary, for miscellaneous services and related administrative costs associated with the Solid Waste Collection System.

The Ordinance amends Section 701, which addresses monthly billing, payment and collection of Collection Fees and Miscellaneous Customer Charges. The Township will bill for such fees and charges. Bills are due and payable at the business office of the Township on or before the 20th day of the month. If not paid by the due date, a penalty of $1.50 per month shall be charged on the unpaid balance. The monthly bill may be combined with the Township's monthly billing for water and sewer services.

Under the Ordinance, Section 703, which addresses liens on real property for unpaid Collection Fees and Miscellaneous Customer Charges, is amended. The Ordinance includes separate provisions regarding the lien on leased and rented premises.

Section 3. Publication and Recording. The Ordinance, or a summary thereof, must be published once in a newspaper of general circulation in the Township within thirty (30) days after its adoption and recorded in the Ordinance Book of the Township.

Section 4. Effective Date. The Ordinance is effective thirty (30) days following the date of publication of the Ordinance summary.

A copy of the amending ordinance may be reviewed or purchased at the Township office during Township office hours.

Dated: May 3, 2010

TOWNSHIP BOARD OF THE CHARTER
TOWNSHIP OF KINROSS

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 1.134

An Ordinance to Establish a Planning Commission
In the Township of Kinross
Adopted: August 2, 2010
Published:
Effective:

(To confirm the previous establishment of a planning commission by resolution or ordinance adopted before September 1, 2008,
or to designate zoning authority to a planning commission
that existed prior to September 1, 2008.
This ordinance replaces Kinross Township Ordinance No. 24.)

Preamble:
An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Kinross Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1: Definitions

A. The following definitions shall apply in this ordinance:
- i. Misfeasance is defined as the wrongful performance of a normally lawful act or the wrongful and injurious exercise of lawful authority.
- ii. Malfeasance is defined as the performance by a public official of an act that is legally unjustified, harmful, or contrary to law
- iii. Nonfeasance is defined as the omission of some act that ought to have been performed.

Section 2: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.
The purpose of this ordinance is to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Kinross Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

Section 3: Establishment

The Kinross Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. is hereby established. The Planning Commission shall have five (5) members. Members of the Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 4: Appointments and Terms

The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. Planning Commission members, other than an ex officio member, shall serve for terms of 3 years each. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Planning Commission members shall be qualified electors of the township except that one Planning Commission member may be an individual who is not a qualified elector of the township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 5: Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 6: Conflict of Interest

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office. For the purposes of this section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

(a) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as: The Planning Commission member's spouse, the member and member's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and

their spouses, grandparents, parents in-law, grandparents in-law, or any person regularly residing in the Planning Commission member's household.

(b) The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association. This subsection shall not apply to a Planning Commission member who owns 1 % or less of the shares of a publicly traded corporation.

(c) The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this subsection, a neighboring property shall include any property whose boundary is immediately adjoining or is within 50 feet of the property involved in the request.

(d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

Section 7: Compensation

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 8: Officers and Committees

The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 9: Bylaws, Meetings and Records

The Planning Commission shall adopt bylaws for the transaction of business.

The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976. MCL 15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the

public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 10: Annual Report

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 11: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the township's planning jurisdiction. The master plan shall comply with and be prepared and adopted as required in the Michigan Planning Enabling Act. The Township's current master plan adopted under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et.seq., shall continue in full force and effect unless or until it is rescinded by the Township Board. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

Section 12: Zoning Powers

The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Kinross Township Planning Commission formerly established under the Township Planning Act. Public Act 168 of 1959. MCL 125.321. et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

Section 13: Capital Improvements Program

To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvement showing those structures and improvement is in general order of their priority for the ensuing 6-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is hereby exempted from preparing a capital improvements plan, but may recommend programs for public structures and improvements and for financing such improvements.

Section 14: Subdivision and Land Division Recommendations

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

township. The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 15: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect. Further, in construing and applying this ordinance, the terms of Public Act 33 of 2008 shall apply in the event of a conflict between the Act and this ordinance.

Section 16: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Kinross Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

Section 17: Effective Date

This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the township, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on August 2, 2010, and that copies of the ordinance were transmitted and published as directed.

Marvin Besteman, Township Clerk Lawrence J. Palma, Township Supervisor

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 1.100

ZONING ORDINANCE

Adopted: September 7, 1999
Published: September 21, 1999
Effective: September 28, 1999
Amended: 4-3-00, 1-8-01, 8-5-02,
11-25-02, & 6-16-03

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KINROSS CHARTER TOWNSHIP ZONING ORDINANCE

An ORDINANCE to establish zoning districts and regulations in Kinross Charter Township, County of Chippewa, State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended; to provide for the administration, including penalties for the violation thereof; and to provide for a Zoning Board of Appeals.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

ARTICLE I PREAMBLE

Section 1.01 Short Title

This ordinance shall be known as the “Kinross Charter Township Zoning Ordinance.”

Section 1.02 Purposes

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare. The provisions are intended to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to limit the improper use of land; to reduce hazards to life and property; to provide for the orderly development of the township; to avoid overcrowding the population; to provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural areas, residential areas and other areas naturally suited to particular use to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements; and services to conform with the most advantageous use of land, resources and properties; to promote the best uses of land and resources of the township by both the community in general and the individual inhabitant.

Section 1.03 General Procedure

To achieve the purpose of this ordinance, the township has been divided into zoning districts of varied shape, kind and area and regulations adopted for each such district, but with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings, and population development.

ARTICLE II DEFINITIONS

Section 2.01 Usage

For the purpose of this ordinance, certain terms are defined to clarify the intent of the provisions of this ordinance. The following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:

a. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

7. The term "person" or "entity" shall mean an individual, partnership, corporation or other associations or their agents.
8. "Township" shall refer specifically to Kinross Charter Township.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. The Kinross Charter Township Zoning Board of Appeals shall define any necessary interpretation of this ordinance.

Section 2.02 Definitions

Accessory Building: A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

Agriculture: The use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of significant income.

Airport: A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.

Alley: A public thoroughfare or way not less than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Altered: Any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structure such as bearing walls, columns, posts, beams, girders and similar components.

Average: For the purpose of this ordinance, the term “average” will be an arithmetic mean.

Basement and Cellar: (a) A basement is that portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. (b) A cellar is that portion of a building partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient

public on a daily basis for compensation. Breakfast is the only meal that may be served. May also be referred to as a "tourist home."

Boarding House: A family dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three or more persons who are not members of the family occupying and operating the premises.

Buildable Area: The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this ordinance have been complied with.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building Height: The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

Cabin: Any building or structure which is maintained, offered or used for overnight sleeping quarters or for temporary occupancy by transients for compensation.

Cabin Camp: Any site, lot, tract or parcel of land on which two (2) or more cabins are located.

Campground: Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for three (3) or more recreational vehicles.

Church or Place of Worship: A building where people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Condominium Unit: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance. Condominium developments shall follow the requirements of Article XVII Planned Unit Development.

Dwelling: Any building or structure, or part thereof, occupied as the home, residence or sleeping place of one or more persons either permanently or transiently except cabins or recreational vehicles. Where only a part of a building or structure is occupied for dwelling purposes, the part so occupied shall comply with all provisions applicable to dwellings in the district in which said building or structure is located except where specific exemption is provided by other sections of this ordinance.

Dwelling, One-Family: A dwelling occupied by one (1) family, and so designed and arranged to provide living, bath and kitchen accommodations for one (1) family only.

Dwelling, Two-Family: A dwelling occupied by two (2) families, and so designed and arranged to provide independent living, bath and kitchen accommodations for two (2) families only.

Dwelling, Multiple-Family: A building containing three (3) or more dwellings designed for residential use and conforming in all other respects to the standards set forth for dwellings.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building; excavations, fill, drainage and the like shall be considered a part of the erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

Family: Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club or similar structure, together with all necessary employees of the family.

Farm: All of the unplatted contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried out directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm, shall include a contiguous unplatted parcel of not less than five (5) acres in area; provided, further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farm and similar specialized agricultural enterprises may be considered as farms. Establishments keeping or operating fur-bearing animals, game, fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries, or gravel or sand pits shall not be considered farms unless combined with and constituting only a minor part of a bona fide farm operation on the same contiguous tract of land. No premises operated as fertilizer works, bone yards, piggeries, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk shall constitute a farm.

Farm Buildings: Any building or structure, other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms in pursuit of agricultural activities.

Farm Dwelling: Any dwelling, as defined by this ordinance, located on a farm and occupied as the home, residence or sleeping place of the owner-operator, manager or tenant farmer of that farm.

Garage, Private: Any building or part thereof not over one story or fifteen (15) feet in height for storage of personal property, motor vehicles, recreational vehicles and the like, where no servicing for profit is conducted.

Garage, Commercial: Any garage other than a private garage.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Ground Floor Area: The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Guest House: A building which is on the same lot or building site as the principal dwelling, and is used for the accommodation of guests of the occupants of the dwelling.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Highway: Any public thoroughfare in the township road system, including local, county, state and federal roads and highways, where and whether of depressed surface, or elevated construction.

Home Occupation: A gainful occupation conducted by members of the family only within its place of residence; provided, that the space used is incidental to residential use and that no article is sold or offered for sale except those produced by such home occupation. Clinics, hospitals, tearooms, tourist homes, animal hospitals, animal boarding establishments or the production of any kind of livestock shall not be deemed a home occupation.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with our without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Junk: Worn out and discarded material that may be returned to some use, and rubbish of any kind.

Junkyard: Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition, or use of junk including scrap metals, motor vehicles, machinery, and building and construction materials, or parts thereof.

Kennel, Commercial: An establishment licensed to house dogs, cats, or other household pets where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Lot: The parcel of land on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this ordinance, for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front of the lot.

Lot, Zoning: A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

Lot Coverage: The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Premises: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Chippewa County Register of Deeds on or before the effective date of this ordinance.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

Manufactured Home: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), is transportable in one or more sections, is build on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

Manufactured Home Site: A plot of land within a manufactured housing development designed for the accommodation of one manufactured home.

Manufactured Housing Development: A parcel of land that has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use. May also be referred to as a mobile home park.

Motel: A building made up of two (2) or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations for compensation.

Motor Home: See "Recreational Vehicle".

Non-conforming Structure and/or Land: A structure or land that does not meet the limitations on building size, building location on a lot, or lot size for the district in which such structure or land is located.

Non-conforming Use: A lawful use of a structure or land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Ordinary High Water Line: Is defined as in the Michigan Inland Lakes and Steam Act to mean the line between upland and bottomland which 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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which is open to the general public for recreational purposes.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Pick-up Camper: See "Recreational Vehicle".

Planned Unit Development (PUD): Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building

or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Utility: Any person, firm, corporation, municipal department, board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, sewage disposal and other services.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this ordinance applicable to a manufactured home.

Restaurant: A business located in a building, where in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of foods.

Retail Commercial Establishment: A store, market or shop in which commodities or services are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

Roadside Stand: An accessory and temporary farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonal farm products of the immediate locality in which the roadside stand is located.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Special Approval: Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this ordinance for that district upon such approval.

Stable, Private: A stable used or to be used by an individual for housing horses owned by said individual for the use of himself or his immediate family.

Stable, Public: A stable used to house horses for hire.

Story: That part of a building, included between the surface of any floor and the surface of the next floor or of the roof next above it. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

Story, Half: A story which is situated within a sloping roof, the area of which at the height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

Street: A public thoroughfare, which affords a principal means of access to abutting property.

Structure: Any construction artificially built up or composed of parts joined together in some definite manner, which requires permanent location on the ground or attached to something having permanent location on the ground.

Tavern: Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises is defined as a tavern for the purpose of this ordinance.

Telecommunication Towers and Facilities: All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal laws or regulations which preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Tent: As used in this ordinance, the term “tent” shall not include any tent used solely for children’s recreational purposes.

Theater, Indoor: Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.

Theater, Outdoor: Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

Tourist Home: See "Bed and Breakfast Facility".

Trailer Coach: See "Recreational Vehicle".

Travel Coach Park: See "Campground".

Travel Trailer: See "Recreational Vehicle".

Undevelopable Land: Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

Use: The lawful purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this ordinance.

Variance: A modification of literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed except by an encroachment permitted by this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

Yard, Front: A yard extending across the full width of the lot between the front line and the nearest line of the main building.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard, Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

Zoning Administrator: The official designated by the Kinross Charter Township Board to administer and enforce the provisions of this ordinance.

Zoning Permit: Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions.

ARTICLE III GENERAL PROVISIONS

Section 3.01 Scope

Beginning with the effective date of this ordinance, and except as otherwise provided in this ordinance, no new building, or structure, or part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt, or altered, and no building structure, land premises, or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance.

Section 3.02 Unlisted Property Uses

The Township Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use in the district and grant permission for such use, giving due consideration to the provisions of Article I of this ordinance. Petition for such classification shall be made through the office of the Township Zoning Administrator. In granting permission for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If deemed incompatible, then such use shall only be provided for by due amendment of the ordinance.

Section 3.03 Conflicting Laws, Ordinances, Regulations, and Restrictions

It is not the intent of this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the erection or use of buildings or land; nor is it the intent of this ordinance to interfere with or abrogate or annul any existing easements, covenants or other agreements between parties; provided, however, that where any provisions of this ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the erection or use of land or buildings, or upon the height of buildings and structures, or upon the safety and sanitary measures or requires larger yard or open spaces than are imposed or required by the provisions of any other law or ordinance or any said rules, regulations, permits, or easements, then the provisions of this ordinance shall govern. The requirements of this ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land, except where such covenant or restrictions imposes lesser requirements.

Section 3.04 Non-conformities

1. **Non-conforming Lots of Record**: In any district, principal structures and customary accessory buildings may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance, provided permit for construction of a well and septic system is granted by the Chippewa County Health Department or that public water and sewer are available, and that yard requirement variances, if necessary, are obtained through approval of the Zoning Board of Appeals.

   If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located.

2. **Non-conforming Uses**: Any non-conforming use of land, buildings or structures which is discontinued through vacancy, lack of operations or otherwise for a period of twelve (12) months or more shall be construed as abandonment of use, following which any use thereof shall conform to this ordinance.

   A non-conforming use shall not be changed to other than a conforming use, nor shall any non-conforming use be reverted to a former non-conforming use after use has been changed to a conforming use.

   A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of this ordinance.

   In the event that fire, explosion or Act of God destroys or damages an existing structure devoted to a non-conforming use, and provided the damage does not exceed one-half (1/2) of the structure's prior usable floor space, the structure shall not be reconstructed to exceed the floor area prior to damage to the building,

3. **Non-conforming Buildings**: A non-conforming building may be enlarged, altered, or rebuilt in a way that brings it more into conformance with the provisions of this ordinance.

   A non-conforming building damaged by fire, explosion or Act of God exceeding one-half (1/2) of its prior usable floor space shall not be restored except in conformity with the provisions of this ordinance, and issuance of a zoning permit.

Section 3.05 Repair, Alteration and Completion of Non-conforming Buildings and Structures

1. Nothing in this ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; provided, that such repairs, reinforcement, improvements or rehabilitation proposes no change in the use of said building or part thereof.

2. Nor shall anything in this ordinance require any change in the plans, construction or intended use of a building for which prior plans have been prepared and the construction of which shall have been diligently prosecuted within one (1) month of the date of passage of this ordinance, and which has been completed within twelve (12) months after date of passage of this ordinance.

3. No basement, cellar, garage or any incompletely constructed or substandard structure in use as a dwelling on the effective date of this ordinance shall be used as a dwelling for more than twenty-four (24) months following said date, unless such structure has been brought to a state of completion in conformity with the regulations of this ordinance relative to dwellings in the district in which such structure is located.

Section 3.06 General Yard and Area Requirements

1. Where a lot abuts upon an alley, one-half (1/2) of the width of said alley may be considered a part of such a lot for the purpose of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this ordinance.

2. Where shape of lot or other circumstances result in conditions to which the provisions of this ordinance governing yard requirements are inapplicable, the Zoning Board of Appeals shall prescribed such yard requirements.

Section 3.07 Limitations of Dwellings Per Lot

Only one dwelling shall be erected on a lot or parcel, except as provided in the R-1 Residential, Agricultural and Forest Recreational Districts.

Section 3.08 Vehicular Parking Space, Access and Lighting

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments erected or altered, and located on a public highway, road or street in the unincorporated portions of the township, and including building or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is adequate for the parking, loading or unloading of vehicles in proportions shown on the following table.

1. The parking area shall be provided with safe exit to and safe entrance from the public thoroughfare, but not to exceed one (1) exit and one (1) entrance. The exit and entrance may be combined or provided separately. Approval for the location of exit and entrance shall be obtained from Michigan Department of Transportation (MDOT) for all state trunk line highways and from Chippewa County Road Commission for all other roads and highways in the township. Approval shall also include the design and construction in the interests of safety, adequate drainage and other public requirements.

2. A minimum of two hundred (200) square feet, exclusive of drives, entrances and exits shall comprise one (1) automobile space.

3. All parking spaces as required in this section, except that required for dwelling, shall be provided with adequate artificial lighting (shielded downward) between any time extending from one-half hour after sunset to one-half hour before sunrise when the use of such space is open to the public.

4. Loading and unloading space: Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles, to avoid undue interference with public use of public highway.

5. Computation of usable floor area: For the purpose of determining the number of parking spaces, usable floor area of buildings shall be computed exclusive of basements, cellars or attics where these areas are used for storage or utilities, calculated using the outside perimeter of the building. In the case of a single story structure, the total floor area may be reduced by ten percent (10%) to accommodate storage or utilities.

6. Adequate area must be provided for snow piling. Handicap parking must be provided as required by state and federal regulations. Designation of parking area must be clearly identifiable for use by the public.

7. The Township Planning Commission shall determine the required parking space for uses not specified in the following table.

8. In areas where public storm sewer is provided, parking lots shall be paved except for single- and two-family dwellings.

***Use**	**Minimum Number of Spaces Per Unit**
Auto repair and service stations.	Two (2) spaces for each service bay; plus one (1) space for each employee on the maximum working shift.
Banks, business offices, and professional offices of architects, engineers, lawyers, and similar professionals.	One (1) for each four hundred (400) square feet of usable space.
Barber shops and beauty parlors.	Two (2) for each operator chair.
Bowling alleys.	Five (5) for each bowling lane.
Churches, theatres, auditorium.	One (1) for each three (3) seats.
Community clubs, dance halls, fraternal organizations, and private clubs.	One (1) for each one hundred (100) square feet of usable floor space.
Dwellings.	Two (2) for each dwelling unit.
Hospitals, clinics, and similar establishments.	One (1) for each four (4) beds, and one (1) for each employee and/or staff member on maximum working shift.
Laundromats.	One (1) for each two (2) washing machines.
Motels, hotels, resorts and similar lodging	One (1) for each sleeping room; plus one (1) for each

establishments.	two (2) employees on the maximum working shift.
Manufacturing or industrial establishments, warehouses and similar establishments.	Two (2) for each three (3) employees on the maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
Plumbing, printing and similar service shop businesses.	One (1) for each employee; plus one (1) for each three hundred (300) square feet of usable floor area.
Professional offices: doctors, dentists, and similar professions	One (1) for each one hundred (100) square feet of usable floor area, and not less than four (4) spaces, whichever is greater.
Restaurants and similar establishments sale and service of food and drinks.	One (1) for each one hundred (100) square feet of usable floor space.
Retail stores.	One (1) for each one hundred fifty (150) square feet of usable floor space.
High schools.	One (1) for each six (6) seats in the main auditorium, or one (1) for each employee; plus (1) for each four (4) students, whichever is greater.
Schools (except high schools).	One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater.
Tourist, boarding, and lodging homes, and bed and breakfast facilities.	One (1) for each guest room; plus two (2) for the operator.

Section 3.09 Temporary Dwelling Structures

Any building, recreational vehicle, tent, garage, cellar, basement or other substandard structure, which does not conform to the provisions of this ordinance relative to dwellings, shall not be erected, altered or moved upon any premises and used for dwelling purpose except under all the following applicable limitations.

1. Such use of any building, recreational vehicle, tent, garage, cellar, basement or other structure shall not be adverse to health, safety or the public welfare.

2. The location of each building, recreational vehicle, tent, garage, cellar, basement, or other structure shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which it is situated.

3. Such use of any building, recreational vehicle, tent, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of premises during the period which a dwelling conforming to the provisions of this ordinance is in process of erection and completion; provided, however, that such a period shall not exceed twelve (12) months beginning with the date of issuance of the permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this ordinance.

4. Application for the erection, movement, alteration and use of such building, recreational vehicle, tent, garage, basement or other structure shall be made to the Zoning Administrator as provided by **Section 18.04** of this ordinance. On approval and delivery of the permit, the applicant shall certify in a space allotted for that purpose on

the copy of the permit retained for filing that he has knowledge of the limitations of the permit and the applicable penalty. No permit shall be transferable to any other person.

Section 3.10 Mobile Homes on Individual Lots

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.

2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.

3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.

4. Mobile homes shall not be used as an accessory building.

Section 3.11 Mobile Home Parks and Manufactured Housing Developments

Mobile home parks and manufactured housing developments for the location of three (3) or more mobile homes or manufactured housing units on the same parcel shall be developed pursuant to the requirements of the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.

Section 3.12 Accessory Buildings

1. Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.

2. Where any accessory buildings is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.

3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.

Section 3.13 Home Occupations

While Kinross Charter Township recognizes that many residents feel the necessity to work at home, the Township also recognized the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner which would substantially alter the premises' residential character.

2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit. (Amended January 8, 2001)

3. The dwelling has no exterior evidence to indicate that the dwelling is being utilized for a non-residential purpose, except signage, which shall comply with the Township Sign Ordinance.

4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.

5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.

6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.

7. There shall be no open display of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.

8. Any such home occupation shall be subject to special approval by the Planning Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

Section 3.14 Water Supply and Sewage Disposal Facilities

All private water supply and sanitary sewage disposal systems for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with County Health Department sanitary code requirements. Plans must be submitted to and approved

by the responsible agencies. The written approval of such facilities by County Health Department shall be filed with application for a zoning permit.

Section 3.15 Storm Water Retention

Storm water drainage in excess of natural conditions shall be retained on site. This provision may require storm water retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing storm water ditch, storm water pipe or through other storm water facilities that will be developed at the same time as the proposed new use. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunk line ditch, i.e. M-80.

Section 3.16 Essential Services

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this ordinance when not in conflict with Article I of this ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.17 Temporary Business

A temporary business as defined in Article II but not limited to those listed setting up in the Township usually on private property but possibly on public property must obtain a permit from the Zoning Administrator prior to date of setup.

Section 3.18 Special Approval Use Permit Procedures and Review Standards

Special Approval Use Permits are required for proposed activities, which are essentially compatible with other permitted uses in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this ordinance. Special Approval Uses are listed in this ordinance under each zoning district.

***PROCEDURES:**

1. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:
   a. Name and address of owner and applicant, if different, of the premises.
   b. Legal description of the premises.
   c. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
   d. Site plan drawn to scale showing the development plan of the total property, and proposed structures, types of buildings and their uses.
   e. Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
   f. Use of existing premises and zoning district designation of all adjacent properties.
   g. A statement by applicant appraising the benefit to the neighborhood.
   h. An application fee, established by the Township Board, shall accompany the application.

2. Incomplete applications shall be returned to the applicant for completion before the Zoning Administrator refers the application to the Planning Commission.

3. The Zoning Administrator shall file his recommendation of the proposed development with the Planning Commission, which shall hold a special use request meeting after notice has been given as follows. The notice shall be given neither less than five (5) nor more than fifteen (15) days before the date the application will be considered. Notice shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the property owners for which approval is being considered, to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three-hundred (300) feet.

   The notice shall describe the nature of the special use request, indicate the property which is subject of the special use request, state when and where

written comments will be received concerning the request, and state the time, date and place of public hearing.

4. After the public hearing and review, the Planning Commission shall:
   a. Approve the special use application and site plan. The Zoning Administrator shall then be directed to allow the special use permit, or;
   b. Approve the special use application and site plan subject to conditions, which are imposed in order to insure the special use complies with standards stated in this ordinance. The Zoning Administrator shall then be directed to allow the special use, or;
   c. Disapprove the special use application and site plan.

5. If the Zoning Administrator finds that the conditions and stipulations of a special use permit are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval. Intent to revoke shall be made known to the applicant by registered letter sent to the applicant and signed by the Planning Commission Chair. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking special use approval.

   If the applicant notifies the Planning Commission within fifteen (15) days of the receipt of the above letter of his/her intent to rectify the violation, the Planning Commission may defer the revocation.

6. A disapproval of the special use application and site plan by the Planning Commission may be appealed by the property owner or designated agent to the Zoning Board of Appeals. Request for appeal may be made by written letter from the applicant to the Zoning Board of Appeals within thirty (30) days of disapproval or revocation of special use permit and site plan by the Planning Commission.

***STANDARDS FOR REVIEW:**

Special approval use permits shall be subject to the following requirements, in addition to the requirements and standards of the zoning district where located, in order to prevent conflict with or impairment of the principal permitted uses of the zoning district.

1. There is no detrimental impact upon the surrounding uses in the district, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic.

2. The site size shall be adequate to accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).

3. The proposed use shall not negatively impact the quality and quantity of water resources, domestic water supplies, and capacity to absorb the anticipated sewage disposal demand.

4. Entrance drives to off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.

5. The use shall not diminish the value of land, buildings, or structures in the neighborhood, nor increase hazards from fire or other dangers to either the property or adjacent properties.

6. Access to the site is suitable, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.

7. Allowance is made for vehicles to enter and exit the site safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.

Section 3.19 Supplemental Site Development Requirements

Those permitted uses and uses allowed by special approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. These uses require special consideration since they may service large areas, require sizeable land areas and/or may create problems of control with reference to abutting use districts.

1. Commercial Television and Radio Towers, Public Utility Microwaves, and Public Utility TV Transmitting Towers.

   Radio and television towers, microwave and TV transmitting towers shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.
   a. Any television-radio reception tower or other transmitting-receiving devices shall be so constructed and placed that there is no danger of structure falling on adjacent properties, public streets, or off-premises electric power lines, and the operation of any facilities shall not interfere with normal radio-television reception in the area.
   b. The approval for any of the above mentioned towers shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
   c. The applicant shall be responsible for the maintenance of any permitted tower, in a safe condition for as long as the tower remains in operation, and shall dismantle the tower within nine (9) months after operations cease.

d. The multiple-use of each tower shall be encouraged to limit the number of towers within the Township. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.

2. Race Tracks (including midget auto and carting tracks).

   Race tracks shall be permitted only in the Recreation Commercial Districts subject to the following conditions and such other controls as the Planning Commission after holding a hearing deems necessary to promote health, safety, and general welfare in the Township.

   a. All parking shall be provided as off-street parking within the boundaries of the development.
   b. All access to the parking areas shall be provided from major traveled roads. Ingress and egress points shall be approved by the police or sheriff authority having jurisdiction.
   c. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting to screen from view all activities within the development.

3. Riding Academies or Public Stables

   Commercial facilities for horseback riding or horse boarding may be allowed in the Agricultural and Forest Recreational Districts, subject to the review and special approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

4. Recreation Camps, Recreation Lodges, Cabin Camps and Resorts

   Recreation camps, recreation lodges, cabin camps and resorts when operated for a profit may be permitted to locate in Commercial and Forest Recreational Districts by special approval of the Planning Commission, provided the following conditions are met:

   a. The use is established on a minimum site area of forty (40) acres.
   b. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from the property lines. The resulting one hundred (100) feet yards shall be maintained as a buffer area where all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission as deemed necessary.
   c. The use does not locate within the confines of a platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be a logical extension of such platted area.

5. Hospitals and Nursing Homes

General hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in Commercial and Institutional Districts upon special approval of the Planning Commission, provided that:

a. The use is established on a site no less than five (5) acres in area, and access is from a street other than a minor residential or recreation street or road.
b. The use is found to be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.

6. Veterinary Hospitals, Kennels, Pets and Other Animals

Veterinary hospitals and kennels may be permitted in Agricultural District by special approval of the Planning Commission provided all facilities for housing, treating or keeping of animals are located at least two hundred (200) feet from any residential district boundary or any residence.

The keeping of farm animals for domestic purposes on residential lots shall be subject to Planning Commission review, who shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises, however, raising farm animals shall be strictly prohibited in an R-2 district. These review requirements shall not apply to active farms or any property encompassing five (5) acres or more. *(Amended January 8, 2001)*

In the R-1 and R-2 Residential Districts, domestic household pets, including dogs, cats and birds, but not including poisonous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory residential use on any premises without a permit, provided not more than three (3) adult animals of any one specie are so kept and reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than three (3) adult domestic pets of any one specie shall be interpreted to be a kennel; except on active farms encompassing an area of five (5) acres or more, in which case the number of domestic animals shall not be restricted.

7. Soil, Sand, Clay, Gravel, Stone or Similar Materials: Removal, Filling

It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone or similar material, or to use lands for filling without first submitting an application and procuring special approval permit from the Planning Commission. These activities shall be permitted by special approval only in the Agricultural and Forest Recreation Districts, and shall follow the requirements of the Kinross Charter Township Quarrying Ordinance.

8. Sanitary Land Fills

All sanitary land fill operations shall be approved by the Planning Commission and shall comply with standards prescribed by applicable State and County Health regulations; provided, no such operation shall be permitted in any residential district, and further shall be conducted on sites located no less than one thousand (1,000) feet from any public street, and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.

Section 3.20 Site Plan Review (All Districts)

Site plans give the Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.

1. **Circumstances Requiring a Site Plan:** Site plans are subject to review for the following reasons:
   a. All new uses except one-family and two-family residential units.
   b. Expansion or renovation of an existing use, other than a one-family and two-family residential use, which increases the existing floor space more than twenty-five percent (25%).
   c. Changes of use for an existing structure.

2. **Site Plan Data Required:** Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Township Planning Commission, or unless otherwise required by ordinance specific to that use. *(amended April 3, 2000)*
   a. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch=fifty (50) feet for parcels under three (3) acres and not less than one (1) inch=one hundred (100) feet for parcels three (3) acres or more.
   b. The boundary lines of the property, to include all dimensions and legal description.
   c. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
   d. The location and width of all abutting rights-of-way.
   e. The location of existing environmental features, such as streams, wetlands, shore lands, mature specimen trees, wooded areas or any other unusual environmental features.
   f. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
   g. The name and address of the property owner.

h. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
i. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
j. A locational sketch of the proposed use or structure.
k. The type, location and size of all existing and proposed utilities.
l. The location, size and slope of all surface and subsurface drainage facilities.
m. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:

    i. The number of units proposed, by type, including a typical floor plan for each type of unit.
    ii. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
    iii. Typical elevation drawings of the front and rear of each building.

n. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
o. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

3. **Submittal and Approval Procedures:** Ten copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least ten days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

   The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with the requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:
   a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
   b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:

i Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

c. Whether the sewage disposal facilities, water supply, storm water drainage, fire protection, and other utility provisions will be safe and adequate.

d. Whether the location, use and the nature of the operation will be in conflict with the primary permitted uses of the district or neighborhood.

e. Whether the use will be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.

f. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

4. Site Plan Amendments: An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the Site Plan amendment is major, the provisions of Subsection 3 "Submittal and Approval Procedures" shall be followed.

5. Administrative Fees: Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.

6. **Revocation:** When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action its original approval, by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time he shall so notify the Planning Commission, who may then, by official action, defer revocation.

7. **Appeal of Revocation:** The decision of the Planning Commission may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning Commission.

Section 3.21 Temporary Use of Recreational Vehicles as Dwellings

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a continuous period exceeding thirty (30) days per each ninety (90) day period unless connected to electrical service and County Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) days in any calendar year. Permits for temporary use shall be obtained from the Zoning Administrator. These requirements apply except for the provisions of **Section 3.9** Temporary Dwelling Structures.

Section 3.22 Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within thirty-five (35') feet of the ordinary high water mark of a lake or a stream. Within the greenbelt, the following development or use restrictions shall apply:

1. No structures shall be allowed except for boathouses, launching ramps and docking facilities, and such facilities shall meet the side yard setback for the district in which they are located. No boathouse shall exceed twelve (12) feet in height above the ordinary high water mark.

2. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.

3. The use of asphalt, concrete and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.

4. The use of pesticides, herbicides and fertilizers is strongly discouraged.

5. Leaves, grass clippings and similar yard and garden wastes may not be burned or stored.

6. Neither septic tanks nor septic system filtration fields may be located within the greenbelt, except for constructed wetlands as approved by Chippewa County Health Department.

7. Natural vegetation cover, including trees, shrubs or grass shall be maintained on a least sixty percent (60%) of the lake or stream frontage within the greenbelt. Beach sand, gravel, cobblestone or rock may be substituted for vegetated areas where these materials naturally exist.

8. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.

Section 3.23 Fences, Walls and Hedges

Notwithstanding other provisions in this ordinance, fences, walls, or hedges may be permitted on any property in any residential district, provided that no fence, wall, or hedge exceed a height of six (6) feet, unless otherwise provided for in this ordinance, and shall be no closer than five (5) feet to the front property line or road right-of-way, and further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

Where a lot borders a lake or stream, fencing shall not be constructed on the waterfront side within the required thirty-five (35) foot greenbelt. Fences in the waterfront yard shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.

Section 3.24 Hazardous Substances

All business or industries that store, use or generate hazardous substances as defined in this ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.25 Groundwater Protection

These provisions apply to uses that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.

2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

Section 3.26 Bed and Breakfast Facilities

While this ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

1. A bed and breakfast operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.

2. The number of rooms available for guests shall be limited to six (6). Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.

3. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.

4. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of the Township Sign Ordinance, to indicate that the same is being utilized for any purpose other than as a residence, and that the sign be in conformance with the requirements of this ordinance.

5. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast facilities.

6. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than two (2) non-resident employee may be hired.

7. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

8. Persons operating a bed and breakfast facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three-year intervals thereafter. Bed and breakfast facilities are subject to inspection by the Zoning Administrator.

Section 3.27 Garage or Yard Sales

Not more than four (4) garage or yard sales shall be conducted by a resident of the Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration. Temporary signs for the sale shall be removed at the end of the sale.

Section 3.28 Wellhead Protection

For the protection of municipal water wells, the Kinross Charter Township Wellhead Protection Plan shall be adhered to, regardless of the zoning district. Types of development or absence of development (as recommended by the Wellhead Protection Plan) within prescribed radii surrounding municipal wells shall be followed.

ARTICLE IV DISTRICTS

Section 4.01 Classification of Zoning Districts

For the purpose of this ordinance, Kinross Charter Township is divided into the following zoning districts:

1. Single-Family Residential (R-1)
2. Mixed Residential (R-2)
3. Agricultural (A)
4. Forest Recreational (FR)
5. Institutional (Inst.)
6. Recreational-Commercial (Rec. Com.)
7. Residential-Commercial (Res. Com.)
8. Commercial (C)
9. Aviation (Av.)
10. Light Industrial (I-1)
11. Heavy Industrial (I-2)

Section 4.02 Zoning Districts Map

The areas assigned to these districts, the designation of the districts and the boundaries of the districts shall be shown upon the zoning map attached and made a part of this ordinance. The map shall be designated as the "Zoning Map of Kinross Charter Township, Chippewa County, Michigan." The map and the proper notations, references and other information shown on it shall be as much a part of this ordinance as if the matters and information set forth by the map were fully described in the ordinance.

Section 4.03 Boundaries of Districts

Unless otherwise specified in this ordinance, or otherwise shown on the zoning map, the boundary lines of zoning districts shall follow along section lines; or line of customary subdivision of a section such as quarter and eighth lines; or the center line of highways, streets, alleys, or waterways; or the shore lines of water bodies; or the boundaries of incorporated areas; or the boundary lines of recorded plats or subdivisions; or the property lines of legal records on the date of enactment of this ordinance; or the extension of any said lines.

Section 4.04 Determinations by Township Zoning Board of Appeals

All questions concerning the exact location of any zoning district not clearly described shall be determined by the Township Zoning Board of Appeals, consistent with the purpose of this ordinance, upon written application through the Township Zoning Administrator, or upon its own motion.

ARTICLE V SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

The following regulations shall apply to the Single-Family Residential District (R-1).

Section 5.01 Intent

The purpose of the provisions of this district is to reserve areas principally for single-family residential use and to maintain safe and desirable conditions for year-round family living and primarily to promote the proper use, enjoyment, and conservation of the water, land topographic and vegetation resources of the Township deemed particularly adapted to such uses

Section 5.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Detached single-family dwellings
2. Farms, farm dwellings and farm buildings, including roadside stands and signs not to exceed twelve (12) square feet in area advertising the sale of farm products
3. Public parks, recreation areas and playgrounds, with customary service buildings and structures
4. Community clubs, fraternal lodges and similar civic or social organizations when not operated for profit
5. Accessory uses, buildings and structures customarily incidental to the permitted uses
6. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of this district, and provided adequate yard area is provided should a lot split occur in the future

Section 5.03 Uses Subject to Special Approval

1. Home occupations subject to the provisions of **Section 3.13**
2. Bed and breakfast facilities subject to the provisions of **Section 3.26**
3. Churches and other places of worship
4. Schools
5. Publicly owned buildings
6. Public utility buildings, telephone exchanges and substations without service or storage yards
7. Privately operated country clubs, golf courses and similar recreational facilities
8. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE VI MIXED RESIDENTIAL DISTRICT (R-2)

The following provisions shall apply to the Mixed Residential District (R-2).

Section 6.01 Intent

The intent of the R-2 District is to provide for the widest variety of housing types in a single district, to provide for lodging and rooming houses under specific capacities and to serve the needs of the Township for apartments, townhouses, and group housing of similar character and destiny.

Section 6.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or use, or land or premises use, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Public parks
5. Manufactured housing developments or mobile home parks
6. Accessory uses, buildings and structures customarily incidental to the permitted uses

Section 6.03 Uses Subject to Special Approval

1. Home occupations subject to the provisions of **Section 3.13**
2. Publicly owned buildings and community facilities
3. Churches and other places of worship and facilities customarily incidental thereto, but not including tents and other temporary structures
4. Boarding and rooming houses
5. Bed and breakfast facilities subject to the provisions of **Section 3.26**
6. Schools
7. Planned unit developments
8. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE VII AGRICULTURAL DISTRICT (A)

The following regulations shall apply to the Agricultural District.

Section 7.01 Intent

The predominant land uses in this district are primarily agricultural and rural in character, embodying agricultural and commingled with bodies of water, forestlands and open country. It is the intent of this ordinance, to conserve and promote the general continuance of these uses.

However, the provisions of this section also recognize the gradual extension of residential and other property uses into the district and the importance of adopting good standards to guide such developments in the interest of overall good land and resource use.

Since certain land uses are generally accepted as compatible with agricultural and rural residential developments, if properly integrated, the inclusion of such uses is provided by Special Approval.

Section 7.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered, or used or land or premises used, in whole or part, except by permit for other than one or more of the following specified uses:

1. Farm dwellings, farm buildings and structures, including roadside stands
2. Home occupations subject to the provisions of **Section 3.13**
3. Portable sawmills not to exceed one (1) year
4. Farms, including both general and specialized farms and similar agricultural enterprises
5. Tourist homes, boarding houses, lodging houses and bed and breakfast facilities when situated in farm dwellings
6. Fire control structures
7. Churches and other places of worship
8. Schools
9. Publicly-owned buildings
10. Telephone exchanges and substations
11. Community clubs, country clubs, fraternal lodges, and similar civic or social organizations
12. Land for parks, picnic groves, golf courses, and similar facility for outdoor exercise and recreation
13. Accessory uses, buildings and structures incidental to any of the above permitted uses
14. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future
15. A single-family dwelling may be erected on a parcel of land of less than five (5) acres provided that said dwelling shall be erected under the requirements of Single-Family Residential District (R-1)

Section 7.03 Uses Subject to Special Approval

1. Airfields and airports
2. Stone quarries, gravel or sand pits

3. Animal sales yards
4. Communications and electrical transmission towers and lines
5. Cemeteries, including columbarium, mausoleums and crematories
6. Circus and carnival lots
7. Commercial riding stables and academies
8. Fur bearing animals, raising of
9. Radio-TV stations, studios
10. Rifle ranges
11. Sawmills, when the use exceeds one (1) year
12. Commercial kennels and veterinary hospitals
13. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR)

The following regulations shall apply to the Forestry Recreational District.

Section 8.01 Intent

This district is intended to promote the proper use, enjoyment and conservation of the water, land, topographic and natural resources of the Township particularly adapted in general to recreational and forest uses.

Section 8.02 Permitted Uses and Structures

No building structure or part thereof shall be erected, altered, or used, or land or premises occupied in this district except by permit, for other than one or more of the following specified uses.

1. Single-family dwellings following the requirements of the R-1 District
2. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future
3. Legal harvesting of forestry products and native crops
4. Seasonal hunting and recreational cabins or cottages not meeting the minimum floor requirements for single-family dwellings; provided such building is for personal use and that it is accessible to an improved public road or the applicant agrees to provide and maintain a private road at his own expense
5. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 8.03 Uses Subject to Special Approval

1. Forest products processing and sales

2. Gun or archery clubs
3. Commercial hunting resorts or clubs, recreation camps, recreation lodges or cabin camps
4. Quarrying of soil, sand, clay, gravel or similar material
5. Commercial riding academies or stables
6. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE IX INSTITUTIONAL DISTRICT (Inst.)

The following regulations shall apply to the Institutional District.

Section 9.01 Intent

This district is designed to provide a location for institutional uses separate from other types of development.

Section 9.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Correctional facilities
2. Hospitals, nursing homes, medical care facilities and similar uses
3. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 9.03 Uses Subject to Special Approval

1. Any other institutional uses not provided for under **Section 9.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE X RECREATIONAL-COMMERCIAL (Rec.Com.)

The following regulations shall apply to the Recreational Commercial District.

Section 10.01 Intent

The purpose of the provisions of this district is to reserve specific areas for recreational use, whether privately owned or publicly owned, whether commercial in nature or free for public use.

Section 10.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses.

1. Golf courses and related uses, such as club house, restaurant, and other accessory uses and structures
2. Fairgrounds and race tracks
3. Museums
4. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 10.03 Uses Subject to Special Approval

1. Any other recreational use not provided for under **Section 10.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE XI RESIDENTIAL-COMMERCIAL DISTRICT (Res. Com.)

The following regulations shall apply to the Residential-Commercial District.

Section 11.01 Intent

The purpose of the provisions of this district is to reserve areas for mixed residential uses as well as retail and service related businesses to accommodate the residents.

Section 11.02 Permitted Uses and Structures

No building, structure or part thereof shall be erected, altered, or used, or land or premises occupied in this district, except by permit, for other than one or more of the following specified uses. If use as a permanent residence is authorized, such dwelling shall be erected under the requirements pertaining to the Single-Family Residential District (R-1).

1. Single- family dwellings
2. Two-family dwellings
3. Retail sales
4. Personal services businesses
5. Restaurants and bars without drive-through service
6. Churches and other places of worship
7. Community facilities

8. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 11.03 Uses Subject to Special Approval

1. Multiple-family dwellings
2. Restaurants and bars with drive-through service
3. Accessory uses, buildings and structures customarily incidental to the above special approval uses

Section 11.04 Special Provision for M-80

Where commercial development occurs along the M-80 corridor in this district, such commercial development shall be placed not more than three hundred thirty (330) feet from the center line of M-80. (As Amended)

ARTICLE XII COMMERCIAL DISTRICT (C)

The following regulations shall apply to the Commercial District.

Section 12.01 Intent

The purpose for establishing this district is to provide for the continuation of and enhancement of an existing commercial areas and development of new commercial areas. This district typically accommodates those retail and business activities that cater to the needs of the permanent residents and visitors to the area.

Section 12.02 Permitted Uses

No building, structure or part thereof shall be erected, altered or used, or land or premises occupied in this district, except by permit, for other than one or more of the following specified uses:

1. Antique shop
2. Appliance sales and service
3. Art galleries
4. Bakeries
5. Banks and similar financial institutions
6. Bowling alleys
7. Business and professional offices
8. Carpentry, plumbing, electrical sales, service and contracting offices
9. Civic, social and fraternal buildings
10. Curio stores
11. Florist shops
12. Furniture stores
13. Golf driving range and miniature golf

14. Grocery stores
15. Hardware stores
16. Jewelry stores
17. Boarding and rooming houses
18. Libraries and museums
19. Motels and hotels
20. Music shops
21. Nurseries, garden supply, greenhouse, fruit and vegetable stands
22. Parking lots
23. Pet sales and veterinary clinics, not including kennels
24. Printing, publishing, blueprint, photocopy shops
25. Public buildings
26. Radio and TV sales and service
27. Real estate offices
28. Restaurants and bars
29. Second-hand stores not including outside sales or displays
30. Sign painting shops
31. Swimming pools-public
32. Taverns and bars
33. Upholstering, interior decorating
34. Sporting goods shops
35. Uses similar to the above
36. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 12.03 Uses Subject to Special Approval

1. Automotive sales and service, including auto body repair
2. Boat sales and services
3. Building material sales
4. Campgrounds/recreational vehicle park
5. Farm machinery sales and services
6. Gas and oil processing facilities
7. Laundromats, laundries and dry cleaning establishments
8. Manufactured and mobile home and travel trailer sales and service
9. Service stations
10. Snowmobile sales and service
11. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE XIII AVIATION DISTRICT (Av.)

The following regulations shall apply to the Aviation District.

Section 13.01 Intent

The intent of this district is to provide an area apart from other uses specifically for the Chippewa County International Airport uses, buildings and associated activities.

Section 13.02 Permitted Uses

No building, structure or part thereof shall be erected, altered or used, or land or premises occupied in this district except by permit, for other than one or more of the following specified uses.

1. Airport terminal
2. Commercial airline facilities
3. Commercial freight carrier facilities
4. Aircraft hangars
5. Aviation offices
6. Control tower
7. Fuel storage and dispensing
8. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 13.03 Uses Subject to Special Approval

1. Any other aviation related uses not provided for under **Section 13.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I-1)

The following regulations shall apply to the Light Industrial District.

Section 14.01 Intent

This district is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to prevent detriment to the surrounding districts. The district is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

Section 14.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following uses:

1. Warehousing and wholesale establishments, and trucking facilities
2. The manufacture, compounding, processing, assembling, packaging or treatment including such products, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys, novelties, household and electronic appliances, tool, die, gauge and machine shops
3. Central dry cleaning plants or laundries provided that such plans shall not deal directly with the customer at retail
4. Laboratories for research and testing excluding explosive or radioactive materials
5. Public utility facilities and related structures
6. Heating and electric power generating plants
7. Lumber yards and contractors storage yards
8. Rental storage facilities
9. Other uses similar in character to the above
10. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 14.03 Uses Subject to Special Approval

1. Junkyards
2. Gas and oil processing facilities
3. Petroleum and other flammable liquid storage tanks when not closer than three hundred (300) feet from any residential district and one hundred (100) feet from any other district
4. Metal plating, buffing, polishing, painting, varnishing and undercoating shops when setback at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building
5. Accessory uses, buildings and structures customarily incidental to the above special approval uses

Section 14.04 Performance Standards

Any use permitted or permitted by special approval in this district shall adhere to the following additional requirements.

1. **Polluting Materials:** It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any gases, smoke, dust, dirt or fly ash into the atmosphere in quantities sufficient to create a nuisance within the Township. No use shall discharge polluting solids or fluids into the groundwater, surface water or soil.

2. **Open Storage:** The open storage of any equipment, vehicles and all materials including wastes shall be screened from public view, from public streets, and from adjoining properties by a wall or an obscuring fence of a height of not

less than six (6) feet to obscure such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet.

3. **Glare and Radioactive Materials:** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

4. **Fire and Explosive Hazards:** The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:

   a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
   b. All such buildings or structures shall be set back at least fifty (50) feet from the lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
   c. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with applicable state and federal regulations.

ARTICLE XV HEAVY INDUSTRIAL DISTRICT (I-2)

The following regulations shall apply to the Heavy Industrial District.

Section 15.01 Intent

This district is designed to primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be noticed to some degree to surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished and finished products from raw materials in an Industrial Park.

Section 15.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following uses:

1. Any permitted use or use subject to special approval in the I-1 Light Industrial District
2. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which shall not be injurious or offensive to the occupants of adjacent premises by reason of noise, vibration, smoke, dust, toxic or noxious materials, odors, fire or explosive hazards, glare or heat

Section 15.03 Performance Standards

Performance standards as set forth in the I-1 District (**Section 14.04**) shall apply to the I-2 District.

ARTICLE XVI SCHEDULE OF REGULATIONS

The following provisions shall apply to all main buildings hereafter erected.

Section 16.01 Principal and Accessory Building Requirements

Lot area, lot width, yard setbacks, floor area and height limitations for principal and accessory buildings, erected, altered, removed, enlarged after the effective date of this ordinance must conform to the standards shown in **Section 16.02.**

Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels (See chart on page XVI-3.)

Section 16.03 Dwelling Lots

Any lot or parcel of land on which more than one (1) dwelling is erected must have sufficient dimension so that a division of the land could be made in such a way so that each parcel on which a dwelling is located would comply with the dimension requirements of this ordinance.

Section 16.04 Corner Lots

Corner lots shall have required front yards on both streets.

Section 16.05 Double Frontage Lots

Where lots have double frontage as distinguished from corner lots, the required front yard setback shall be provided on both streets.

Section 16.06 Water Frontage Lots

On all lots abutting lakes or streams no building or structure, except boathouses, landing ramps, and docks, shall be erected less than thirty-five (35) feet from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp or dock shall be erected less than ten (10) feet from any side lot lines, and no boathouse shall exceed twelve (12) feet in height above said water level.

Section 16.07 Supplementary Yard Provisions

Section 16.07.1 Accessory Buildings and Structures

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings, for residential purposes.

Section 16.07.2 Commercial Buildings

No open side yard shall be required in the Commercial District when walls abutting a side lot line are fireproof and constructed of solid masonry and wholly without openings: PROVIDED that on corner lots, there shall be an open side yard not less than twenty-five (25) feet in width measured from the street side lot line: PROVIDED, further, that where any adjacent lot is occupied or zoned for residential use, an open side yard not less than twenty-five (25) feet in width shall be maintained, and an obscuring screen of evergreens, neatly finished wooden fence or masonry wall not less than six (6) feet in height shall be provided.

Section 16.07.3 Official Setback Lines

Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the setback or side yard shall be measured from such official line to the nearest line of the building.

Section 16.07.4 Street, Avenue, Road or Highway Intersection

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding three (3) feet in height, except open fences through which there shall by clear vision shall be erected, planted or maintained less than twelve (12) feet from the intersection of the right-of-way boundary lines of any public roads or highways.

Section 16.07.5 Restricted Yard Uses

No yard area shall be used for open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation or abandonment, either

temporarily or otherwise, of any discarded, disused, or dismantled vehicles, machinery junk, or junked household articles, or any parts thereof.

Section 16.08 Supplementary Height Provisions

Height limitations shall apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulk heads, fire-towers, scenery lofts, tank and water towers as approved by the Planning Commission.

Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels

*District	Min. Lot or Parcel Area	Avg. Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	*Minimum Dwelling Floor Area	Max. Height of Structures[3]
Residential (R 1)	15,000 sq. ft.	100'	30'	10'	20'	720 sq. ft.	30'
Residential (R 2)	15,000 sq.ft.[1] 6,000 sq.ft.[2]	100'[1] 60'[2]	54'[1] 54'[2 6]	4'[5]	15'	600 sq. ft.	30'
Agricultural (A)	5 A[4]	100'	40'	10'	20'	600 sq. ft.	35'
Forest Recreational (FR)	10 A[4]	100'	40'	10'	20'	600 sq. ft.	35'
Institutional (Inst.)	1 A	100'	50'	30'	30'	NA	35'
Recreational Commercial (Rec. Com.)	5 A	200'	40'	25'	25'	NA	35'
Residential Commercial (Res. Com.)	15,000 sq. ft. 6,000 sq.ft.[2]	100'	40'	10'	20'	600 sq. ft.	35'
Commercial (C)	20,000 sq. ft. 7,500 sq.ft.[2]	100'	30'	10'	20'	NA	35'
Aviation (Av.)	NA	NA	NA	NA	NA	NA	Determined by FAA
Light Industrial (I-1)	S.I. 1 A	100'	75'	50'	50'	NA	35'
Heavy Industrial (I-2)	I.P. 20 A	500'	100'	75'	75'	NA	35'

Abbreviations: A = acres; sq. ft. = square feet; D.U. = dwelling unit; NA = not applicable; S.I. = single industry; I.P. = industrial park

Footnotes:

[1]For each lot without public water and sewer

[2]For each lot with public water and sewer providing all other requirements can be met (Amended June 16, 2003)

[3]For certain properties adjacent to or near the airport, height limitations may be specified in deed restrictions.

[4]Single family dwellings may be erected on a parcel of land less than required following the requirements of the R-1 District.

[5]For reconstruction of damaged duplex units in Cedar Grove Estates #1, #2 and #3, the side yard setback shall not apply.

[6] The front yard setbacks shall be measured from a point at the edge of the pavement in Cedar Grove Estates #1, #2 and #3 and Windermere Condominiums, the front yard setback may be reduced to thirty-four (34) feet, provided no vehicles are parked on the

sidewalk portion of the driveway and providing the setback is of sufficient distance to ensure no encroachment into the road right of way. *(amended April 3, 2000 and January 8, 2001)*

***Multiple Family Dwellings**	**Min. Floor Area in per Unit**
Efficiency	240 sq.ft.
1 Bedroom Unit	320 sq.ft.
2 Bedroom Unit	420 sq.ft.
3 Bedroom Unit	520 sq.ft.
4 Bedroom Unit	620 sq.ft.
Duplex Dwellings	
Two-Family	600 sq.ft.

ARTICLE XVII PLANNED UNIT DEVELOPMENT

Section 17.01 Purpose

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility within the existing R-2 Zoning District using the special use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement, and upgrades the overall quality of new residential construction.

Section 17.02 Procedures for Application and Approval

The procedures for application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and the Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representatives from county and township agencies (fire department, township parks and recreation commission, local police or county sheriff, county road commission and other such agencies) to attend such informal conferences.

After such informal conferences, the applicant shall then file a preliminary development plan with the Zoning Administrator for purposes of obtaining a special use permit during which time the application shall be scheduled to be reviewed by the Planning Commission at a public hearing scheduled within forty-five (45) days of the receipt of the preliminary plan by the Zoning Administrator.

Section 17.03 Concept Plan Requirements

The applicant shall submit during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners organization, if any; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

Section 17.04 Preliminary Plan Requirements

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit.

The preliminary plan must be more detailed than the concept plan and contain the following:

1. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development including phasing of residential, public and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.

2. Graphic presentations including a base map with topographic identification (preferably using five (5) foot contour intervals) and important environmental features including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and a general description of the architectural and landscape elements on the perimeter of the planned development.

Section 17.05 Final Plan Requirements

Following approval of the preliminary plan, the applicant shall submit a final plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Township Board that the proposed

Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.

Section 17.06 Approval of Final Plan

Upon submittal of the preliminary plan to the Planning Commission and approval of a special use permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the special use permit present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.

The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met: (1) the final plan does not violate the content of the ordinance; (2) the lot area requirement has not been changed by more than ten percent (10%); (3) land reserved for open space (common and usable) has not been reduced by more than ten percent (10%); and (4) the total building coverage has not increased by more than five percent (5%).

The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.

Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

The Planning Commission and members of other appropriate agencies shall review the final development plan. The Planning Commission shall then approve the final plan, disapprove it or approve it with modifications. No public hearing is necessary and if the Planning Commission gives approval, the legislative body shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

Section 17.07 Design Requirements

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

1. **Density:** Density increases can be allowed for Planned Unit Development over and above those allowed in the R-2 Zoning District. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than ten (10) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit. Density increases are to be permitted for the following amenities:

   a. Character, identity, architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen percent (15%), provided these factors make a substantial contribution to the objectives of a Planned Unit Development.
   b. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase, which the Planning Commission shall approve.

2. **Lot Size Variations:** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.

3. **Open Space:** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public).

   The following open space requirements shall be adhered to in all PUDs to provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty percent (40%) of the total gross area. Not less than fifty percent (50%) of the net area of the property shall be open space devoted to planting, patios, walkways and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways and all other paved vehicular ways and facilities. Common open space shall comprise at least twenty-five percent (25%) of the gross area of the Planned Unit Development to be used for recreational, park or

environmental amenity for collective enjoyment by occupants of the development.

Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area. Any portions of the PUD site, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.

4. **Homeowners Association:** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government. The developer shall institute a homeowners association, the following minimum criteria must be met:

   a. The homeowners association must be set up before the homes are sold.
   b. Membership must be mandatory for each homebuyer and any successive buyer.
   c. The open space restrictions must be permanent, not just for a period of years.
   d. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
   e. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
   f. The association must be able to adjust the assessment to meet changed needs.

   The above stipulations have the advantage of insuring the economic viability of the homeowners association and preserving open space areas within the community.

   The developer must file a restrictive covenant with the County Register of Deeds at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes, or for other open space uses desired by the homeowners association.

5. **Environmental Design Requirements:** The Planning Commission shall require the following in accordance with applicable provisions of this ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%) or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

6. **Traffic Circulation:** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in

relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

7. **Private Streets:** Private streets, particularly in Planned Unit Developments must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, local police, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

   Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless the Planning Commission permits modification. These standards are commensurate with traffic flow and safety standards for various densities.

***TYPE OF STREET**	**USERS SERVED**	**REQUIRED FOOTAGE**	
		Right-of-Way	**Road Surface**
Residential dead end or local street	1-6 dwellings	66	18
	7-20 dwellings	66	24
	21-50 dwellings	66	30
Residential Collector	51-200 dwellings	66	36
Neighborhood Collector	Over 200 dwellings or any commercial use	66	36

8. **Parking Standards:** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

   a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
   b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
   c. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
   d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
   e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
   f. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage.
   g. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

9. **Perimeter Treatment:** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) foot buffer zone shall be established on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

Section 17.08 General Standards

The principal advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The

following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zone.

1. **Building Spacing:** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those residents who have no windows or windows at higher levels, and have adequate light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configuration incorporate the above criteria, and have unusual shapes, the spacing of structures may be reduced.

2. **Front Yard Requirements:** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front yard requirements may be reduced.

3. **Lot Width Requirements:** Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.

4. **Building Heights:** To insure adequate light, ventilation and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty (30) feet should be instituted.

ARTICLE XVIII ADMINISTRATION AND ENFORCEMENT

Section 18.01 Zoning Administrator

A Zoning Administrator, who shall be appointed by the Kinross Charter Township Board for such term and subject to such conditions as said Board deems desirable to carry out the provisions of this ordinance, shall administer the provisions of this ordinance. He/She shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Administrator under such conditions, and for such term, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of his/her office.

Section 18.02 Duties and Powers of Zoning Administrator

The Zoning Administrator shall enforce this ordinance, and shall:

1. Approve all zoning permits and certificates of compliance.
2. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
3. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, compliance certificates issued, non-conforming uses, maps, amendments, special use permits, exceptions, variances and appeals; and report same to the Township Board annually.
4. Provide and maintain a public information office relative to all matters arising out of the administration of the ordinance.
5. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Zoning Board of Appeals, and report his findings to said Commission and Board.
6. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this ordinance.

Section 18.03 Record of Non-Conforming Uses

1. Immediately following the effective date of this ordinance, the Zoning Administrator shall prepare a record of all instances of uses, location, size and construction of buildings, structures, premises, lots and lands which, on the effective date of this ordinance, are not in conformity with its provisions. Such record shall contain the legal description of the property and the nature and extent of all non-conformities, and on completion be deposited with the Zoning Administrator's permanent records.

2. As soon as the record is completed, the Administrator shall provide for the examination thereof in his office for thirty (30) successive days by any interested persons for the purpose of noting errors or omissions, and shall give notice of the provisions for examination by publication in a newspaper of general circulation in the Township for three (3) successive weeks.

3. Errors and omissions in such records shall be corrected upon appeal and presentation of proof to the Township Board during its first session following the close of said examination period, following which the corrected record shall be permanently files in the office of the Zoning Administrator. The corrected record shall constitute prima facie evidence of the nature and extent of non-conformance with reference to any land, premises, lot, building or structure existing at the time this ordinance becomes effective.

4. Following the filing of the corrected record of non-conformances, it shall be the duty of the Supervisor to observe these non-conformances when he makes his property assessments, and to report annually to the Township Board on the discontinuance of any non-conformance in the Township, including the date thereof. Such reports shall be files with the Zoning Administrator.

Section 18.04 Zoning Permits

1. Except as otherwise provided, no dwelling or building subject to the provisions of this ordinance shall be erected, altered, enlarged, or moved upon any land, lot or premises until a permit therefore has been issued by the Zoning Administrator in conformity with the provisions of this ordinance.

   Such permit shall be non-transferable and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun.

2. All applications for permits shall be submitted in duplicate to the Zoning Administrator not less than fifteen days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a duplicate drawing to scale showing the location and actual dimensions of the land to which the permit is to apply, the kind of building to be erected; the width of all abutting streets and highways, easements and public open spaces; the area, size and location of all dwellings or buildings erected or to be erected, altered or moved upon the premises; required yard setbacks; and the front yard dimensions for the nearest building on both sides of the proposed dwelling or building.

3. The application shall also show the location, dimensions and description of the water supply and sewage disposal facilities to be constructed, such as septic tanks and disposal fields, privies, or any other facility used in the disposition of human excreta, sink wastes and laundry wastes; the location of existing wells on the premises adjoining the premises to be built upon, and the location of existing sewage disposal facilities on such adjoining premises; provided, however, that the Zoning Administrator is hereby empowered to waive the inclusion of any details specified in paragraphs (2) and (3) of this section in the case of any application where the facts are not pertinent to the purpose of this ordinance.

4. Nothing in this section shall be construed as to prohibit the owner or his agent from preparing his own plans and specifications, provided the same are clear and legible.

   For each such zoning permit issued, a fee set by the Township Board shall be paid to the Treasurer who shall place the same in a separate fund to be known as the Zoning Ordinance Fund, which fund shall be used for the administration of this ordinance only, as directed by the Township Board. No permit shall be valid until the required fee has been paid.

5. Within fifteen (15) days after the receipt of the application, the Zoning Administrator shall issue a zoning permit to the owner, or his duly authorized agent, provided the dwelling or building and the land and uses thereof as set forth in the application are in conformity with the provisions of the ordinance,

and when such permit is refused, he shall state such refusal in writing with cause. The Zoning Administrator shall file one copy of the application with proper notations thereon, or attached thereto, relative to his approval or disapproval including the date thereof, as a record. The second copy of the application shall be returned to the applicant with similar notations.

6. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application therefore shall not require a separate zoning permit.

7. The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance or in case of any false statement or misrepresentation made in the application. The owner or his duly authorized agent shall be notified of such revocation or cancellation in writing.

Section 18.05 Certification of Compliance

No dwelling or building, subject to the provisions of this ordinance shall be occupied or used until the Zoning Administrator shall have issued a Certificate of Compliance to the owner, or his duly authorized agent. Such certificate shall be applied for coincident with the application for a zoning permit. Within five (5) days after notification that the dwelling or building is ready for occupancy, the Zoning Administrator shall make final inspection thereof, and if it is found to be in conformity with the provisions of this ordinance, shall issue the owner or his agent a Certificate of Compliance. He shall also record his action, including the date, on the copy of the application retained on file as a record.

Section 18.06 Violations

Buildings and structures erected, altered, moved or converted, or any use of land or premises carried on in violation of any provision of this ordinance are hereby declared to be nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

Section 18.07 Corrections

The owner shall within forty-eight (48) hours after receipt of notification of violation, suspend operation and/or construction of conditions found to be in violation. Upon suspension of said non-conforming use, the owner may correct conditions found to be in violation within sixty (60) days following issuance of written notice to correct. If not corrected, violations shall be remanded to the court for prosecution. If the owner shall neglect or refuse to suspend the non-conforming use as directed while making corrections, the above sixty (60) day

period shall be nullified and the violation shall be subject to immediate prosecution.

Section 18.08 Penalties

Any person, firm or corporation who violates, neglects, omits, or refuses to comply with any provision of this ordinance, or any permit or exception granted hereunder, or any lawful requirement of the Zoning Administrator shall be charged with a criminal misdemeanor and shall be fined on conviction not more than five hundred (500) dollars together with the cost of prosecution, or by imprisonment in the county jail for not more than ninety (90) days, or both, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 18.09 Proceedings

The Township Board, the Planning Commission, the Zoning Administrator, or any owner of real estate may institute injunction mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, use or violation. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

ARTICLE XIX BOARD OF APPEALS

Section 19.01 Board of Appeals

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943 as amended in such a way that the objectives of this ordinance shall be observed, public safety secured and substantial justice done.

Section 19.02 Establishment and Membership

As provided by said Act, the Board of Appeals shall consist of not less than five (5) members, the first (1st) member of such Board shall be a member of the Township Planning Commission; the second (2nd) member may be a member of the Township Board appointed by the Township Board; and the third (3rd), fourth (4th) and fifth (5th) members shall be selected and appointed by the Township Board from electors residing in the unincorporated area of the Township. *(amended April 3, 2000)* No elected officer of the Township shall serve as chairman of the Board of Appeals. No employee of the Township Board may serve simultaneously as a member of the Board of Appeals. The total amount allowed any member of said Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of his duty shall not exceed a reasonable sum, which sum shall be determined annually in advance by the

Township Board. The Township Board shall provide for the removal of any member for non-performance of duty or misconduct in office. A member shall disqualify himself from a vote in which he has a conflict of interest.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive Board of Appeals meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 19.03 Terms of Office

Members shall serve terms of three (3) years, except that the members serving by virtue of their membership on the Planning Commission and Township Board shall serve a term expiring at the expiration of their terms on the Planning Commission or Township Board, and except that the other member initially appointed shall serve a term of one (1) year. A successor shall be appointed not more than one (1) month after the term of his predecessor has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Section 19.04 Quorum

The Board of Appeals shall not conduct business unless a majority of the members are present.

Section 19.05 Meetings of Board of Appeals

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Zoning Administrator and shall be a public record.

Section 19.06 Jurisdiction and Appeals

1. The Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Planning Commission, the Township Board, the

Zoning Administrator or any administrative official charged with enforcement of this ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to act under the provisions of this ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such board or administrative official, or to effect any variation in this decision or determination of any such board or administrative official, or to effect any variation in this matter upon which they are required to pass or to effect any variation in this ordinance. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State. The grounds of every such determination shall be stated.

2. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board, all the papers constituting the record upon which the action appealed from was taken.

3. An appeal stays all proceedings in furtherance of the action appealed for unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeals shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application on cause shown, after notice to the officer from whom the appeal is taken.

4. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing any party may appear in person or by the agent or by attorney. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice be done. The decision of such Board shall not be final, and any person having an interest affected by any such ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

Section 19.07 Interpret

The Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this ordinance and accompanying zoning map.

Section 19.08 Variance

The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE (1) of the SPECIAL conditions listed thereafter can be satisfied.

1. Basic Conditions: Any variance granted from this ordinance:

    a. Will not be contrary to the public interest or to the intent and purpose of this ordinance.
    b. Will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in similar districts throughout the Township.
    c. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
    d. Will relate only to property that is under control of the applicant.

2. Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE (1) of the following special conditions can be clearly demonstrated:

    a. Where there are practical difficulties or unnecessary hardships, which prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of the particular parcel of land.
    b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same Zoning District. Such circumstances or conditions shall not have resulted from any act of the applicant after the adoption of this ordinance.
    c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

3. Rules: The following rules shall be applied in the granting of variances:

    a. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure

the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.

b. Each variance granted under the provisions of this ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and the occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.

c. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds, or newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

ARTICLE XX VALIDITY

This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this ordinance and each section, subsection, phrase, sentence and clause irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

ARTICLE XXI AMENDMENTS

Amendments or supplements to this ordinance may be adopted from time to time in the same manner as provided by the Township Zoning Act, Public Act No. 184 of 1943 for the enactment of the original ordinance.

Section 21.01 Initiation

Proposals for amendment may be submitted to the Township Board by the Township Planning Commission, Zoning Board of Appeals, or by written petition signed by any property owner in the Township. The petition shall be accompanied by the fee prescribed in the fee schedule of this ordinance to cover cost of advertising public hearing and investigation. A request for re-zoning a property shall be considered an amendment to the zoning ordinance, since the zoning map is a portion of this ordinance.

Section 21.02 Action by Planning Commission

All amendments or supplements shall be referred to the Township Planning Commission for study, recommendation and public hearing. The Planning Commission shall hold not less than one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

When any amendment proposes the rezoning of any premises, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be made not less than eight (8) days before the hearing.

Following the hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County as required by Section 10 of Public Act No. 184 of 1943. The Planning Commission shall transmit a summary of comments received at the public hearing along with the proposed amendment to the Township Board.

Section 21.03 Action by Township Board

The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not more than fifteen (15) days or less than five (5) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by Section 11 of Public Act No 184 of 1943.

Once adopted by the Township Board, amendments to this ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this ordinance shall take effect upon the expiration of seven (7) days following publication, or at such later date after publication as may be specified by the Township Board.

ARTICLE XXII

REPEAL OF PRIOR ORDINANCE, ENACTMENT OF NEW ORDINANCE, EFFECTIVE DATE

Section 22.01: Repeal of 1978 Zoning Ordinance

1. The 1978 Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.
2. The 1978 Zoning Ordinance regulating the development and use of land was adopted by the Township Board of the Charter Township of Kinross, Chippewa County, Michigan and took effect upon publication on April 3, 1978.

Section 22.02: Enactment of 1999 Zoning Ordinance

1. Public Hearing was held on the twelfth day of July, 1999, for this 1999 Zoning Ordinance of the Charter Township of Kinross, and the ordinance was adopted by the Kinross Charter Township Board of Trustees at a regular meeting held on the seventh day of September, 1999.
2. Notice of adoption shall be published in a newspaper having general circulation in Kinross Charter Township within fifteen (15) days after adoption.
3. The 1999 Zoning Ordinance shall take effect upon the expiration of seven (7) days after publication.

KINROSS TOWNSHIP
ORDINANCE NO. 1.101

AN ORDINANCE TO PROHIBIT TRESPASSING ON THE CHIPPEWA COUNTY IINTERNATIONAL AIRPORT

Adopted: December 20, 1993.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1. It shall be unlawful for any person to operate any motor vehicle or travel across or enter upon the Chippewa County International Airport or trespass upon the area within the boundaries thereof, except vehicles and persons engaged in the administration and maintenance of the airport.

Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

This Ordinance hereby repeals Ordinance No. 13 as enacted by the Charter Township of Kinross on February 6, 1978.

KINROSS TOWNSHIP
ORDINANCE NO. 1.102

AN ORDINANCE TO PROHIBIT TRESPASSING ON THE KINCHELOE MEMORIAL GOLF COURSE

Adopted: December 20, 1993

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1. It shall be unlawful for any person to enter upon or to operate any motor vehicle upon or to otherwise trespass upon the area or property within the boundaries of' the Kincheloe Memorial Golf Course except those persons and employees engaged in the administration and maintenance of the premises and those persons and patrons having permission to use the facilities of the golf course, and except that snowmobiles may be operated upon an established snowmobile trail which exists along the perimeter of the golf course, but such vehicles shall be operated upon such trail only.

Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

This Ordinance hereby repeals Ordinance No. 18 as enacted by the Charter Township of Kinross on October 1, 1979.

KINROSS TOWNSHIP
ORDINANCE NO. 1.103

AN ORDINANCE TO REGULATE UNLAWFUL CONDUCT OF PERSONS WHILE WITHIN THE PERIMETER AREAS OF ANY CORRECTIONAL FACILITY LOCATED WITHIN THE TOWNSHIP OF KINROSS

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1. It shall be unlawful for any person to engage in any of the following, or to cause or attempt to cause any of the following within or upon that area or property that is immediately adjacent to or surrounding any facility or compound dedicated to or being used by the Michigan Department of Corrections, or any governmental agency for the purpose of a prison, jail or any other type of correctional facility:

(a) Throwing, depositing or otherwise attempting to discard any item, regardless of value, whatsoever, including but not limited to any trash, garbage, rubbish or debris;

(b) Deface, mark, mutilate, inscribe or otherwise damage any fixture, whether temporary or permanent, including but not limited to signs, fences, barriers or any other installation associated with the operation, maintenance or protection of any correctional facility;

(c) Harass, annoy, alarm, communicate with gesture to or otherwise disturb any inmate, prisoner or person in the custody or under the control of the Department of Corrections or any other governmental agency;

(d) Harass, annoy, alarm or otherwise disturb any corrections officer, peace officer or any other person within the confines of any correctional facility operated by the Michigan Department of Corrections or any other governmental agency;

(e) Possess, carry, display or conceal any type of weapon, including but not limited to any type of firearm or any type of apparatus that propels projectiles by mechanical means;

(f) Loiter, stand idle, or linger.

Section 2 - EXCEPTIONS: This Ordinance shall not apply to any corrections officer or peace officer while the same is in the course of performing official duties or business.

Section 3 - SEVERABILITY: Each section or subsection heretofore provided shall be construed so as to be in harmony with and not in conflict with any other law of the state;

If any section or subsection there under of this Ordinance is stricken, declared invalid or unconstitutional by a court of competent jurisdiction, it is hereby declared that the remaining portion or portions of this Ordinance or sections there under shall remain self-sustaining, severable and capable of separate enforcement without regard to the stricken portions.

Section 4 - MISDEMEANOR: Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

This Ordinance hereby repeals Ordinance No. 22 formally enacted by the Charter Township of Kinross on August 18, 1980.

KINROSS TOWNSHIP
ORDINANCE NO. 1.103

AN ORDINANCE TO REGULATE UNLAWFUL CONDUCT OF PERSONS WHILE WITHIN THE PERIMETER AREAS OF ANY CORRECTIONAL FACILITY LOCATED WITHIN THE TOWNSHIP OF KINROSS

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1. It shall be unlawful for any person to engage in any of the following, or to cause or attempt to cause any of the following within or upon that area or property that is immediately adjacent to or surrounding any facility or compound dedicated to or being used by the Michigan Department of Corrections, or any governmental agency for the purpose of a prison, jail or any other type of correctional facility:

(a) Throwing, depositing or otherwise attempting to discard any item, regardless of value, whatsoever, including but not limited to any trash, garbage, rubbish or debris;

(b) Deface, mark, mutilate, inscribe or otherwise damage any fixture, whether temporary or permanent, including but not limited to signs, fences, barriers or any other installation associated with the operation, maintenance or protection of any correctional facility;

(c) Harass, annoy, alarm, communicate with gesture to or otherwise disturb any inmate, prisoner or person in the custody or under the control of the Department of Corrections or any other governmental agency;

(d) Harass, annoy, alarm or otherwise disturb any corrections officer, peace officer or any other person within the confines of any correctional facility operated by the Michigan Department of Corrections or any other governmental agency;

(e) Possess, carry, display or conceal any type of weapon, including but not limited to any type of firearm or any type of apparatus that propels projectiles by mechanical means;

(f) Loiter, stand idle, or linger.

Section 2 - EXCEPTIONS: This Ordinance shall not apply to any corrections officer or peace officer while the same is in the course of performing official duties or

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Section 3 - SEVERABILITY: Each section or subsection heretofore provided shall be construed so as to be in harmony with and not in conflict with any other law of the state;

If any section or subsection there under of this Ordinance is stricken, declared invalid or unconstitutional by a court of competent jurisdiction, it is hereby declared that the remaining portion or portions of this Ordinance or sections there under shall remain self-sustaining, severable and capable of separate enforcement without regard to the stricken portions.

Section 4 - MISDEMEANOR: Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

This Ordinance hereby repeals Ordinance No. 22 formally enacted by the Charter Township of Kinross on August 18, 1980.

KINROSS TOWNSHIP
ORDINANCE NO. 1.104

UNIFORM TRAFFIC CODE ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1: That pursuant to MCLA 257.951 through and including 257.954, the Uniform Traffic Code for cities, villages and townships being Act No. 300 of Public Acts of 1949, as amended, being §§ 257.1 through and including 257.923 of the Michigan Compiled Laws, is hereby adopted by reference for the purpose of regulating the operation of vehicles, providing for the regulation of the streets, highways and alleys and other public and semi-public places within the Township of Kinross and providing for penalties for violation of said code.

(a) The Uniform Traffic Code as adopted shall be and is the same as the Michigan Vehicle Code.

(b) References in the Uniform Traffic Code for cities, townships and villages to governmental unit shall mean the Charter Township of Kinross.

Section 2: A complete copy of the Uniform Traffic Code for cities, townships and villages shall be available for public use and inspection at the office of the Township Clerk.

Ordinance No. 27 as enacted by the Kinross Township Board on January 27, 1981 is hereby repealed.

KINROSS TOWNSHIP
ORDINANCE NO. 1.105

CURFEW ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1: It shall be unlawful for the parent, guardian or any other person having the care, custody and control of any minor child under the age of 12 (non-inclusive) years to permit such minor to be in any public place or upon any public street between the hours of 9:00 p.m. and 5:00 a.m. local time, unless accompanied by such parent, guardian or other person having the care, custody and control of such minor.

Any person violating this Section of this Ordinance shall be deemed guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

Section 2: It shall be unlawful for any minor child between the age of 12 and 16 (inclusive) years to be on any street, alley, park or other public place or in any tavern, theater, arcade or place of public amusement between the hours of 10:00 p.m. and 5:00 a.m. local time, or on Friday and Saturday between 11:00 p.m. and 5:00 a.m. local time, unless such minor is accompanied by the parent, guardian or other person having the care, custody or control of said minor.

Any minor violating this Section of this Ordinance shall be brought before the Juvenile Court for proper disposition according to the statute made and provided in such case at the discretion of the Court.

Section 3: It shall be unlawful for any parent, guardian or other person having the custody, care or control of any minor child between the age of 12 through 16 (inclusive) years, to permit such minor child to be upon or in any of the places mentioned in Section 2 at any time between the hours of 10:00 p.m. and 5:00 a.m. local time, except between 11:00 p.m. and 5:00 a.m. on Fridays and Saturdays local time, unless accompanied by the parent, guardian or other person having the care, custody or control of such minor child.

Any person violating this Section of this Ordinance shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

Section 4: EXCEPTIONS: The provisions of this Ordinance shall not apply to any minor child under the age of 17 years when such minor child is on any public street or public place in the Charter Township of Kinross:

(a) While promptly going to or returning from work not prohibited by applicable federal, state and/or local laws, rules, regulations, requirements or standards;

(b) While promptly going to or from any service, entertainment, contest, exhibition or organized entertainment sponsored by any church, school, civic club or municipality;

(c) Between the time of any service, entertainment, contest, exhibition or organized entertainment as aforesaid shall have ended and one hour thereafter.

Section 5: SEVERABILITY: Should any clause or provision of' this Ordinance be declared invalid as unconstitutional, such clause shall be severed from the rest and remainder of the Ordinance and shall not affect the validity of' the rest or remainder of the Ordinance as a whole or any part thereof.

Ordinance No. 33 as enacted by the Kinross Township Board on October 17, 1983 is hereby repealed.

KINROSS TOWNSHIP
ORDINANCE NO. 1.107

JUNK YARD/JUNK VEHICLE ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - PURPOSE:

The purpose of this Ordinance is to establish a Township control program designed to reduce unregulated junk, including abandoned motor vehicle wreckage and parts thereof, and junk farm machinery accumulations throughout the Township to the extent permissible by state law, and nothing in this Ordinance shall be construed to abrogate or affect the authority of the state under 1966 PA 219, being MCLA 252.201 et seq.; MSA 9.391 (11) et seq. or under 248 to 249 of the Michigan Motor Vehicle Code being MCLA 257.248 through and including 257.249; MSA 9.1947 through and including 9.1948 within the prerogative of townships under 1929 PA 12 being MCLA 445.451 et seq.; MSA 19.731 et seq.; being an act to authorize townships to license and regulate junkyards and places for the dismantling, wrecking and disposing of junk and /or refuse material of automobiles. It is the purpose of this Ordinance to supplement state law providing for control of junkyards and the regulation of junk, as herein above set forth.

Section 2 - DEFINITIONS:

2.1 **Junk.** Second-hand articles of any kind, such as, but not limited to cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead, lighting and plumbing fixtures, old machinery and parts, old cars stored for the purpose of dismantling and car parts stored for the purpose of sale or repair. Also to include discarded materials such as, but not limited to construction scrap and debris, manufacturing by-products and other non-toxic or non-caustic wastes.

2.2 **Junk Dealer.** Any individual, corporation, member or members of a co-partnership or firm engaged in the business of purchasing, selling, exchanging, storing or receiving junk, as defined in this Section.

2.3 **Junkyard.** The immediate locale or premises from which a junk dealer bases his/her operation. To include any area in which any of the materials heretofore defined as junk is stored.

2.4 **JUNKED VEHICLES** shall mean any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and the condition of which is one or more of the following:

1. Wrecked
2. Dismantled
3. Partially dismantled

4. Inoperative
5. Abandoned
6. Discarded

EXCEPTIONS: The provisions hereof shall not apply to:

Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

2.5 **OWNER** shall mean any person legally vested with the tile and ownership of any moveable or immovable property situated within the Township.

2.6 **VEHICLE** shall mean any vehicle which was originally operable on two or more wheels or tracks and which was originally capable of transporting one or more persons.

2.7 **The term "Private Premises"** shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure inhabited or temporarily or continuously uninhabited or vacant.

Section 3 - LICENSING, REVIEW BY BOARD, FEE, RENEWAL AND LICENSE EXPIRATION

Every individual, corporation, member or members of a co-partnership or firm desiring to operate a junkyard or presently operating a junkyard in Kinross Township shall make application to the Clerk of the Township on an application form supplied by the Clerk. This application shall include the junkyard dealers name and the name of any partners or co-owners, a street or road address of the premises on which said person or persons intend to carry on said operation. A separate application and license shall be required for each junkyard the person (s) may operate if the junkyards are in different nonadjacent or non-connected locations. The Township Board shall review each application on an individual basis. If the application is approved, the dealer shall be approved for licensure. Upon being granted such approval, the dealer shall pay a fee of $24.00, and upon receipt of such fee, shall be granted a license by the Clerk of the Township. The dealer shall be required to renew the license annually and prior to renewal, the Township Board shall review the application of renewal and either approve or disapprove the application and license. The fee for renewal shall be $10.00. Any license granted shall expire September 1 of each year or the first business day after that date. The fee for any new license granted shall be paid on a pro-rated basis, the rate decreasing by one quarter every three months (September 1 through November 30 - $24.00; December 1 through February 29 - $18.00; March 1 through May 31 - $12.00; June 1 through August 31 - $6.00). The renewal fee shall not be pro-rated. The Township Clerk shall maintain all records, applications and copies of licenses granted, refused or revoked. It shall also be the responsibility of the Clerk to notify each licensee that his/her license is up for renewal. This notice shall be by mail or in person at least 30 days, but not more than 45 days before expiration of license on September 1.

Section 4 - DENIAL, REVOCATION OR SUSPENSION OF LICENSE:

The Township Board reserves the right to deny issuance or renewal of any license under this Ordinance, to revoke or suspend any license granted under this Ordinance. Any licensee whose license is revoked or suspended shall not be entitled to a refund or return of any of the fees already paid. Denial, revocation or suspension of any license can be made for failure to comply with one or more items in Section 3 of this Ordinance, but not limited to these items. Should the Board deny, revoke or suspend any license under this Ordinance, they shall supply the dealer or applicant with the reason for their action in writing.

Section 5 – RULES AND REGULATIONS:

5.1 No person shall operate a junkyard on a lot of less than five (5) acres. Said lot must have a tight board or sheet metal fence at least seven (7) feet high and 100 feet back from the centerline of the road which shall enclose the view of said junkyard from any public street or highway. All junk shall be stored inside of said fence at a height so that said junk is not visible from any public road or street. The fence shall be painted and kept in good repair at all times.

5.2 No material causing offensive odors or unsanitary conditions shall be stored on any lot or premises.

5.3 No material having caustic, toxic or otherwise potentially harmful chemicals or compounds shall be stored on any lot or premises.

5.4 Except to the extent permitted under state law or city or village charter provision, no person or corporation, whether owner, tenant or manager of private property, or whether the past registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the parking, storage or accumulation thereof upon any public right-of-way, public property or private premises within the Township of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building, except for the following:

1. Motor vehicles in operating condition may remain on private property for a period of 30 days after the expiration of said license for the purpose of sale or other disposition of said vehicle;

2. Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used motor vehicles or equipment used in the operation of such dealership;

3. Motor vehicles or parts thereof located in junkyards or places of business of wreckers duly licensed by the state;

4. Motor vehicles inoperable due to minor mechanical failure which have not been dismantled and have substantially all main motor parts attached may remain on private property for 30 days for the purposes of repair.

Section 6 – NUISANCE:

Any parking, storage, accumulation, placement or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

Section 7 – SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work section or provisions is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

Section 8 – MISDEMEANOR:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

This Ordinance hereby repeals Ordinance No. 42 and Ordinance No. 54 as formally enacted by the Kinross Township Board.

KINROSS TOWNSHIP
ORDINANCE NO. 1.109

ANTI - NOISE AND PUBLIC NUISANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of the Charter Township of Kinross, Chippewa County, by the regulation of noise within said township: to prescribe the penalties for the violation thereof.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Kinross Charter Township Anti-Noise and Public Nuisance Ordinance.

SECTION 2: DEFINITIONS

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

A. **"Decibel"** is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be twenty (20) times the common logarithm of the ratio of that sound pressure to a reference pressure of 2x10-5 N/m2 (Newton's per meter squared). As an example of the effect of this formula, a three (3) decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten (10) decibel change corresponds to a 10-fold increase or decrease to 1/10th the former intensity.

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

SECTION 3: ANTI NOISE REGULATIONS

A. **General Regulations**. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the township.

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

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

2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 PM and 7:00 AM, or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.

4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

5. The operation of any 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 unreasonable disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 AM and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Building Inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.

9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

11. The operation of any 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.

12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

13. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating there from would be unreasonably disturbing and upsetting to other persons in the vicinity.

C. **Exceptions**. None of the prohibitions here in before enumerated shall apply to the following:

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

2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Charter Township of Kinross, or the County of Chippewa, between sundown and 7:00 AM when the public welfare, safety and convenience render it impossible to perform such work during other hours.

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

4. Sanctioned activities at the Fairgrounds.

SECTION 4: ANTI-NOISE REGULATIONS BASED UPON dB (A) CRITERIA

In order to regulate and prove violations occurring under Section 3 of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance.

A. Regulations for Decibel Measurement of Noise Originating from Private Properties.

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

ZONING DISTRICTS	LIMITATIONS	LIMITATIONS
	7:00 AM-lO:OO PM	10:00 PM-7:00 AM
Residential (and any area within 500 feet of a hospital regardless of zoning district and agricultural districts located within 500 feet of any dwelling under separate ownership)	55 dB (A)	50 dB (A)

Agricultural, where at least 500 feet any dwelling under separate ownership and commercial.	65 dB (A)	55 dB (A)

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

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB (A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this Section 4, subsection A:

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.

2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.

3. Noises occurring between 7:00 AM and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitations specified in Section 4A by more than 20 dB (A).

4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.

5. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:

a. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the Township Zoning Ordinance if available.

b. The limitations contained herein based upon such use being located in the highest zoning district (either commercial and

agricultural or industrial) where such a use is specifically allowed as a permissible use.

B. <u>Regulations for Decibel Measurement of Motor Driven Vehicles on Public Roads</u>.

All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet (or 15 meters) from a noise source located within the public right—of—way. If measurement at 50 feet (or 15 meters) is not feasible, measurement may be made at 25 feet (7½ meters) and if this is done, 6 dB (A) shall be added to the limits provided below. All such noises in excess of the dB (A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance.

VEHICLE LIMITATION	WEIGHT	db (A) MAXIMUM
Trucks & Buses	Over 10,000 lbs. Gross weight	82 dB (A)
Trucks & Buses	Under 10,000 lb. Gross weight	74 dB (A)
Passenger Cars	Any weight	74 dB (A)
Motorcycles, Snowmobiles & Mini-bikes	Any weight	82 dB (A)
All other self-propelled Motor vehicles	Any weight	74 dB (A)

C. <u>Measurement of Noise</u>.

All measurements of dB (A) according to subparagraphs A and B of this Section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

SECTION 5: PUBLIC NUISANCE REGULATIONS

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

SECTION 6: VALIDITY

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 7: PENALTIES

Any person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction, be punished by a fine of not to exceed $500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION 8 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication.

KINROSS TOWNSHIP
ORDINANCE NO. 1.110

REGULATION AND CONTROL OF GARBAGE, RUBBISH AND LITTER ORDINANCE

An ordinance to provide for the health, safety and general welfare of the persons and property within the Charter Township of Kinross, Chippewa County, Michigan, by regulation and control of garbage and rubbish and prohibition of littering on property or waters of and in Kinross Charter Township and to provide penalties for violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the persons and property within the Charter Township of Kinross against health and safety hazards and to provide for the regulation, control and prohibition of littering of or on property or waters of and in the Charter Township of Kinross and to provide penalties for violation thereof.

Section 2 - DEFINITIONS

2.1 **ASHES** means the residue from fires used for cooking and for heating buildings, and from any burning.

2.2 **FREQUENCY OF COLLECTION** means the time elapsing between two (2) successive collections as established herein.

2.3 **GARBAGE** means animal or vegetable waste which arise from the use, preparation or storage of food for human consumption not including wastes from industrial processes, or manufacturing and agricultural operations.

2.4 **RUBBISH** means non-putrescible material from residential, commercial and institutional property, such as ashes, paper cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, bedding, furniture, metal, tin cans, dirt, clay, gravel, grass, crockery and miscellaneous mineral refuse, not including gravel, sand or cement.

2.5 **LITTER** shall include without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, manure, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material or articles of any kind.

2.6 **PERSON** shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any provision of this Ordinance, whether as owner, occupant, lessee, agent, servant or employee shall be equally liable as principals.

2.7 **PUBLIC OR PRIVATE PROPERTY OR WATER** includes, but is not limited to the right-of-way of a street, road or highway, a body of water or watercourse, or the shore or beach thereof, including the ice above the water, a park, playground, building, refuge or conservation or recreation area, and residential or farm properties or timberlands.

Section 3 - DISPOSITION IN GENERAL

No person shall deposit, or cause to be deposited, scatter or abandon rubbish, litter or garbage on any public or private place in the Charter Township of Kinross.

Section 4 - PLACEMENT IN CONTAINERS FOR COLLECTION

Every tenant, lessee or occupant of any premises where garbage is created shall provide such premises with sufficient number of receptacles to contain garbage. Receptacles or container shall be constructed of materials impenetrable by animals, such as:

1. Galvanized metal with tight-fitting galvanized covers.

2. Molded plastic receptacles with tight-fitting lid.

3. Plastic garbage bags, tied or secured in some fashion so as not to be open in any way; such bags shall also be free of any holes, tears or punctures.

Any other sealed container of sufficient weight and durability so as to reasonably protect against the potential scattering of garbage.

Receptacles must be placed at curb-side no earlier than 5:00 a.m. on the day of collection. Whether or not there is a collection on the scheduled day, the receptacles must be taken from the curb-side that same day.

Receptacles shall be kept clean and sanitary by the owner or occupant of the premises on which they are located.

Section 5 - BURNING

No garbage shall be burned in the open air within the Charter Township of Kinross. No ash, rubbish or litter shall be burned in the open air upon any street or land within the Township, except by proper permit from the Department of Natural Resources.

Section 6 - HAULING

No person shall use or cause to be used any truck, wagon, cart, trailer or vehicle for hauling garbage, rubbish, or ashes, unless the box of such vehicle shall be so constructed as to prevent the scattering dropping or spilling of the contents thereof on the streets, alleys or other public places.

No person shall load or cause to be loaded any truck, wagon, cart, trailer or other vehicle above the side or end board thereof, or in any manner so that the contents shall be scattered, dropped or spilled on the streets or any public or private places in the Charter Township of Kinross.

No person shall haul shavings, sawdust, dirt, ashes, mortar, lime or other substances likely to be blown about by the wind, unless the same shall be securely covered by canvas or other suitable material.

Section 7 - DUMPING

It shall be unlawful for any person to knowingly, without consent of Kinross Charter Township Board or the owner of private property in this Township, to dump, deposit, place, throw or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water within Kinross Charter Township other than property designated and set aside for such purposes.

Section 8 - VEHICLE ACCIDENTS

It shall be unlawful for a person who removes a vehicle, wrecked or damaged in an accident, on a highway, road or street, to fail to remove all glass and other injurious substances or litter dropped on the highway, road or street as a result of the accident.

Section 9 - RESPONSIBLE PARTY

The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property.

Section 10 - MISDEMEANOR

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by a fine not to exceed $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

The Court, in lieu of other sentence imposed may direct a substitution of litter-gathering labor, including but not limited to the particular violation. Each day that the violation continues shall be deemed to be a separate violation. This Ordinance shall not prevent Kinross Charter Township from using other methods or means available to it under Michigan law pertaining to litter problems or violations.

Section 11 - SEVERABILITY

The provisions of this Ordinance are intended to be in harmony with any state law and not in conflict therewith, if any provision is declared void or unenforceable by a court of competent jurisdiction, the rest and remaining provisions shall continue to be in full force and effect.

This Ordinance hereby repeals Ordinance No. 60 and Ordinance No. 61 as formerly enacted by the Charter Township of Kinross Board.

KINROSS TOWNSHIP
ORDINANCE NO. 1.111

DISORDERLY PERSONS ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

A person is a disorderly person if the person is, or does any of the following:

1. Window peeping.

2. A common prostitute.

3. Being intoxicated in a public place and/or endangering directly the safety of another person or of property or as acting in a manner which causes a public disturbance.

4. A person who is engaged in an indecent or obscene conduct in a public place, including but not limited to exhibition or exposure of the buttocks, male genitals, female breasts, or pubic region of body upon any street or upon any private lot or premises of another within the Township.

5. Begging or panhandling in a public place from passersby, either by words, gestures or by the exhibiting of a sign.

6. Loitering, standing idle, jostling or roughly crowding people unnecessarily upon any street, sidewalk, or in a park or a public building or any other public place so as to obstruct the free and uninterrupted passage of the public.

7. Knowingly loitering in or about a place where illegal occupation or business is being conducted.

8. Acting in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his life, limb or health.

9. Acting in a violent or tumultuous manner toward another, whereby any property is placed in danger of being destroyed or damaged, or interfering with another’s pursuit of a lawful occupation.

10. Congregating with another or others in or on any public way, street, alley, or other thoroughfare so as to halt or obstruct the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a lawful authority.

11. Loitering or wandering upon any public place or from place-to-place without apparent reason or business and refusing to account for his/her presence when requested to do so by any peace officer, if the surrounding circumstances are such as to indicate to a reasonable person that the public safety demands such identification.

12. Creating any disturbance or contention in a tavern, store, or grocery, manufacturing establishment or any other business place, or in or upon any street, lane, alley, public building, grounds, or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

13. The use of fighting words or obscene language directed towards any person with the likelihood that such words or language will cause or tend to cause an immediate breach of the peace.

Misdemeanor: Any person convicted of' being a disorderly person shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

KINROSS TOWNSHIP
ORDINANCE NO. 1.112

NUISANCE PARTY ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - NUISANCE PARTY DEFINITION

A social gathering or party which is conducted on premises within the Township which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or occurrences; public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consuming of intoxicating beverages; the unlawful deposit of trash or litter on public or private property; the destruction of public or private property; the generation of pedestrian or vehicular traffic which obstructs the free flow of residential traffic or interferes with the ability to render emergency services; excessive, unnecessary or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood; public disturbances, brawls, fights or quarrels; which result in any similar conduct or conditions which annoys, injures, or endangers the safety, health, comfort, or repose of the neighboring residents, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons at the social gathering or party, is hereby declared to be an unlawful public nuisance.

Section 2 - BEHAVIOR

Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a social gathering or party which is or during the course thereof becomes a public nuisance as defined by Paragraph (a) above is hereby deemed to have committed a violation of this Code of Ordinances, and upon conviction shall be subject to the penalties as provided for in this Ordinance. In any prosecution for a violation of this Section, proof of specific intent shall not be required as a necessary element.

Section 3 - MISDEMEANOR

Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not in excess of $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

KINROSS TOWNSHIP
ORDINANCE NO. 1.114

REGULATION OF THE DISCHARGE OF FIREARMS UPON TOWNSHIP PROPERTY ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - DEFINITIONS:

1.1 **Firearms:** A firearm as used in this Ordinance shall mean a device, whether mechanical or manual that is used for the purpose of setting in motion any missile, projectile or other mass by means of explosion, gas or by any means of spring mechanism.

1.2 **Approved Ranges:** Those areas designed for the purpose of the discharge or shooting of firearms in such fashion so as to prevent the projectile from any firearm to pass beyond the confines of the range; and exclusively designated as a shooting range.

1.3 **Township Property:** Any and all property that is owned by, controlled by or dedicated for use by the Township of Kinross, and that such property shall be posted by means of a sign expressly stating that the discharge of firearms or possession thereof is prohibited upon such property.

Section 2:

2.1 It shall be unlawful for any person to possess firearms or discharge any firearm while upon any property owned or controlled by the Township of Kinross where such property is properly posted prohibiting the discharge of any firearm or possession thereof.

2.2 **Exceptions:** The provisions of this Ordinance shall not apply to the following individuals:

(a) Any police officer, including a sheriff, deputy sheriff, police officers employed by any bona fide police department of any city, village or township and any member of the Michigan State Police duly authorized to carry firearms during the discharge of his or her duties; and any member of the Department of Natural Resources law enforcement division duly authorized to carry a firearm in the discharge of his or her duties.

(b) Those employees of the Michigan Department of Corrections who are duly authorized to carry a firearm in the discharge of his or her duty.

(c) Any member of any federal law enforcement agency, including members of any bona fide Indian/Tribal Police agency.

Section 3 - Misdemeanor: Any person violating the provisions of' this Ordinance shall be deemed guilty of a misdemeanor, punishable by fine of not more than $500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of' prosecution.

This Ordinance hereby repeals and supersedes Ordinance No. 34 as formerly enacted by the Kinross Township Board on October 17, 1983.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 1.115

DATED May 29, 1996

An ordnance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment, adult bookstores, adult theaters and cabarets, within the Charter Township of Kinross, Chippewa County, Michigan; to provide penalties for the violation of the provisions of this ordinance; and to repeal any ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

Section I - Title

This Ordinance shall be known and cited as the Kinross Charter Township Public Entertainment Ordinance.

Section II. Definitions

As used in this ordinance, unless the context clearly indicates a different meaning:

(a) **"Adult Bookstore"** means an establishment wherein more than twenty percent (20%) of its stock in trade is comprised of books, magazines and other periodicals having, as their dominant theme, matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

(b) **"Adult Theater"** means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished and characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, for observation by patrons therein.

(c) **"Cabaret"** means any place wherein food or any type of alcoholic or other beverage is sold or given away on the premises, the operator of which place may or may not hold a yearly license to sell such beverages by the glass.

(d) **"Live Entertainment"** means the presentation of acts which are presented live for the enjoyment of the audience.

(e) **"Specified Anatomical Areas"** means:

(1) less than completely and opaquely covered human genitals or human pubic regions, buttock or female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(f) "Specified Sexual Activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals or a human pubic region, buttock or female breast.

(g) Person (s) shall mean an individual person (s), co-partnership, firm, corporation, society, club, association or other business or private entity.

SECTION III: Prohibition

(a) No person, in the Township, shall own, operate or maintain, or permit to be owned, operate or maintain an adult bookstore or adult theater, as defined in this ordinance.

(b) No person shall present or allow to be presented, or participate in, any live acts or entertainment which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas herein defined.

(b) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible, specified anatomical areas, as defined in this ordinance, or allow any other person to do so.

(c) No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activity, as defined in this ordinance, or allow any other person to do so.

(d) No person owning a cabaret, or his or her agent or employee, shall knowingly permit any exhibition or advertising, in connection with any establishment prohibited under this section, to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes or relates to specified sexual activities or specified anatomical areas, as defined in this ordinance.

SECTION IV: Zoning Compliance.

No person shall operate an adult bookstore or cabaret, or place of live entertainment until he shall have complied with the requirements of the Zoning Ordinance, the provisions of this ordinance and other applicable ordinances of the Charter Township of Kinross.

SECTION V: Violations and Penalties.

Any person, member of a partnership, and/or officer and director of a corporation, violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars *($500.00)* and be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense.

SECTION VI: Severability.

Each section, subsection or provision thereof of this ordinance are declared to be separable and the holding of any section, subsection or provision thereof, to be invalid or unenforceable shall not affect the validity or enforceability of any other sections, subsections or provisions.

SECTION VII: Repeal

All ordinances or parts of ordinances in conflict herewith, are hereby repealed. Repeals 1.106.

SECTION VIII: Effective Date

This ordinance will become effective thirty (30) days after this date of publication.

KINROSS CHARTER TOWNSHIP
JUNK ORDINANCE
ORDINANCE NO. 1.121

Adopted: December 17, 2001
Effective: January 21, 2002

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Kinross, Chippewa County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, trailers, dismantled or inoperable equipment and the accumulation of trash, junk, or of new or used parts thereof, within the Charter Township of Kinross and to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1: Name

This ordinance shall be known and cited as the Kinross Charter Township Junk Ordinance.

Section 2: Purpose

The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of trash, junk, rags, paper products, partially dismantled or non-operating motor vehicles, tractor trailers, trailers, dismantled or inoperable equipment and the accumulation of new or used parts thereof upon premises used or zoned for any type of residential purpose within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles, equipment or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles, equipment, junk, trash, or trailers upon adjoining residents and property owners.

Section 3: Definitions

Trash and Junk: The terms "Trash" and "Junk" are used synonymously and each as herein used shall include the following: Second-hand articles of any kind, such as, but not limited to used articles or used pieces of: cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead, scrap metal, rags, paper products, automobile bodies or parts of machinery, old machinery or parts, old cars stored for the purpose of dismantling and car parts stored for the purpose of sale or repair, lighting and plumbing fixtures. Also to include discarded materials such as, but not limited to construction scrap and debris, manufacturing by-products and other non-toxic or non-caustic wastes, 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.

Junk vehicles: Any motor vehicle or trailer, which does not have lawfully affixed thereto an unexpired license plate, registration sticker and/or any of the following:

1. Wrecked
2. Damaged
3. Dismantled
4. Partially dismantled
5. Inoperative
6. Abandoned
7. Discarded

Major repair: Any repair requiring more than a forty-eight (48) hour period to accomplish.

Section 4: Prohibitions

No person, firm, or corporation shall park, allow to be parked, stored, or place upon any public right-of-way or public property any trash or junk except in receptacles for not longer than a twenty-four (24) hour period while awaiting lawful disposal.

a) No person, firm, or corporation shall park, store, or place upon any premises that is used or is zoned for any type of residential purpose within the township, any motor vehicles, tractor trailers, trailers, ORV's, dismantled or inoperable equipment or cause to accumulate new or used parts therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning ordinances of the township or county, or laws of the State of Michigan, except for the following:

    1) Duly licensed and operable vehicles or trailers with all main component parts attached.

    2) Vehicles, trailers or equipment that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for a period not to exceed fourteen (14) days.

    3) Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or

stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof within any public right-of-way or upon public property. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any property used or zoned for any type of residential purpose for a period in excess of forty-eight (48) hours except work that takes into account all of the following:

1) Work that may be accomplished within a fully enclosed building.

2) Work that will not constitute a nuisance or annoyance to adjoining property owners or occupants for any of the following reasons:

(a) Is detrimental to the safety and welfare of the public;
(b) Tends to reduce the value of surrounding private property;
(c) Invites vandalism;
(d) Creates a fire hazard;
(e) Is an attractive nuisance creating a hazard to the health and safety of minors;
(f) Produces urban blight adverse to the maintenance and continuing development of municipalities; or
(g) Is a public nuisance by means of noise, odor, dust or glare.

3) Work that does not violate any provision of the Kinross Charter Township Zoning Ordinance or any other Kinross Charter Township Ordinance.

Any such work within the allowed forty-eight (48) hour period shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

c) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Kinross District Police Department and/or the Zoning Administrator of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed fourteen (14) days provided no adjoining property owner or occupant is unreasonably or adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 5. Exceptions

a) It shall be unlawful to park and/or store motor vehicles, tractor trailers, trailers, dismantled or inoperable equipment or to accumulate new or used parts on any

property utilized for residential purposes, as defined herein, however, the following activities are not included within the definition of junk and are exempt from the requirements of this ordinance:

(1) Equipment used in conjunction with farming operations conducted in accordance with generally accepted agricultural practices.

The Zoning Administrator shall determine whether any questionable equipment qualifies as farm equipment and therefore is or is not exempt from the requirements of this ordinance.

Section 6: Nuisance

Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to damages and the fines and penalties herein provided for.

Nothing in this Ordinance shall prohibit a private citizen or entity from bringing suit to abate a nuisance existent contrary to this ordinance.

Section 7: Construction

This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zoning district as defined in the Kinross Charter Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

Section 8: Severability Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion declared void or unenforceable.

Section 9: Penalty

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred ($500.00), or by imprisonment in the county jail for not to exceed ninety (90) days, or by both such fine and imprisonment, plus all reasonable costs of investigation and prosecution. Each day that a violation continues to exist shall constitute a separate offense. In addition to any remedies available at law, the township may bring a civil action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

Section 10: Attorneys Fees

Should suit be filed pursuant to this Ordinance and judgment has been entered on behalf of the Plaintiff, the Plaintiff may tax actual attorneys fees involved with the enforcement as well as out-of-pocket expenses.

Section 11: Ordinance Repeal

Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 12: Effective Date

This ordinance shall take effect on January 21, 2002, thirty (30) days after adoption and publication.

KINROSS CHARTER TOWNSHIP
DANGEROUS BUILDING ORDINANCE
ORDINANCE NO. 1.122

CHARTER TOWNSHIP OF KINROSS
COUNTY OF CHIPPEWA, STATE OF MICHIGAN

Adopted: January 21, 2002

Effective: February 27, 2002

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Kinross, County of Chippewa Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict herewith.

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Kinross Township Dangerous Building Ordinance.

SECTION 2

PURPOSE

The purpose of this ordinance is to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Kinross, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide penalties for the violation of said ordinance; to provide for assessment of the cost in making safe or demolition of said dangerous buildings.

SECTION 3

DEFINITIONS OF DANGEROUS BUILDINGS

As used in this Ordinance, the term “dangerous” building means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions.

A. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code of the State of Michigan, it shall be considered that such building does not meet the requirements of this ordinance.

B. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Housing Law of the State of Michigan, being PA 167 of 1917, as amended, for a new building or similar structure, purpose or location.

C. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan being PA 167 of 1917, as amended.

E. Whenever the building, structure, or any part, because of dilapidation, deterioration, decay, faulty construction, or because the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reasons, is likely to partially or completely collapse or some portion of the foundation of underpinning is likely to fall or give away.

F. Whenever, for any reason whatsoever, the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

G. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

H. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Chippewa County Health Department, or is likely to work injury to the health, safety or general welfare of those living or working within.

I. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION 4

COMPLIANCE

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

SECTION 5

PROCEDURES FOR NOTIFICATION

A. When the whole or any part of any building or structure is found to be in a dangerous condition, the County Building Official shall issue a notice of the dangerous condition.

B. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last assessment roll of the Township.

C. The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

D. All such notices required by this Ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail - Return receipt requested; addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION 6

PROCEDURES FOR HEARINGS

A. The County Building Official shall file a copy of the notice of the dangerous condition of any building with the township, through it's designee or the Township Board.

B. At any hearing held, the Township Board shall take testimony of the County Building Official, the Zoning Administrator, the owner of the property, and any

other interested party. Upon the taking of such testimony, the Township Board shall render its decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

C. If it is determined by the Township Board that the building or structure should be demolished or otherwise made safe, they shall so order, fixing a time in the order for the owner or party in interest to comply therewith.

D. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, a copy of such findings and order of the Township Board shall be served on the owner or party in interest in the manner prescribed in Section 5, subsection D.

SECTION 7

PROCEDURES OF THE TOWNSHIP BOARD

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Kinross Charter Township Board or designee, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or to make the building safe shall be a lien against the real property and shall be reported to the assessing officer of the township who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local assessment records of the Township shall be notified of the amount of such cost by First Class Mail at the address shown on the records.

If owner or party in interest fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Kinross, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the township.

SECTION 8

APPEAL

An owner or party in interest aggrieved by any final decision of the Kinross Township Board may appeal the decision or order to the Circuit Court for the County of Chippewa by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

SECTION 9

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking injunctive or other relief.

Any person who violates any of the provisions of this ordinance shall be charged the cost of the demolition and/or the cost to make the building safe.

SECTION 10

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION 11

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provisions in the Kinross Charter Township Zoning Ordinance or the Township or County Building Codes.

SECTION 12

EFFECTIVE DATE

This Ordinance shall take effect on the thirtieth (30) day following publication.

KINROSS CHARTER TOWNSHIP
WATER ORDINANCE
ORDINANCE NO. 1.123

Adopted: March 4, 2002
Published: March 14, 2002
Effective: April 13, 2002

AN ORDINANCE TO ESTABLISH, REGULATE AND PROVIDE FOR THE USE OF THE WATER SYSTEM, THE INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICE, CROSS CONNECTION CONTROL, TO AMEND ORDINANCE NO. 28 AND RECODIFY ALL ASSOCIATED AMENDMENTS TO ORDINANCE NO. 28 AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF IN THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ARTICLE 1 - SHORT TITLE

This Ordinance shall be known as the "Water Ordinance" and may be cited as such.

ARTICLE 2 - DEFINITIONS

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

"Approved" means approved by the Township and the Michigan Department of Public Health.

"Backflow" is the flow of water or other liquids, mixtures or substances into the Water System from any source other than its intended source, due to either backpressure or back siphonage.

"Backflow Preventer" is a device to prevent Backflow.

"Contamination" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water non-potable.

"Connection Charge" shall mean the amount charged for the installation and inspection of a Service Connection and Meter at the time, and in the amount hereinafter provided, to each premises in the Township, which connects to the Water System.

"Cross Connection" is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore,

it is any Potable water supply outlet, which is submerged or can be submerged in wastewater and/or any other source of Contamination. See “Backflow”.

“Customer” shall mean the person who owns or, under the conditions set forth in *Article 11, Section 3 of this Ordinance*, leases premises which are connected to the System and divided into classes by similar process or discharge flow characteristics such as “Residential”, “Commercial”, “Institutional”, “Governmental” and “Industrial”.

“Residential Customer” shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multi-family dwelling units, that is served by an individual water meter or service connection and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

“Commercial Customer” shall mean any retail or wholesale business engaged in selling merchandise or a service or multi-family dwelling units served by a single water meter or having a single service connection.

“Institutional Customer” shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, correctional facility or other institutional user.

“Governmental Customer” shall mean any federal, state or local government office or government service facility.

“Industrial Customer” shall mean any manufacturing establishment, which produces a product from raw or purchased material.

“Customer Service Charge” shall mean the charge levied to all Customers for miscellaneous services and related administrative costs associated with the Water System and Sewer System.

“Health Hazard” is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Township, may create by Contamination or otherwise, a danger to the health and well being of the Customer. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

“Inspector” means the person responsible for inspecting connection to the Public Water or Sewer System and for inspection of other components of the Systems to ensure compliance with the Ordinance as to avoid damage to the Systems, or his duly authorized representative.

"Inspection Fee” means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to either or both Systems to cover the routine cost of inspecting and approving the physical connection of the Building to the System.

“Lateral” means the extension of the Public Water laterally from the local or main to the property line of the Premises adjacent to the path of the Public water main including the wye branch.

“Lateral Fee” means the fee charged by the Township to construct and install a Lateral.

“May” is permissive.

“Meter” means an instrument for measuring the rate of flow of Public Water.

“Meter Fee” means the amount charged to each water permit applicant to cover the cost of the Meter and/or its installation, or its replacement.

“Miscellaneous Customer Fee and Charges” means the amount charged to Customers for miscellaneous services and related administrative costs associated with the Water or Sewer Systems, including additional fees for inspections required by the Township, expenses of plan review, and similar expenses authorized by this Ordinance.

"O, M&R Charge” means the periodic charge levied on all Customers for Operation, Maintenance and Replacement Costs.

“Operation, Maintenance and Replacement Costs" shall mean all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include a reasonable allowance for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

“Person” shall mean any individual, firm, company, association, society, corporation, or group.

“Plumbing System” includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

“Premises” means a parcel of property or lot and includes appurtenant land and improvements.

“Public” is water provided by the Municipal Water System.

“Reduced Pressure Principle Backflow Preventer” is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

"Safe Air Gap" or "Air Gap" means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a future device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve (12) inches.

"Secondary Water Supply" shall mean a water supply system maintained in addition to the Water System, including water systems from ground or surface sources or water from a Public Water supply system which, in any way, has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

"Security Deposit" and **"Lessee Liability Affidavit Fee"** are interchangeable words, and for the purposes of this ordinance, refer to the same fee.

"Service Connection" means the corporation cock, service lateral, and curb stop that conveys Public Water from the Township mains to the property line.

"Service Line" means a pipe extending from the property line into the Premises supplied with Public Water.

"Submerged Inlet" shall mean a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

"Township" means the Charter Township of Kinross, Chippewa County, Michigan, as represented by the Kinross Township Board.

"Water and Sewer Fee Schedule Resolution" shall mean a resolution setting fees, charges and deposits associated with this ordinance.

"Water, Non-potable" is water that is not safe for human consumption or that is of questionable potability.

"Water, Potable" is water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Public Health.

"Water System" or "System" means all facilities of the Township and all subsequent additions, including wells, pumps, mains, hydrants, storage tanks, Service Connections, Meters, and all other facilities used or useful in the pumping, treatment, and distribution of Public Water.

ARTICLE 3 - OPERATION AND MAINTENANCE

Section 1. The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as

it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 2. The Customer is responsible for the maintenance and repair of the Service Line as defined.

ARTICLE 4 - SERVICE CONNECTIONS

Section 1. Prior to the installation of a Service Connection, a prospective Customer must file a permit application for such Service Connection on an application form to be supplied by the Township. The application must be accompanied by payment in full of the Connection Charge and such other charges or deposits required by this Ordinance.

Section 2. Service Connections shall be installed only by the Township or its authorized representative and only after approval of the permit application by the Township.

Section 3. All Service Lines shall be installed in an approved manner by a licensed plumber at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the *State Plumbing Code*.

Section 4. All Service Connections and Service Lines shall be of Type "K" copper of size and quality. All underground fittings and connections shall be approved. No Service Connection of less than three quarter (3/4) inch diameter will be permitted. Service Connections of larger size shall be determined and approved by the Township.

Section 5. All Service Connections and Service Lines must be laid on solid ground not less than six (6) feet below finished grade. The installation must be inspected by the Township or its authorized representative, prior to use. A distance of ten (10) feet from all sewer or septic lines must be maintained.

Section 6. No Service Connection shall be installed where the Service Line is in line with (under) a driveway, tree, fire hydrant, catch basin or other obstruction.

Section 7. No Person shall obstruct or interfere in any way with any Service or other appurtenances of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, soil, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 8. Service Lines shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Township. The expense of repairing or thawing the Service Line, if frozen, shall be borne by the Customer. The Service Line, as repaired or thawed, shall not be covered until inspected and approved by the Township or its authorized representatives.

Section 9. The Township may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 10. A single Service Connection shall not serve more than one (1) Premises unless approved by the Township, even though the ownership of the adjacent Premises may be the same; provided, however, that where a duplex or multiple family dwelling is served by a single Service Connection, each living unit shall be metered separately.

Section 11. All Service Connections and Service Lines installed prior to the adoption of this Ordinance shall conform to the standards set forth in this *Article* and shall be subject to inspection by the Township or its authorized representative. Any replacement or improvement costs necessary to bring the Service Connection and Service Line into conformity with this *Article* shall be borne by the Customer.

Section 12. All excavation for Service Connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the Customer's expense.

ARTICLE 5 - METERS

Section 1. The Public Water used by each Customer shall be metered. The Meter will be furnished, installed, tested and maintained by the Township at the Customer's expense and shall remain the property of and under the control of the Township. Said expense shall be billed to the Customer and collected in the same manner as any Customer Service Charge.

Section 2. Meters for ordinary domestic service shall be of five eighths (5/8) inch x three quarters (3/4) inch size. The Meter shall contain remote readouts. A separate gate valve the same size as the Meter connections shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to size shall be made by the Township. Larger sizes may be required for industrial, commercial or multiple dwelling use.

Section 3. Meters shall be set in an accessible location and in a manner approved by the Township. Where due to unusual circumstances it is necessary to place the Meter in a pit, such pit shall be installed by the Township at the expense of the Customer as directed by the Township.

Section 4. The Township shall have the right to shut off the Public Water to any Customer where access is not available to the Meter. Qualified employees of the Township shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 5. Any damages to a Meter resulting from intentional harm, carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid immediately by the Customer upon presentation of the bill therefore. The same shall be collected in the same manner as any Customer Service Charge.

Section 6: Any Meter installed prior to adoption of this Ordinance shall be subject to inspection and testing by the Township. All repair or replacement costs shall be borne by the Customer.

Section 7. If any Meter shall fail to register properly, the Township shall estimate the consumption of Public Water and bill accordingly.

Section 8. The Customer may require that a Meter be tested upon depositing a sum, which shall be established by a Resolution of the Township Board. If the Meter is found to register more than two percent (2%) fast, the deposit shall be returned to the Customer. If the Meter is found to register less than two percent (2%) fast, the Township shall retain the deposit.

Section 9. When the Township, on its own initiative, tests a Meter and finds same to register five percent (5%) or more slow, the Township may estimate such consumption loss for the previous six (6) months and bill accordingly.

ARTICLE 6 - FIRE HYDRANTS

Section 1. No Person shall open or cause to be opened, any fire hydrant except for authorized employees of the Township except in the case of an emergency, without first securing a "Permit to Use Fire Hydrant" from the Township and paying a deposit, which shall be established by a Resolution of the Township Board, to the Township. Such Person must report to the Township when such use is terminated, at which time a hydrant inspection will be made by the Township. The cost of the estimated amount of Public Water used and the cost of any necessary repair, if needed, shall be deducted from the deposit and the difference (if any) shall be refunded to the permit holder. If the deposit is insufficient to cover said costs, the permit holder shall pay the difference.

Section 2. The Township must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.

Section 3. No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person.

ARTICLE 7 - WATER MAIN EXTENSIONS

Section 1. Extension of or changes in the Water System may be initiated by the Township or by petition from property owners. The Township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

If the petition is granted, the Township will proceed as promptly as practical with the proposed work under the terms and conditions named. The said work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

ARTICLE 8 - SYSTEM USE

Section 1. No Person other than an authorized employee of the Township shall turn on or off any Service Connection without the written permission of the Township.

Section 2. It shall be unlawful for any Person to do any of the following:

a. Damage or destroy any portion of the Water System;

b. To do anything which will in any way contaminate the Water System; or

c. To connect any pipe to said Water System or take or run any water from the lines of said System without complying with all the provisions of this Ordinance.

Section 3. The Township may stop service to any Customer at any time for any reason. The Township shall give reasonable notice except during emergencies and conditions of imminent hazard. The Township shall not be liable for any damages caused by the failure of a Customer to receive Public Water for any reason, including the shutting off, of such supply by the Township, nor shall the Township be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 4. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Township may condemn or discontinue the service to the Premises and require that the same be repaired or replaced as directed by the Township at the expense of the Customer.

Section 5. No Person, except an authorized employee of the Township in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Township therefore and for the loss of water caused thereby and shall be responsible for any damage caused by escaping water.

Section 6. Should it become necessary to shut off water from any section of the Water System because of any accident or for the purpose of making repairs or

extensions, the Township will endeavor to give timely notice to the Customers affected thereby and will, so far as practical, use reasonable efforts to prevent inconvenience and damage arising from any such causes, but the failure of a Customer to receive such notice shall not render the Township responsible or liable in damage for any inconvenience, injury, or loss which may result there from.

ARTICLE 9 - PROHIBITING CROSS-CONNECTIONS

Section 1. The Township adopts by reference the *Water Supply Cross Connection rules of the Michigan Department of Public Health being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as amended*.

Section 2. The Township shall develop a comprehensive control program for the elimination and prevention of all Cross Connections. The plan for the program shall be submitted to the Michigan Department of Public Health for review and approval. After the plan has been approved by the Michigan Department of Public Health, the Township shall implement the program for removal of all existing Cross Connections and prevention of all future Cross Connections.

Section 3. All devices for the prevention of Cross Connection shall be approved. The devices shall be installed in good working condition at the Customer's expense. The Township will inspect, routinely, such devices and, if found to be defective or inoperative, shall require replacement thereof.

Section 4. The Customer shall obtain prior written approval from the Township before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Township shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross Connection has not been removed within the time specified, the Township shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person.

Section 5. When a Secondary Water Supply is used in addition to the Water System, or in other high-risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the *American Water Works Association Standard Color Code* and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so tailed that it is impossible to trace in its entirety, it shall be considered a Cross Connection.

Section 6. A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is approved.

Section 7. It shall be the responsibility of the Customer to maintain Cross-Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 8. Periodic testing and inspection schedules shall be established by the Township for all Cross Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one (1) year, and overhaul intervals should not exceed five (5) years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when Approved. Certified testing of a Reduced Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an annual basis. Records of the test as well as records of repair shall be provided to the Township by the Customer.

Section_9. The Township is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross Connection exists. The Township may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such property shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge.

Section 10. The Township shall immediately stop water service to any Customer discovered to have a Cross Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

ARTICLE 10 - WATER RATES, CHARGES AND DEPOSITS

Section 1. All Premises connected to the Water System, except as hereinafter provided, shall be charged and make monthly payments to the Township in amounts computed on the basis of this *Article*.

Section 2. Each Customer shall pay an O, M&R Charge based on the Customer's metered water usage. The charge shall be determined monthly pursuant to a rate authorized and established by a Water and Sewer Fee Schedule Resolution of the Township Board. The Water and Sewer Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

Section 3. The Township shall, from time to time, establish a Customer Service Charge, as necessary, based upon miscellaneous services and related administrative costs associated with the Water System.

Section 4. The Customer shall be charged a New Account Fee whenever the Department of Public Works is requested by the customer to install a meter and turn on water service. (A Security Deposit or Proof of Ownership will still be needed on the new address.) In the case of a Name Change, where the meter is read only, the charge will be at a reduced rate as stated in the Water and Sewer Fee Schedule Resolution.

Section 5. All Premises connecting to the Water System shall pay a Connection Charge as established in the Water and Sewer Fee Schedule Resolution. The Connection Charge shall be billed and payable pursuant to *Section 1 of Article 4* of this Ordinance.

Section 6. Miscellaneous Customer Fees and Charges.

(a) The Township shall, from time to time, establish or charge Miscellaneous Customer Fees and Charges, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, services to turn service on and off. The Customer shall be charged a fee, established by resolution of the Township Board from time to time, whenever the Township is requested by the Customer to turn on or off service. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

(b) In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Water, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review, in accordance with a schedule of staff charges approved by resolution from time to time.

ARTICLE 11 - PAYMENTS AND COLLECTIONS

Section 1. Bills for the rates and charges set forth in *Sections 2, 3 and 4 of Article 10* shall be dated and mailed monthly. These monthly bills shall be due and payable at the business office of the Township or to any designated agent on the due date, as stated in the fee schedule resolution. If not paid by the due date, a penalty charge, as provided for in the Water and Sewer Fee Schedule Resolution shall be added.

Section 2. If rates and charges imposed by *Article 10* are not paid on or before their respective due date, the Township, pursuant to *Public Act 178 of 1939, as amended,* may;

(i) Discontinue the services provided by the Water System by disconnecting the Service Line from the Service Connection or by turning off the curb stop, 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 shutting off and turning on the service, shall be paid to the Township;

(ii) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

(iii) Enforce the lien created in *Section 3* 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 in equity. Under no circumstances shall action taken by the Township to collect unpaid water charges, penalties and interest, invalidate or waive the lien created by *Section 3* below.

Section 3. Except as set forth below, the rates and charges imposed by *Article 10* shall be a lien on the respective Premises served by the Water System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September 15, of each year to the Assessing Officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to a Premises which is subject to a legally executed lease that expressly provides that the Premises' lessee, and not the Premises' lessor, shall be liable for payment of water rates and charges for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit, which, upon the failure of the lessee to pay the rates and charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the lessee to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in *Section 1 and Section 2 of this Article* shall be applicable.

Section 4. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 5. Any rates and charges for water service rendered prior to the effective date of this Ordinance are hereby ratified and shall be collected pursuant to *Article 11* and the Township shall pursue all remedies pursuant to *Article 11* upon failure of a Customer to pay said rates and charges.

Section 6. All bills and notices relating to the conduct of the business of the Township and of the Water System will be mailed to the Customer's address unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 7. Applications for connection permits may be cancelled and/or water 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 permit application as to the nature or extent of the property to be serviced by the System.

B. Nonpayment of bills.

C. Improper or imperfect and/or failure to keep Service Lines in a suitable state of repair.

D. Damage to any part of the Water System.

E. Existence of a Cross Connection.

F. Misrepresentation in the permit application of the parties seeking service for prior use history.

Section 8. Where the water service supplied to a Customer has been discontinued for nonpayment of delinquent bills, the Township reserves the right as a condition to reconnect said service to request that a nominal sum, as determined by the Water and Sewer Fee Schedule Resolution, be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for rates and charges. Service shall not be reestablished until all delinquent charges and penalties, and a turn on charge has been paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 9. Any Customer has the right to appeal any rates or charges levied in accordance with this Ordinance. Appeals shall be directed to the Township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for rates and charges outstanding during the appeals process, including all penalties or delinquency charges, shall continue to be due and payable. Upon resolution of the appeal, the Township shall, if necessary, adjust said rates and charges accordingly, including any refunds due. Refunds shall be retroactive to the previous twelve (12) months billings only.

ARTICLE 12 - POWERS AND AUTHORITY OF TOWNSHIP EMPLOYEES

Section 1. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of inspection, observation, measurement,

sampling, testing and investigation in accordance with the provision of this Ordinance.

Section 2. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Township all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 3. While performing the duties in *Sections 1 and 2* above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises as established by the Customer; and as established by the Township.

ARTICLE 13 - PENALTIES

Section 1. 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 System.

Section 2. Except as provided in *Section 1* 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 3. Any Person who violates *Section 1*. or who shall continue any violation beyond the time limit provided for in *Section 2* shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars ($500) for each violation or shall be imprisoned in the County jail for a maximum of ninety (90) days or shall be subject to both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 4. Any Person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, including actual attorney's fees, loss, or damage occasioned by the Township by reason of such violation.

ARTICLE 14 - REPEAL

Section 1. All ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed.

ARTICLE 15 - VALIDITY

Section 1. The invalidity 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.

ARTICLE 16 - PUBLICATION AND EFFECTIVE DATE

Section 1. A true copy of this Ordinance shall be published in a newspaper of general circulation within thirty (30) days after it's adoption.

Section 2. The Township Clerk shall file or cause to be filed an attested copy of this Ordinance with the County Clerk.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided for by law.

ARTICLE 17 - AMENDMENT

Section 1. The Township specifically reserves the right to amend this Ordinance in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the Water and Sewer Fee Schedule Resolution.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on March 4, 2002.

KINROSS CHARTER TOWNSHIP
SEWER ORDINANCE
ORDINANCE NO. 1.124

Adopted: March 4, 2002
Published: March 14, 2002
Effective: April 13, 2002

AN ORDINANCE TO ESTABLISH, REGULATE AND PROVIDE FOR THE USE OF PUBLIC AND PRIVATE SEWERS, THE INSTALLATION OF BUILDING SEWERS, THE DISCHARGE OF WATER AND SEWAGE INTO THE SANITARY SEWERS, THE IMPOSITION AND THE COLLECTION OF RATES AND CHARGES, TO AMEND ORDINANCE NO. 29 AND RECODIFY ALL ASSOCIATED AMENDMENTS TO ORDINANCE NO. 29 AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF IN THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN.

THE TOWNSHIP OF KINROSS ORDAINS:

ARTICLE 1 - SHORT TITLE

Section 1. This Ordinance shall be known as the "Sewer Ordinance" and may be cited as such.

ARTICLE 2 - DEFINITIONS

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

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage System which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the Building Drain to the Service Lateral or other place of disposal.

"Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the System was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term substantial degree generally means removals within NPDES permit requirements.

"Combined Sewer" shall mean a sewer receiving both surface runoff and Sewage.

"Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Township, which connects to the System.

"Customer" shall mean the person who owns or, under the conditions set forth in *Article 10, Section 3* of this Ordinance, leases premises which are connected to the System and divided into classes by similar process or discharge flow characteristics such as "Residential", "Commercial", "Institutional", "Governmental" and "Industrial".

"Residential Customer" shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multi-family dwelling units, that is served by an individual water meter or service connection and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

"Commercial Customer" shall mean any retail or wholesale business engaged in selling merchandise or a service or multi-family dwelling units served by a single water meter or having a single service connection.

"Institutional Customer" shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, correctional facility or other institutional user.

"Governmental Customer" shall mean any federal, state or local government office or government service facility.

"Industrial Customer" shall mean any manufacturing Premises, which produces a product from raw or purchased material.

"Customer Service Charge" shall mean the charge levied to all Customers for miscellaneous services and related administrative costs associated with the System.

"County" shall mean Chippewa County.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Incompatible Pollutant" shall mean any pollutant that is not a Compatible Pollutant, as defined in *Section 4*.

"Industrial Wastes" means the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

"Infiltration" means any waters entering the Sanitary Sewers from the ground through such means as, but not limited to defective pipes, pipe joints, connections or manhole walls, infiltration does not include, and is distinguished from, inflow.

"Inflow" mesas any waters entering the Sanitary Sewers through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

“Infiltration/Inflow” means the total quantity of water from both infiltration and inflow.

“Interceptor Sewer Lines” means those lines whose basic function is to collect wastewater from two (2) or more separate trunk sewer lines and to transport such wastewater to the Sewage Treatment Plant.

“Inspector” means the person responsible for inspecting connection to the Public Water or Sewer System and for inspection of other components of the Systems to ensure compliance with the Ordinance as to avoid damage to the Systems, or his duly authorized representative.

"Inspection Fee” means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to either or both Systems to cover the routine cost of inspecting and approving the physical connection of the Building to the System.

“Lateral” means the extension of the Public Sewer laterally from the local or main collector sewer to the property line of the Premises adjacent to the path of the Public Sewer including the Wye Branch.

“Lateral Fee” means the fee charged by the Township to construct and install a Lateral.

“May” is permissive.

“Meter” means an instrument for measuring the rate of flow of Public Water.

“Meter Fee” means the amount charged to each water permit applicant to cover the cost of the Meter and/or its installation, or its replacement.

“Miscellaneous Customer Fee and Charges” means the amount charged to Customers for miscellaneous services and related administrative costs associated with the Water or Sewer Systems, including additional fees for inspections required by the Township, expenses of plan review, and similar expenses authorized by this Ordinance.

“Natural Outlet” shall mean any outlet into a watercourse, pond, ditch or other body of surface or groundwater.

“Normal Strength Sewage” shall mean a sanitary wastewater flow containing an average daily BOD pursuant to the rate schedule outlined in the Water and Sewer Fee Schedule Resolution.

“NPDES Permit” shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of Sewage into the waters of the State.

“O, M&R Charge” shall mean the charge levied on all Customers for Operation, Maintenance and Replacement costs associated with the System.

"Operation, Maintenance and Replacement Costs" shall mean all costs, direct and indirect, necessary to provide adequate Sewage collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long term management of the System and shall include a reasonable allowance for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the System.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

"PH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

"Premises" shall mean a parcel of property or lot and includes appurtenant land and improvements.

"Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned Pretreatment facilities prior to discharge into the System.

"Private Disposal System" shall mean a facility such as a septic tank, cesspool, or other facility intended or used for the disposal of Sewage.

"Properly Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the System, with no particle greater than one half (1/2) inch in dimension.

"Sanitary Sewer" shall mean a sewer which carries Sewage and to which storm, surface and ground waters are not intentionally admitted and which all owners of abutting properties have equal rights and which is controlled by the Township.

"Service Lateral" shall mean the pipe extending from the Sanitary Sewer to the Customer's property line, including the Wye Branch.

"Sewage" shall mean a combination of the water carried wastes from residential, business buildings, institutions and industrial Premises, together with such ground, surface and storm waters as may be present.

"Sewage Treatment Facility" shall mean the arrangement of devices and structures used by the Township for treating Sewage.

"Shall" is mandatory.

"Slug" shall mean any discharge of Sewage or Industrial Waste, which, in concentration of any given constituent, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration during normal operation.

"Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes, other than unpolluted cooling water.

"Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, Sewage or other liquids and which can be removed by laboratory filtering.

"System" shall mean all facilities of the Township and all subsequent additions, including all Service Laterals, Sanitary Sewers, pumps, lift stations, Sewage Treatment Facility, and all other facilities used or useful in the collection, treatment and disposal of Sewage, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

"Township" shall mean the Charter Township of Kinross, Chippewa County, Michigan, as represented by the Kinross Township Board.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Water and Sewer Fee Schedule Resolution" shall mean a resolution setting fees, charges and deposits associated with this ordinance.

"Wye Branch" shall mean the portion of the Service Lateral connected to the Sanitary Sewer that is made at an angle similar to a "wye" so that a sewer-cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

ARTICLE 3 - OPERATION AND MAINTENANCE

Section 1. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 2. The property owner is responsible for the cost of maintenance and repair of the sewer lateral from the building to the sewer main. Any repair necessary outside the boundary of the customers property shall be done by the township or contractors approved by the township.

ARTICLE 4 - REQUIRING USE OF SANITARY SEWERS

Section 1. It shall be unlawful for any Person to place, deposit or permit to be deposited any Sewage upon public or private property within the Township in any unsanitary manner.

Section 2. It shall be unlawful to discharge to any Natural Outlet within the Township, or in any area under the jurisdiction of the Township, any Sewage, Industrial Waste or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of Sewage.

Section 4. Any structure in which Sewage originates within the Township shall be connected to any available Sanitary Sewer within ninety (90) days after publication by the Township of this ordinance and a legal notice of availability of a Sanitary Sewer in a newspaper of general circulation in the Township. For purposes of this section, a Sanitary Sewer shall be considered to available when it is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property in question and passes not more than two hundred (200) feet *(MCL 333.12751)* at the nearest point from the structures in which sewage originates. For purposes of this section, the phrase "structure in which Sewage originates" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities that generate Sewage or Industrial Wastes are used or are available for use for household, commercial, industrial or other purposes. If the structure in which Sewage or Industrial Wastes originates has not been connected to an available Sanitary Sewer within said ninety (90) day period, then the Township shall require the connection to be made in accordance with *Public Act 368 of 1978 MCL 333.12754, as amended*, which provides that the Township may bring an action for a mandatory injunction or order in the applicable court of jurisdiction to compel the immediate connection of the subject Premises to the System. In said proceeding, the Township shall have the rights and remedies provided in said *Public Act 368 of 1978*, as well as all rights and remedies provided by this Ordinance.

Section 5. Plats for Premises located in the Township within the former Kincheloe Air Force Base and subdivided into four (4) or more lots or parcels shall not be approved by the Township after the effective date of this Ordinance unless an extension to the System is constructed to serve all lots or parcels in the plat in compliance with the construction and capacity requirements of the Township's reviewed by the Township engineer, all at the cost of the owner of the Premises. This is intended to implement the provisions of the *Subdivision Control Act of 1967 (Act 288 of the Public Acts of Michigan of 1967, as amended), the Kinross Charter Township Subdivision Control Ordinance and the Kinross Charter Township Well Head Protection Plan.*

ARTICLE 5 - PRIVATE SEWAGE DISPOSAL

Section 1. Where a connection to the System is not available under the provisions of *Article 4, Section 4*, the Building Sewer shall be connected to a Private Disposal System complying with all requirements of the Chippewa County Health Department.

Section 2. At such time as the System becomes available to a property served by a Private Disposal System, as provided in *Article 4, Section 4*, a direct connection shall be made to the Sanitary Sewer in compliance with this Ordinance; and any septic tank, cesspool or similar Private Disposal System shall be abandoned, pumped out and filled with clean sand.

Section 3. The owner of the Premises shall operate and maintain the Private Disposal System in a sanitary manner at all times, at no expense to the Township.

Section 4. A Person operating and maintaining a Private Disposal System pursuant to this *Article* shall comply with any additional requirements that may be imposed by the Michigan Department of Public Health or the Michigan Department of Natural Resources.

ARTICLE 6 - BUILDING SEWERS AND CONNECTIONS

Section 1. No one, except a plumber or contractor authorized by the Township shall uncover, make any connection with or opening into, use, alter or disturb any part of the System or appurtenances thereof, without first obtaining a written permit from the Township. Before the Township issues such a permit the plumber or contractor, as the case may be, shall deposit with the Township a bond with corporate surety in the sum as provided for in the water and sewer fee schedule resolution, conditioned that he or she 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 plumber or contractor, as the case may be, will indemnify and save harmless the Township and the Customer against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his or her part in connection with plumbing, Service Laterals, or excavating for plumbing or sewer connection as prescribed in this ordinance. Such bond 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 there under prior to such expiration. The permit shall also require proof of public liability insurance for the protection of the Township, the Customer, and all Persons, to indemnify them for all damages caused by accidents attributable to the work, with limits as provided in the water and sewer fee schedule resolution.

Section 2. Excavations. All excavations for Lateral installation and connection to the Public Sewer 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. No such work shall be commenced before such owner obtains the necessary permission to work in the public right-of-way from the Township and the County Road Commission

Section 3. Maintenance of Building Drain Building Sewer and Lateral.

(a) The owner of a Premises shall be responsible for the maintenance and repair of the Building Drain and Building Sewer. Existing Building Sewers shall meet all requirements of this Ordinance Wherever any examination determines that an existing Building Sewer does not meet the requirements of this Ordinance and the Township determines that the connection is creating a health hazard, odor or public nuisance, or environmental hazard the Building Sewer shall be reconstructed at the Customer’s expense.

(b) The Lateral is part of the System, however, because the Lateral services only an individual Premises, the cost of maintenance, repair or replacement of a Lateral shall be the responsibility of the owner of the Premises which is served by the Lateral. Any necessary maintenance, repair or replacement shall be performed by an authorized contractor at the expense of the Customer, in the manner provided for installation of new laterals or by the Township, and the cost thereof imposed against the Customer as a Miscellaneous Customer Fee.

Section 4. All new buildings or buildings requiring new Building Sewers must obtain a permit for connection. The Customer or his agent shall make application for the permit on a special form furnished by the Township. In addition to compliance with the terms of *Section 1* above, the permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Township. The applicable Connection Charge, as established by the Township, shall be paid to the Township at the time the application is filed.

Section 5. All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the Customer. The Customer or the Person installing the Building Sewer for said Customer shall indemnify the Township from any loss or damage that may directly or indirectly be caused by the installation of the Building Sewer.

Section 6. 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 building 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. Other exceptions will be allowed only by special permission granted by the Township. Plumbing fixtures installed in accessory buildings and drains carrying Sewage shall be connected to the Sanitary Sewer.

Section 7. Old Building Sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and testing by the Township to meet all requirements of this Ordinance.

Section 8. The Building Sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications.

a.) Plastic (ABS) ASTM 0 1527 SDR 35
b.) Plastic (PVS) ASTM 0 1785 SDR 35
c.) Vitrified Clay (VC) ASTM C-700 Extra Strength
d.) Asbestos-Cement (AC) ASTM C-428 Cl-2400
e.) Cast Iron Extra Heavy ASTM A-74
f.) Non-reinforced Concrete ASTM C-14 Extra Strength

Section 9. The size and slope of the Building Sewers shall be approved by the Township, but in no event shall the diameter be less than four (4) inches. The minimum grade shall be as follows:

6-inch pipe - 1/8” per foot or 1” per 8 feet
4-inch pipe - 1/4” per foot or 2” per 8 feet

Section 10. Whenever possible, the Building Sewer shall be brought to the buildings at an elevation below the basement floor. No Building Sewer shall be laid parallel to, or within three (3) feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the work has been inspected by the Inspector or his or her representative.

Section 11. In all buildings in which any Building Drain is too low to permit gravity flow to the Sanitary Sewer, Sewage carried by such drains shall be lifted by artificial means and discharged to the Building Sewer.

Section 12. The connection of the Building Sewer into the Sanitary Sewer shall be made at the Wye Branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated Wye Branch in the Sanitary Sewer main shall be made only as directed by the Township.

Section 13. The applicant for the Building Sewer shall notify the Township when the Building Sewer is ready for inspection and connection to the Sanitary Sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

Section 14. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the expense of the Customer.

Section 15. No connection will be allowed unless there is capacity available in the System as determined by the Township.

ARTICLE 7 - USE OF THE SANITARY SEWERS

Section 1. No Person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into the System.

Section 2. Storm water and all other unpolluted drainage shall be discharged to sewers or drains specifically designated of such use, or to a Natural Outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a Storm Drain or Natural Outlet.

Section 3. Except as hereinafter provided by specific limits, no Person shall discharge any of the following described waters or wastes into the System.

(a) Chlorine demand in excess of fifteen (15) mg/1.

(b) Color (as from, but not limited to, dyes, inks or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.

(c) Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil or other flammable waste.

(d) Garbage not properly shredded (no particle size greater than one half (1/2) inch).

(e) Grease, oil, wax or fat, whether emulsified or not, in excess of fifty (50) mg/1 or quantities which disrupt treatment or other substances which may solidify or become viscous at temperatures between thirty two (32) Deg. F and one hundred and fifty (150) Deg. F.

(f) Wastes which contain the following substances in concentrations exceeding limitations set forth by State or Federal agencies to protect the Sewage Treatment Works or receiving waters, to minimize deleterious concentrations in sludge's, and/or comply with NPDES Permit limitations.

Arsenic
Cyanide
Cadmium
Hexavalent Chromium
Total Chromium
Copper
Iron
Nickel
Lead
Mercury
Phenols
Zinc

Any other compound or substance in quantities which, individually or collectively, impair the operation or maintenance of the System or which are prohibited by State or Federal Regulations

(g) Inert Suspended Solids (such as, but not limited to, Fuller earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations.

(h) Insoluble, solid or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, and fleshings).

(i) Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur oxide, or oxides of nitrogen) and other substances capable of public nuisance.

(j) pH levels exceeding levels defined in the Water and Sewer Fee Schedule Resolution.

(k) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

(l) Temperature of wastes less than thirty two (32) Deg. F and greater than one hundred and fifty (150) Deg. F.

(m) Water or wastes containing substances which are not amenable to treatment or reduction by the Sewage Treatment Facility, or are amenable to treatment to only such degree that the Sewage Treatment Facility effluent or sludge cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters and sludge disposal.

(n) Discharges that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Township, is a nuisance in the treatment process.

Section 4. If any Sewage is discharged, or is proposed to be discharged, to the System, which contains the substances or possesses the characteristics enumerated in *Section 3 of this Article*, and which in the judgment of the Township may have a deleterious effect upon the Sewage Treatment Facility, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitutes a public nuisance, the Township may:

(a) Reject the Sewage.

(b) Require Pretreatment to the level defined as “Normal Strength Sewage”.

(c) Require Pretreatment to an acceptable level (other than Normal Strength Sewage) and in accordance with applicable Federal and State Pretreatment regulations for discharge to the Sanitary Sewers.

If the Township permits the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Township and subject to the requirements of all applicable codes, ordinances and laws.

Section 5. The Township shall require that each Industrial Customer file with the Township the material listed below. The Township may require the same information from any non-industrial Customer:

(a) A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

(b) A plan map of the building, works or complex, with each point of discharge to the surface waters, Sanitary Sewer, Storm Drain, Natural Outlet, or ground waters noted, described and the waste stream identified.

(c) Reports on appropriate characteristics of wastes, as sampled and tested, on a schedule, at locations, and according to methods outlined in *Article 7, Section 9* of this Ordinance.

(d) An Affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of Persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

(e) A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.

(f) Reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste.

If any industrial process is to be altered so as to increase or decrease Industrial Waste or potential Industrial Waste discharge to the Sanitary Sewer, written notification shall be given to the Township. Discharge of said altered Industrial Waste streams shall be subject to the Township's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

Section 6. Grease, oil and sand interceptors shall be provided at the Customer's expense when, in the opinion of the Township they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private single family or multiple family dwelling units. All interceptors shall be of a type and capacity approved by the Township, and shall be located as to be readily and easily accessible for cleaning and inspection. It is the responsibility of the Customer to maintain and repair said interceptors at the Customer's expense.

Section 7. Where Pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Customer at his or her expense.

Section 8. When required by the Township, the Customer serviced by a Building Sewer carrying Sewage shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the Customer at his or her expense, and shall be maintained by the Customer so as to be safe and accessible at all times.

Section 9. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of *"Standard Methods for the Examination of Water and Wastewater" and/or Federal Regulation 40CFR136* and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control

manhole shall be considered to be the nearest downstream manhole in the System to the point at which the Building Sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether grab sample or samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" set forth in *Article 8* of this Ordinance.

Section 10. No statement contained in this *article* shall be construed as preventing any special agreement or arrangement between the Township and any Customer, after recommendation by the Township, whereby Sewage of unusual strength or character may be accepted by the Township for treatment, subject to equitable payment therefore by the Customer.

Section 11. Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the Storm Drain.

Section 12. Agents of the Township, County, Michigan Department of Natural Resources, or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

ARTICLE 8 - INDUSTRIAL WASTE CONTROL PROGRAM

Section 1. Each Industrial Customer is responsible for Industrial Wastes it admits to the System. The Industrial Customer shall maintain any required Pretreatment facility operation and assure a continual high level of performance. In case no Pretreatment is provided, the Industrial Customer shall prevent accidental discharges of process wastes admitted to the System. The Industrial Customer shall catalog all chemicals stored, used or manufactured. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the System are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township and shall be treated as confidential information.

Section 2. Each Customer that discharges Sewage to the System which exceeds the limits of "Normal Strength Sewage" will be required to either:

(a) Provide satisfactory Pretreatment to reduce the strength of the Sewage to "Normal Strength Sewage"; or

(b) Pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "Normal Strength Sewage" if the System has the capacity to handle such Sewage.

Section 3. A sketch of the plant buildings shall be made by the Industrial Customer, including a diagram of process and chemical storage areas. Location of any Pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the System must be included on the plant layout sketch.

Section 4. Spent concentrates shall be prevented from entering the System to prevent toxic wastes from upsetting the Sewage Treatment Facility. Supervision and operation of the Pretreatment equipment to treat spent concentrates, toxic wastes and high strength organic wastes to an acceptable level as defined by the Township is the responsibility of the Industrial Customer. All sludge's generated by such treatment must be handled in an acceptable manner, as in a designated area of a sanitary landfill or by a licensed waste hauler.

Section 5. Adequate secondary containment or curbing shall be provided to protect all floor drains from accidental spills and discharges to the System. Such curbing shall be sufficient to hold one hundred and fifty percent (150%) of total process area tank volume. All floor drains within the containment area must be plugged and sealed. Spill throughs or sumps within process areas must discharge to appropriate Pretreatment tanks. Secondary containment shall be provided for storage tanks and chemical storage areas serviced by commercial haulers.

Section 6. If so directed by the Township, an adequate sampling vault or manhole shall be provided at the Industrial Customer's expense in a fully accessible place for Township personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the System and receiving streams. Should the Township desire continual flow recording and twenty four (24) hour composite sampling, then a more complex manhole would be mandatory, complete with one hundred and ten (110) volt AC electric service. Samples collected may be divided between the Industrial Customer and Township for analysis if so desired by the Industrial Customer.

Section 7. All costs for Industrial Waste monitoring, incurred by the Township shall be paid by the Industrial Customer. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surveillance fee is deemed necessary to check industrial discharges, then a factor may be incorporated to reduce the costs as Industrial Customer lowers its waste strength.

ARTICLE 9 - RATES, CHARGES, AND DEPOSITS

Section 1. All Premises connected directly or indirectly to the System, except as hereinafter provided, shall be charged and shall make monthly payments to the Township in amounts computed on the basis of this *Article*.

Section 2. Each Customer shall pay an O, M&R Charge based on the Customer's water usage, which is metered pursuant to the Township *Water Ordinance*, as amended. The charge shall be determined monthly pursuant to the rate schedule outlined in the Water and Sewer Fee Schedule Resolution adopted pursuant to this ordinance.

Section 3. Each Customer that discharges Sewage, exceeding “Normal Strength Sewage", shall pay appropriate surcharges for treatment of the excess strengths as shown on the Water and Sewer Fee Schedule Resolution.

Section 4. The Customer shall be charged a New Account Fee whenever the Department of Public Works is requested by the customer to install a meter and turn on water service. (A Security Deposit or Proof of Ownership will still be needed on the new address.) In the case of a Name Change, where the meter is read only, the charge will be at a reduced rate as stated in the Water and Sewer Fee Schedule Resolution.

Section 5. The Township shall, from time to time, establish a Customer Service Charge, as necessary, for miscellaneous services and related administrative costs associated with the System.

Section 6. All Premises connecting to the System shall pay a Connection Charge consisting of the actual cost of installing and inspecting a Service Lateral and the connection thereof to the Building Sewer, plus any other fee established by the Water and Sewer Fee Schedule Resolution. The Connection Charges as set forth above shall be due and payable pursuant to this Ordinance.

Section 7. If sewer service is discontinued for any reason, said service shall not be reinstalled until the Customer pays to the Township the actual cost of labor and material incurred and a minimum of the amount stated above in *Article 9, section 6,* to turn on the sewer service.

Section 8. Miscellaneous Customer Fees and Charges.

(a) The Township shall, from time to time, establish or charge Miscellaneous Customer Fees and Charges, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Sewer System, including without limitation, services to turn service on and off. The Customer shall be charged a fee, established by resolution of the Township Board from time to time, whenever the Township is requested by the Customer to turn on or off service. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

(b) In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Sewer, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review, in accordance with a schedule of staff charges approved by resolution from time to time.

ARTICLE 10 - PAYMENTS AND COLLECTIONS

Section 1. Bills for the rates and charges set forth in *Sections 2, 3, 4, 5, and 7 of Article 9* shall be dated and mailed monthly. These monthly bills shall be due and

payable at the business office of the Township or to any designated agent on the due date as stated in the fee schedule resolution. If not paid by the due date an additional penalty charge, as provided for in the Water and Sewer Fee Schedule Resolution shall be added.

Section 2. If rates and charges imposed by *Article 9* are not paid on or before their respective due date, the Township, pursuant to *Public Act 178 of 1939, as amended*, may

(i) Discontinue the services provided by the System by disconnecting the Building Sewer from the Service Lateral, 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 shutting off and turning on the service, shall be paid to the Township; or

(ii) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

(iii) Enforce the lien created in *Section 3* 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 in equity. Under no circumstances shall action taken by the Township to collect unpaid rates and charges, penalties and interest, invalidate or waive the lien created by *Section 3* below.

Section 3. Except as set forth below, the rates and charges imposed by *Article 9* shall be a lien on the respective Premises served by the System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September 15, of each year to the assessing officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to a Premises which is subject to a legally executed lease that expressly provides that the Premises' lessee, and not the Premises' lessor, shall be liable for payment of sewer rates and charges for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit, which, upon the failure of the lessee to pay the rates and charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the lessee to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in *Section 1 and Section 2 of this Article* shall be applicable.

Section 5. Any rates and charges for service rendered prior to the effective date of this Ordinance are hereby ratified and shall be collected pursuant to this ordinance and

the Water and Sewer Fee Schedule Resolution, and the Township shall pursue all remedies available pursuant to *Article 10* upon failure of a Customer to pay said rates and charges.

Section 6. All bills and notices relating to the conduct of the business of the Township and of the System will be mailed to the Customer's address unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 7. Applications for connection permits may be cancelled 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 permit application as to the nature or extent of the property to be serviced by the System.

(b) Nonpayment of bills.

(c) Improper or imperfect and/or failure to keep Building Sewers in a suitable state of repair.

(d) Damage to any component of the System.

(e) Misrepresentation in the permit application of the parties seeking service for prior use history.

Section 8. Where Service supplied to the Customer has been disconnected for nonpayment of delinquent bills, the Township reserves the right, as a condition to reconnect said service, to require a nominal sum as determined by the Water and Sewer Fee Schedule Resolution, be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for rates and charges. Service shall not be reestablished until all delinquent charges and penalties, and a turn-on charge, has been paid. Further, such charges and penalties may be recovered by the Township by court action.

Section 9. The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all Customers affected by such interruption will be notified in advance whenever it is possible to do so.

Section 10. Any Customer has the right to appeal any rates or charges levied in accordance with this Ordinance. Appeals shall be directed to the Township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for rates and charges outstanding

during the appeals process, including all penalties or delinquency charges, shall continue to be due and payable. Upon resolution of the appeal, the Township shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous twelve (12) months billings only.

ARTICLE 11 - POWERS AND AUTHORITY OF TOWNSHIP EMPLOYEES

Section 1. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of inspection, observation, measurement, sampling, testing and investigation in accordance with the provision of this Ordinance.

Section 2. Duly authorized employees or representatives of the Township, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Township all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 3. While performing the duties in *Sections 1 and 2* above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises established by the Customer; and the Customer.

ARTICLE 12 – SEWER BACKUP OR OVERFLOW REPORTING PROCEDURES

Section 1. 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 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, certainly and consistency in the provision of relief for damages or physical injuries caused be 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:

Section 2. A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within forty-five (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.

Section 3. The written notice under subsection (a) of the act 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 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.

Section 4. The written notice under subsection (a) of the act shall be sent to the Kinross Charter Township Clerk, who is hereby designated as the individual at the Township to receive such notices pursuant to *Section 19 of Act 222.*

Section 5. 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) of the act, the Kinross Charter Township Clerk shall provide the Claimant with a written explanation of the notice requirements of subsection (a), (b), and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

Section 6. 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 the contacting agency of 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).

Section 7. 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.

Section 8. Prior to a determination of payment of compensation by the township, the Claimant shall provide to the Township additional documentation and proof that:

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

b) The System had a defect;

c) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the System.

d) 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 system; and

e) The defect in the 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.

Section 9. 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:

a) An obstruction in a Building Sewer or service Lateral that was not caused by the Township; or

b) 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 System.

Section 10. 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.

Section 11. To facilitate compliance with this section, the Township shall make available to the public information about the notice and claim procedures under this Section.

Section 12. The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal system Event involving the System.

Section 13. The Township does not own or operate any Storm Sewer, or Combined Sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of *Section 5 of Article 12*, do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a Combined Sewer.

Section 14. 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 for Act 222 shall control.

Section 15. As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

Section 16. Any word or phrase used in this section, if defined in Act 222, shall have the same meaning provided under Act 222.

ARTICLE 13 - PENALTIES

Section 1. 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 System.

Section 2. Except as provided in *Section 1* 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 3. Any Person who violates *Section 1* or who shall continue any violation beyond the time limit provided for in *Section 2* shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars ($500) for each violation or shall be imprisoned in the County jail for a maximum of ninety (90) days or shall be subject to both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 4. Any Person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, including actual attorney's fees, loss, or damage occasioned by the Township by reason of such violation.

ARTICLE 14 - REPEAL

Section 1. All ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed.

ARTICLE 15 - VALIDITY

Section 1. The invalidity 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.

ARTICLE 16 - PUBLICATION AND EFFECTIVE DATE

Section 1. A true copy of this Ordinance shall be published in a newspaper of general circulation within thirty (30) days after it's adoption.

Section 2. The Township Clerk shall file or cause to be filed an attested copy of this Ordinance with the County Clerk.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided for by law.

ARTICLE 17 - AMENDMENT

Section 1. The Township specifically reserves the right to amend this Ordinance in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the Water and Sewer Fee Schedule Resolution.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on March 4, 2002.

KINROSS CHARTER TOWNSHIP
CEMETERY ORDINANCE
ORDINANCE NO. 1.125

Adopted: July 1, 2002
Effective Date: August 19, 2002

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Charter Township of Kinross, Chippewa County, Michigan, to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

The Charter Township of Kinross, County of Chippewa, Michigan hereby ordains:

ARTICLE 1:
SHORT TITLE

This Ordinance shall be known and cited as the Kinross Charter Township Cemetery Ordinance.

ARTICLE 2:
DEFINITIONS

"Administrator" The person who administers the cemetery records and cemetery policy as may be appointed by the Kinross Charter Township Clerk.

"Burial Spaces or Plots" shall mean the following:

"Adult Burial Space or Plot" shall consist of a land area four and one-half (4 ½) feet wide and nine (9) feet in length in the old east section and four (4) feet wide by ten (10) feet in length in the new west section. Two (2) cremations are allowed per adult space.

"Infant Burial Space or Plot" shall mean an infant under two (2) years of age or stillborn and shall consist of a minimum land area four (4) by four and one half (4 ½) feet in areas set aside specifically for such burial or on a purchased site.

"Cemetery Committee" shall mean a Committee appointed by the Kinross Charter Township Board, of which, members shall be governed as defined by the Kinross Charter Township Cemetery Committee By-laws.

"Cemetery Fee Schedule Resolution" shall mean a resolution setting fees, charges and deposits associated with this ordinance.

"Cemetery Office" The office for cemetery records and administration. The Cemetery Office is located in the Township Clerk's Office at the Kinross Charter Township Hall.

"Permit" A document given to the purchaser as proof of burial plot(s) or lot rights.

"Interment" The burial of the remains of a deceased person.

"Lot" An area consisting of four or more cemetery plots or burial spaces.

"Lot Marker" A marker made of concrete or metal used by cemetery personnel to locate corners of a lot.

"Marker/Monument" A marker/monument is a stone or similar material, either flush or above the ground indicating the given and/or family name(s) of the deceased.

"May" The word may is permissive as used in this ordinance.

"Plot" The term plot may apply to a space of sufficient size within a lot to accommodate a burial site. (per the regulations set forth within this ordinance).

"Shall" The word shall is mandatory as used in this ordinance.

"Superintendent of Maintenance/Sexton" The person(s) responsible for the maintenance of the cemetery grounds, ground preparation before and after interment, supervising of monument setting and foundations, and enforcement of the Rules and Regulations of the cemetery.

"Township" shall mean Kinross Charter Township.

ARTICLE 3:
CEMETERY GROUNDS CONDUCT

A. Vehicle entrance and exit to the cemetery shall be made at established passageways only.

B. Speed limit within the cemetery shall be fifteen (15) miles per hour. Excessive speeds and unsafe or reckless driving within the cemetery is prohibited.

C. Kinross Charter Township shall not be liable for any personal or property damage caused by any person or vehicle, but rather damage caused by persons or vehicles within the cemetery grounds shall be the responsibility of the person, driver and/or owner of the vehicle and may be subject to prosecution.

D. Motorized pleasure vehicles, such as snowmobiles, go-carts, etc., shall not be permitted within the cemetery grounds at any time.

E. Animals are not permitted in the cemetery unless they are confined within the vehicle. Interment of animals is strictly prohibited.

F. The consumption or use of intoxicating beverages or mind-altering drugs within the limits of the cemetery grounds is not permitted. Profanity or boisterous language, which disturbs the quiet and peaceful atmosphere of the cemetery, is prohibited.

G. The use of firearms in the cemetery is unlawful and prohibited except where firearms are used in conjunction with Township authorized cemetery ceremonies.

H. Picking, mutilating or disturbing flowers, trees, shrubs, or anything of a memorial nature is prohibited.

I. The Township shall not be responsible for the theft or damage to anything placed on cemetery lots or graves.

J. Advertising in any form, either on gravesites, memorials or in the cemetery shall be prohibited. However, monument companies may place a small, obscure company insignia on the base of monuments if they so desire.

K. Kinross Charter Township shall assume no responsibility for damages in the case of any marker, memorial, urn, shrub or planting being damaged in any way, during the regular course of lot care, maintenance, vandalism or subsequent burials.

L. Trash containers utilized for the refuse of planting materials, dead flowers, weeds pulled, etc. Sod and dirt removed in order to plant flowers shall be taken away or properly disposed of, but shall not remain on the burial lot.

M. Kinross Charter Township reserves the right to maintain all gravesites including, but not limited to, filling settled areas, reseeding of same and trimming or removal of trees or shrubs that may create a hazard to the grounds, equipment or people.

ARTICLE 4:
SALE OF LOTS OR BURIAL SPACES

A. Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

B. All such sales shall be made on a form approved by the Kinross Charter Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

ARTICLE 5:
PURCHASE PRICE AND TRANSFER FEES

A person desiring to purchase burial sites may contact the Township Clerk's Office so that an appointment may be made to select the site with the aid of cemetery personnel. Prospective owners are urged to purchase burial spaces before the immediate need exists, when clear unhurried judgment will insure a good choice. If possible, avoid the necessity of choosing burial spaces in the wintertime when the ground is covered with snow.

A. Each adult burial space shall be determined pursuant to a rate authorized by the Township Board after recommendation of the Cemetery Committee and established by a Cemetery Fee Schedule Resolution. The Cemetery Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

B. Each burial space for infants under two (2) years of age or still births, where located in an area especially set aside for such burials, shall be determined

pursuant to a rate authorized by the Township Board after recommendation of the Cemetery Committee and established by a Cemetery Fee Schedule Resolution. The Cemetery Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee cost shall be determined pursuant to a rate authorized by the Township Board after recommendation of the Cemetery Committee and established by a Cemetery Fee Schedule Resolution. The Cemetery Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

D. All transfers of burial rights shall be made through the Township Clerk's Office. The Township thereto will recognize no other transfers of ownership of burial rights. The transfer of burial plot rights will be subject to a transfer fee for any transfers as set forth in the Cemetery Fee Schedule Resolution.

E. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the Cemetery Fund for the particular cemetery involved in the sale or transfer.

F. The Cemetery Committee by request, and the Township Board by Resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

G. Every burial space is sold subject to the rules and regulations now in force or that may be hereinafter adopted, and to such changes of the present rules are deemed necessary by the Township Board.

H. Lot owners desiring to sell unused burial plots may resell them to Kinross Charter Township at the price paid at the time of purchase.

ARTICLE 6:
GRAVE-OPENING CHARGES

A. Charges for opening and closing of any burial space, prior to and following a burial therein, and include interment of ashes shall be authorized by the Township Board after recommendation of the Cemetery Committee and as established by a Cemetery Fee Schedule Resolution. The Fee Schedule Resolution may be revised, as needed, without an amendment to the ordinance.

B. No burial space shall be opened and closed except under the direction and control of the Township, through its appointed Sexton. This provision shall not apply to proceedings for the removal and reinternment of bodies and

remains, which matters are under the supervision of the Chippewa County Health Department.

ARTICLE 7:
MARKERS & MEMORIALS

A. No marker or memorial shall be placed except under the knowledge of the Township Clerk's office.

B. All markers or memorials must be of stone or other equally durable composite.

C. Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.

D. Only one monument, marker or memorial shall be permitted per burial space.

E. A footing or foundation must be placed for any monument, marker or memorial. It may be placed and constructed by the township, at cost to the owner of the burial sight.

F. The Township will not assume responsibility for maintenance or destruction to markers, memorials or monuments due to vandalism or natural causes.

ARTICLE 8:
INTERMENT REGULATIONS

A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

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

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate person before any interment is commenced or completed.

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

ARTICLE 9:
GROUND MAINTENANCE

A. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Township Clerk.

B. No shrubs or trees of any type shall be planted. Any of the foregoing items planted will be removed. The Township Board reserves the right to trim any tree or shrub located within the cemetery in the interest of maintaining proper appearance and safety. Removal of existing trees will be done only when a safety hazard is determined.

C. Mounds, which hinder the free use of the lawnmower or other gardening apparatus, are prohibited. The Township shall have the right to mow and trim all lots to maintain proper appearance. Persons not wanting the Township to maintain lots must submit such in writing to the Township Office. Surfaces other than earth or sod are prohibited.

D. When performing cemetery care, refuse of any kind, including, among others, dried flowers, wreaths, papers, and flower containers must be removed by those caring for the site. Cemetery maintenance and care will be performed by the Township. This includes but is not limited to, seeding, top dressing, cutting, trimming grass and general up keep of the cemetery.

ARTICLE 10:
FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

A. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the written notice, his or her desire to retain said burial rights.

B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his or her heirs or legal

representative, within sixty (60) days from the date of mailing of said notice the lot shall revert to the Township.

ARTICLE 11:
REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid to the Township, upon written request of said owner or his or her legal heirs or representatives.

ARTICLE 12:
RECORDS

The Township Clerk shall maintain records concerning all burials, issuance of burial permits and any perpetual care fund, apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

ARTICLE 13:
VAULT

All burials shall be within a standard vault installed or constructed in each burial space before interment.

ARTICLE 14:
EXCEPTIONS

This Ordinance shall not be construed to govern or regulate in any way The Rudyard Township Cemetery located within the Municipal boundaries of Kinross Charter Township as of the date of adoption of this ordinance. However, in the event of abandonment or reversion to Kinross Charter Township, this section shall become null and void.

ARTICLE 15:
PENALTIES

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred ($500.00), or by imprisonment in the county jail for not to exceed ninety (90)

days, or by both such fine and imprisonment, plus all reasonable costs of investigation and prosecution. Each day that a violation continues to exist shall constitute a separate offense. In addition to any remedies available at law, the township may bring a civil action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

ARTICLE 16:
ATTORNEYS FEES

Should suit be filed pursuant to this Ordinance and judgment has been entered on behalf of the Plaintiff, the Plaintiff may tax actual attorneys fees involved with the enforcement as well as out-of-pocket expenses.

ARTICLE 17:
SEVERABILITY CLAUSE

The provisions of this ordinance are hereby declared severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion declared void or unenforceable.

ARTICLE 18:
AMENDMENT

The Township in conjunction with the Cemetery Committee specifically reserves the right to amend this Ordinance in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the Cemetery Fee Schedule Resolution.

ARTICLE 19:
ORDINANCE REPEAL

Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE 20:
PUBLICATION AND EFFECTIVE DATE

A. A true copy of this Ordinance shall be published in a newspaper of general circulation within thirty (30) days after its adoption.

B. The Township Clerk shall file or cause to be filed an attested copy of this Ordinance with the County Clerk.

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

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 1, 2002.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 1.126

KINROSS CHARTER TOWNSHIP
PENSION PLAN ORDINANCE

Adopted: November 25, 2002
Published: December 5, 2002
Effective: December 5, 2002

An ordinance to create and establish an annuity or pension plan for the officers and employees of Kinross Charter Township *pursuant to Public Act 77 of 1989 (MCLA 41.110b) as amended*, and to authorize the township supervisor and the township clerk to contract, in the name of the township, for such plan; to define those classes of officers and employees who shall be covered by such annuity or pension plan; to provide for the payment by the township of the premium or charges arising under such annuity or pension contract; to establish the time at which existing and future employees shall become eligible for such plan and to further establish the normal retirement date for all employees; to provide a method for non-coverage of an officer or employee of the annuity or pension plan; to set forth a date wherein each person covered under the annuity or pension plan shall have vested right or interest in such plan; to ratify and confirm the validity of any annuity or pension plan in existence on the effective date of this ordinance; and to repeal Ordinances 10 and 43, and all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS CHIPPEWA COUNTY, MICHIGAN ORDAINS:

SECTION 1.
Title

This ordinance shall be known and cited as the: Kinross Charter Township Pension Plan Ordinance.

SECTION 2.
Authority

Pursuant to *Public Act 77 of 1989 (MCLA 41.110b) as amended*, the Charter Township of Kinross hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and, for such purposes, also hereby authorizes the Township Supervisor and Township Clerk to contract, in the name of township subject to the approval of the township board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

SECTION 3.
Affected Personnel

The annuity or pension plans created, established and contracted for under this ordinance shall cover each person within the following classes of officers and employees:

1. All members of the Township Board
2. All Township employees who are classified fulltime.
3. Other positions as may be designated by the Township Board.

SECTION 4.
Contribution, Eligibility, and Effective Date

A. The Charter Township of Kinross shall annually contribute 100% of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in *Section 3* hereof. Such contributions shall be secured from the funds of the township.

B. Each Township Board member, and employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day. Every employee within the class of officers and employees enumerated in *Section 3* hereof who becomes subsequently employed shall be eligible when he or she meets the requirements of the Pension Plan Adoption Agreement.

C. Each Township Board member and eligible employee shall be permitted, but not required, to make annual contributions to the pension plan, pursuant to the Pension Plan Adoption Agreement.

SECTION 5.
RETIREMENT

A. An employee's normal retirement date shall be the first day of the month coincident with or following his/her attainment of the age designated within the Pension Plan Adoption Agreement.

B. An employee may retire prior to their normal retirement date subject to the conditions set forth in *Section 6.*

C. Any person desiring not to be so covered shall give written notice to the Township Clerk that he desires not to be covered, and if the notice is received before the person has become covered under the contract, he shall not be covered there under. If the notice is received after the individual has become covered, his coverage under the contract shall cease as provided for in the contract.

SECTION 6.
Vested

1. Each employee and Township Board member as covered under the annuity or pension plan shall have a vested right or interest in such plan as outlined within the Pension Plan Adoption Agreement.

SECTION 7.
Severability and Saving Clause

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 8.
Effective Date and Repeal

This ordinance shall take effect immediately, after its publication. Ordinances 10, 43 and all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on November25, 2002.

KINROSS CHARTER TOWNSHIP
PARKING ORDINANCE
ORDINANCE NO. 1.127

Adopted: November 25, 2002
Published: December 5, 2002
Effective Date: January 4, 2003

An ordinance to provide for the regulation of the parking of vehicles, and to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF KINROSS, COUNTY OF CHIPPEWA, MICHIGAN HEREBY ORDAINS:

Section 1: TITLE

This ordinance shall be known and cited as the Kinross Charter Township Parking Ordinance.

Section 2: DEFINITIONS

"Highway, road or street" wherever used in this ordinance are interchangeable and shall be defined to mean the entire portion of a right of way, improved, designed, or ordinarily used for vehicular travel between the boundary lines of every right of way, when any part thereof is open to the use of the public for purposes of vehicular travel.

"Intersection" wherever used in this ordinance is defined to mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the rights of way of two (2) highways or streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways or streets joining at any other angle may come in conflict.

"Motor vehicle or vehicle" wherever used in this ordinance is defined to mean every vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a right of way, that is self-propelled, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

"Parking" wherever used in this ordinance is defined to mean allowing a vehicle to remain standing when not loading or unloading, except when making necessary repairs.

"Private" wherever used in this ordinance is defined to mean any driveway, walkway, easement, right of way or piece of privately owned and maintained property, which is used for vehicular or pedestrian traffic, but is not open or generally used by the public, or used by the public at the sole discretion of the owner.

"Right of way" wherever used in this ordinance is defined to mean all areas utilized by the general public for the purpose of vehicular travel or pedestrian traffic, except for private roads, drives, easements, or walkways.

"Sidewalk or walkway" wherever used in this ordinance is defined to mean that portion of a street between the curb lines, or the lateral lines of the roadway, and the adjacent right of way lines intended for the use of pedestrians.

Section 3: REGULATIONS

It shall be unlawful for any motor vehicle to be parked or remain parked between the hours of 2:00 a.m. Eastern Standard Time and 3:00 p.m. Eastern Standard Time during the months of December, January, February and March on any public rights of way within the Charter Township of Kinross:

It shall be unlawful for any motor vehicle, at any time, to be parked or remain parked in the following manner within the Charter Township of Kinross:

a) No automobile, truck or other vehicle shall be parked or permitted to stand within fifteen (15) feet of any fire hydrant or nearer than twenty five (25) feet from the nearest street line of any intersecting street.

b) No automobile, truck or other vehicle shall be parked or permitted to stand in a way as to block any crosswalks, passenger bus loading zones, or so as to block any public or private driveway.

c) No automobile, truck or other vehicle shall be parked or allowed to stand on any sidewalk except temporarily during the process of loading or unloading.

Section 4: SIGNAGE

Appropriate signs may be posted advising of winter restrictions.

Section 5: EXCEPTIONS

(1) This Ordinance shall not be construed in any way, to affect the normal operations of fire trucks, ambulances, utility or road

maintenance vehicles or law enforcement agencies during the performance of their respective duties.

(2) This Ordinance shall not preclude or effect in any way, Kinross Charter Township Ordinances pertaining specifically to the regulation of conduct of persons within the perimeter or upon the premises of the correctional facilities, cemeteries, golf course, airport, or other similar public lands having ordinances specifically written to govern those public lands and\or their perimeters.

(3) Any privately owned and maintained roads, streets or walkways.

(4) Any distressed vehicles that are not creating a traffic hazard and/or parked for more than twenty four (24) hours.

Section 6: VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not to exceed one hundred dollars ($100) and costs of prosecution, or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court for each offense.

Section 7: SEVERABILITY

Each section, subsection or provision thereof of this ordinance are declared to be separable and the holding of any section, subsection or provision thereof, to be invalid or unenforceable shall not affect the validity or enforceability of any other sections, subsections or provisions.

Section 8: REPEAL

Any ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed, except all ordinances governing special needs properties as noted in the "Exception" section of this ordinance. This Ordinance specifically repeals Ordinance No. 1.113 formerly enacted by the Kinross Charter Township Board.

Section 9: EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after the date of adoption and publication.

KINROSS CHARTER TOWNSHIP
SIGN ORDINANCE
ORDINANCE NO. 1.128

Adopted: June 16, 2003
Published: June 19, 2003
Effective Date: June 19, 2003

AN ORDINANCE TO REPEAL ORDINANCE NO. 1.108, TO REGULATE THE TYPE, NUMBER, PLACEMENT, MANNER AND PHYSICAL DIMENSIONS OF SIGNS IN KINROSS CHARTER TOWNSHIP.

The Kinross Charter Township Board Hereby Ordains:

TITLE

This Ordinance shall be known and may be cited as the "Kinross Charter Township Sign Ordinance."

PURPOSE

The intent of this Ordinance is to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in Kinross Charter Township. The purpose of the limitations, regulations, and standards established herein is to:

1. Promote the public peace, health, and safety of residents and visitors;
2. Protect the natural beauty and distinctive character of Kinross Charter Township;
3. Protect commercial districts from visual chaos and clutter;
4. Provide an environment which fosters growth and development of business;
5. Protect property values;
6. Eliminate distractions which are hazardous to motorists and pedestrians;
7. Protect the public's ability to identify establishments and premises;
8. Protect the public's interest in public buildings, public streets, roads and highways and open spaces; and
9. Balancing the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

Section 1
GENERAL PROVISIONS

The purpose of this ordinance is to promote the general safety and welfare of the residents of Kinross Township by regulating and controlling all public and private graphics communications and displays.

Section 2

DEFINITIONS

Words or terms contained in this ordinance shall have the meanings as defined in this ordinance. Any words or terms not defined in this ordinance shall have the meanings normally ascribed to them, or as they are defined in other ordinances.

SIGN: A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of the sign.

GROUND SIGN: A sign which is mounted permanently in the ground on a masonry base or monument.

INSTITUTIONAL BULLETIN BOARD: A sign which displays the name of a religious institution, school, library, community center or similar public or quasi-public institution, that may include an announcement of its services or activities.

CANOPY SIGN Any sign attached to or constructed on a canopy. A canopy is a permanent roof-like shelter extending from part of or all of a building face over a public access area and constructed of the same or similar material as the building.

PORTABLE SIGN: A sign that is freestanding, not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to, “sandwich” signs, “A” frame signs, inverted “T” signs, and signs mounted on wheels so as to be capable of being pulled by a motor vehicle.

ROOF SIGN: A sign that extends more than twenty-four (24) inches above the roof line.

ROOF LINE: The line of intersection of the plane of the outer surface of the wall and the plane of the outer surface of the roof.

WALL SIGN: Shall be a sign that is directly attached to a wall of the building and neither extends more than twelve (12) inches from the wall nor projects more than twenty-four (24) inches above the roof line of the building.

ABANDONED SIGN: A sign which no longer directs a person to or advertises a bona fide business, tenant, owner, product or activity conducted or product available on the premises where such sign is displayed or any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.

BILLBOARD: Refers to a non-accessory ground sign erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the said sign is located.

Off-premises directional signs as permitted in this section shall not be considered billboards for the purpose of this Ordinance.

OFF-PREMISE SIGN: A sign which contains a message unrelated to a business or profession conducted on the subject property or to a commodity, service or activity, not sold or offered upon the premises where such sign is located.

ON-PREMISE SIGN: A sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic into or from the premises.

PREMISES: Any lot or parcel of land as otherwise used in this Ordinance.

AREA OF SIGN: The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

However, where such a sign has two faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces, are placed back to back as a mirror image in size and shape and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two (2) faces are of unequal area.

NON-CONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this Ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance, or a sign for which a permit was previously issued that does not comply with the provisions of this Ordinance.

PERIODIC CHANGE SIGN: A sign where the wording, image, description, display or illustration changes at regular intervals of time.

NATURAL MATERIALS: Substances determined to be “natural materials” for the purposes of this Ordinance shall include, but not be limited to wood, stone and soft textured brick. Although plastic, plywood, pressed board, drywall, wood or metal paneling and sheet metal are generally excluded from this definition, consideration will be given to synthetic materials which simulate the appearance of a ‘natural material” through the manufacturing process and meet the intent of this ordinance.

GASOLINE PUMP ISLAND: A combination of more than one fuel-dispensing device, clustered together, to provide a customer with more than one option of type of fuel or grade thereof, to be purchased.

SIGN SETBACK: Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance will be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement,

the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.

AWNING SIGN: Shall be a sign that is a roof-like structure made of canvas or similar materials, stretched over a frame and directly attached to the wall of a building. Awning signs shall extend more than twelve (12) inches but not more than sixty (60) inches from the wall. Awning signs shall not project more than twenty-four (24) inches above the roof line of the building.

PROJECT ANNOUNCEMENT SIGN: Shall be a temporary ground sign used to announce the name and nature of a project or general information concerning rental or sales.

CHANGEABLE COPY SIGNREADER BOARD: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature, or stock market quotation shall be considered a "time, temperature, stock market" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Section 3.
PLANS, SPECIFICATIONS AND PERMIT REQUIREMENTS

Except as otherwise indicated in this Ordinance, the regulations of the State Construction Code as adopted by the Township shall apply to signs. Where the provisions of this section are more restrictive in respect to location, use, size or height of signs, the limitations of this Ordinance shall take precedence over the regulations of the State Construction Code.

3.1 It shall be unlawful to construct, display, install, change or cause to be constructed, displayed, installed, or changed a sign requiring a permit upon any property within the Charter Township of Kinross without first obtaining a sign permit.

3.2 It shall be unlawful to construct, display, install, change, have, or cause to be constructed, displayed, installed or changed any sign upon any property within the Charter Township of Kinross in violation of the requirements of this ordinance.

Section 4.
SIGNS PERMITTED WITHOUT REQUIRING A SIGN PERMIT

The following signs are permitted without a sign permit in all zoning districts where the principal permitted use to which they are related is a permitted use in that district.

4.1 Address numbers, name plates (including apartment units and office suites) identifying the occupant or address of a parcel of land and not exceeding three (3) square feet in area. All address numbers shall comply with the provisions of the *Chippewa County Addressing Ordinance.*

4.2 Memorial signs or tablets, not to exceed eight (8) square feet in area, containing the name of the building and date of erection, when cut into any masonry surface or constructed of bronze or other incombustible material and affixed to the exterior wall of the building.

4.3 Signs painted on or permanently attached to legally licensed vehicles which are used upon the highways for transporting persons, goods or equipment.

4.4 Traffic or other municipal signs including, but not limited to, the following: legal notices, historic site designations, municipal facility directional signs, street or traffic signs, railroad crossing signs, danger and other emergency signs as may be approved by the Township Board or any Federal, State or County agency having jurisdiction over the matter of the sign. Such signs may be located in any zoning district. However, all signs on governmental property on which a municipal building is located shall meet the commercial and industrial zoning district requirements in *section 9.0 of this ordinance*.

4.5 Community special event signs in which the event was approved by the Township Board.

4.6 Gasoline service stations may display the following special sign which is deemed customary and necessary to their respective businesses. Customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and any other data required by law and not exceeding a total of three (3) square feet on each pump.

4.7 One sign advertising parcels of land or building for rent, lease or sale, when located on the land or building intended to be rented, leased or sold, not exceeding six (6) square feet in area, four (4) feet in height in residential districts and twenty-four (24) square feet in area, six (6) feet in height in office, commercial and industrial districts. One sign per parcel, or per street, that fronts on a public street. All signs reflecting zoning classifications must be accurate with current zoning designation. An additional eighteen (18) square feet of sign area will be permitted if the sign faces I-75 and if the property is adjacent to I-75.

4.8 Institutional use bulletin board, not to exceed eighteen (18) square feet in area and not to exceed six (6) feet in height; including the frame and base of such sign set back ten (10) feet from any property line, for use by educational non-profit institutions licensed by the state, houses of worship or other public entities.

4.9 Flags of government, civic, philanthropic, educational, religious organizations and other public or private corporations or entities. Provided, however that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment or proprietor of any single building or parcel of land.

4.10 Signs of a primarily decorative nature, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days, nor more than sixty (60) days in any one year.

4.11 Political signs, not to exceed one sign per candidate or issue, and not to exceed six (6) square feet of area per sign, shall be permitted on all occupied lots, regardless of zoning, provided such sign is located and placed with the permission of the owner of the lot or parcel

where such sign is located, and provided that such sign is removed within ten (10) days after the elections. A political candidate or committee is responsible to remove any sign not in conformity with this Ordinance within seven (7) days after receiving a written notice from the Township.

4.12 Model homes within a subdivision shall be permitted one (1) sign per model, which shall not exceed two (2) square feet in area nor four (4) feet in height, including the frame and base of such sign, when located within the front yard setback, for the purpose of identifying the model style.

4.13 Garage sale signs not exceeding five (5) square feet in area and not displayed in excess of seven (7) days.

4.14 One sign identifying on site construction activity, during the time of construction, not exceeding twenty-four (24) square feet in area, except in connection with individual single family detached residential construction, which sign shall not exceed six (6) square feet in area. Such signs shall not exceed six (6) feet in height, and shall be removed before an occupancy permit is issued.

4.15 Signs temporarily erected for municipal construction projects to inform the public of the nature of the project or anticipated completion dates shall be permitted in all zoning districts subject to a maximum size of twenty-four (24) square feet in area and six (6) feet in height.

4.16 Help wanted signs not exceeding six (6) square feet in area and four (4) feet in height may be displayed on private property for a period of up to four (4) weeks at a time and not more than four (4) times within each calendar year.

Section 5
SIGNS PROHIBITED
IN ALL ZONING DISTRICTS

The following signs are considered to be unsafe, dangerous, hazardous or an attractive nuisance, therefore these signs shall not be permitted, erected, or maintained in any zoning district unless the applicant requesting a variance from this section can substantiate to the Zoning Administrator that the applicant's specific use of a sign listed in this section will not be dangerous, hazardous, or an attractive nuisance. If the above designated official agrees that the specific use of the sign requested is not dangerous, hazardous, or an attractive nuisance, and the Zoning Board of Appeals has granted a variance in accordance with the variance procedures, then the Zoning Administrator shall issue a permit for such requested use.

5.1 Signs which incorporate in any manner any flashing or moving lights.

5.2 Banners, pennants, spinners and streamers, and inflatable figures, except as specifically permitted in accordance with *section 4.5 and 9.6*.

5.3 String lights used in connection with a commercial premises for commercial purposes, except holiday uses not exceeding seven (7) weeks in any calendar year.

5.4 Any sign which moves or has any moving or animated parts, or images, whether the movement is caused by any mechanical, electronic or electrical device or wind or otherwise, including swinging signs and strings of flags or streamers, or cloth flags moved by natural wind as permitted in *Section 4.9.* Such a prohibition shall not pertain to public message signs on governmental property and those on public property which display time, temperature or stock market quotation signs.

5.5 Any sign or sign structure which

(a) is structurally unsafe, or

(b) which constitutes a hazard to the safety or health of persons or property by reason of inadequate design, fabrication, mounting or maintenance or by abandonment thereof or

(c) is not kept in good repair, or

(d) is capable of causing electrical shocks to persons that may come in contact with it.

5.6 Any sign which by reason of its size, location, content, coloring, intensity, or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstruction of visibility of any traffic sign or control device on any public street or road.

5.7 Any sign which obstructs free ingress and egress, visual or physical, from a required door, window, fire escape, driveway or other required access route.

5.8 Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.

5.9 Any sign or other advertising structure or display which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos, or other communication methods including, but not limited to, the following:

(a) Human genitalia.

(b) Sexual acts as defined in the Public Entertainment Ordinance.

(c) Adult nude human bodies.

(d) Obscene words as defined in the Disorderly Persons Ordinance.

(e) Obscene gestures as defined in the Disorderly Persons Ordinance.

5.10 Any sign now or hereafter existing which no longer advertises a bona fide business or product sold. Said signs shall be removed by the property owner within thirty (30) calendar days after a business closes or vacates the premises.

5.11 Any sign, except traffic or other municipal signs, as permitted in *section 4.4*, that is located in or projects into or over a public right-of-way or dedicated easement.

5.12 Any sign that exceeds the height limitation for structures in the zoning district in which it is located, or a wall sign that extends beyond or above the structure to which such sign is affixed except as may specifically be provided for in other provisions.

5.13 Posters, circulars, show bills, handbills, political signs, cards, leaflets or other advertising matter, except as otherwise provided herein, shall not be posted, pasted, nailed, placed, printed, stamped or in any way attached to any fence, wall, post, tree, sidewalk, pavement, platform,

pole, tower, curbstone or surface in or upon any public easement, right-of-way or on any public or private property whatsoever. Provided, however, nothing herein shall prevent official notices of the Township, school districts, County, State or Federal Government from being posted on any public property deemed necessary. All posters, circulars, show bills, handbills, political signs, cards, leaflets or other advertising matter posted, pasted, nailed, placed, printed, stamped on any right-of-way or public property may be removed and disposed of by the Kinross Township Enforcement Officers without regard to other provisions of this Ordinance.

5.14 The parking of a vehicle or trailer on a public right-of-way or on public or private property, on a permanent basis, so as to be visible from a public right-of-way, if said vehicle has attached thereto or located thereon any sign or advertising device which has the effect of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

5.15 No sign greater than four (4) feet in height shall be suspended by chains or other devices that will allow the sign to swing due to wind action. The Zoning Board of Appeals shall have the power to grant relief from the strict application of this provision when the applicant can show that the intent of this provision will be achieved through alternative means and result in a sign that is more in keeping with the architectural character and more in harmony with the design of the development it serves and with surrounding properties.

5.16 Bench signs.

5.17 Commercial signs erected on bus stop shelters.

5.18 Ground signs within one hundred (100) linear feet of an existing ground sign.

5.19 Roof signs.

5.20 Ground signs which identify more than one (1) business within a multi-tenant building or multiple-building site. These signs are also commonly known as directory signs.

5.21. Portable signs, except as provided in *Section 14*.

Section 6
SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS AND REQUIRING A SIGN PERMIT

6.1 A subdivision development with models designed to promote the sale of homes within a subdivision shall be allowed no more than two (2) ground signs, on a temporary basis for a two (2) year period. Such signs shall be located adjacent to a subdivision entrance way. Each sign, when permitted, shall not exceed twenty-four (24) square feet in area nor a height of six (6) feet. The length of a sign shall not exceed eight (8) feet in distance. The sign support shall not extend more than two (2) feet from the ground area to the sign surface. These signs shall not be located within ten (10) feet of any road or street right-of-way.

Permits issued for this type of sign shall only be issued to the developer of the subdivision. In addition to the above, one (1) sign shall be permitted to be erected by each home builder within

the subdivision, not to exceed sixteen (16) square feet in area and a height of five (5) feet. Such signs shall be located within the subdivision and no closer than ten (10) feet from any property line in front of each model home. After the two (2) year period, sign permits may be renewed yearly if at least five (5) percent of the lots remain vacant and available and new homes remain under construction. Such signs shall be removed upon cessation of new home marketing within the subdivision, when ninety-five (95) percent of all lots have been sold by the builder or when the permit expires, whichever occurs first.

6.2 A subdivision development with model homes is allowed one (1) off-premise temporary sign for a two (2) year period which may be renewed yearly if at least five (5) percent of the lots remain vacant and available and new homes are under construction. Such signs shall be for the purpose of directing traffic to the development's location. Such signs shall be no larger than twenty-four (24) square feet in area, and shall not exceed six (6) feet in height. No such sign may be erected within fifty (50) feet of any road or street right-of-way. Such signs shall be removed when ninety-five (95) percent of all lots in the subdivision have been sold by the builder.

Residential Subdivision Entrance Way Ground Signs on Private Property - shall not be constructed until the subdivision has received final plat approval. These signs shall neither exceed six (6) feet in height nor twenty-four (24) square feet in area and shall only display the name of the subdivision. Signs shall be located on private property at least one (1) foot away from all property lines. All entrance way ground signs erected on private property in a subdivision shall have a common design and be constructed of the same or similar materials throughout that subdivision.

Boulevards - Residential Entrance Way ground signs erected on private property shall meet all requirements as stated above and shall not be located closer than ten (10) feet from the intersecting road right-of-way line.

Residential Subdivision Entrance Way Ground Signs within the Public Road Right-of-Way - shall be approved by the county, state, or other governmental agency having jurisdiction.

6.4 Churches, schools, and other non-residential uses within residential zoning districts may erect signs subject to all sign size and location requirements of *section 9 of this Ordinance*. However, if an institutional use bulletin board is utilized as permitted in *section 4.8*, no additional ground sign will be permitted.

6.5 Golf Courses - Golf courses with frontage on two roads, each of which has a minimum road right-of-way width of eight-six (86) feet, shall be permitted two (2) ground signs - one for each frontage. Each sign shall not be located closer than ten (10) feet from any road right-of-way. Such signs shall neither exceed twenty-four (24) square feet in area or six (6) feet in height. All height measurements shall be taken from the surface of the public sidewalk or the road closest to the sign.

6.6 A residential subdivision development shall be permitted one (1) project announcement sign after the development has received tentative preliminary plat approval. This sign may remain until the first building permit is issued. At that time, the sign must be removed. Project Development signs shall neither exceed twenty-four (24) square feet in area nor six (6) feet in height and shall not be located closer than ten (10) feet to any property line.

Section 7
SIGNS AUTHORIZED WITH A PERMIT
IN RESIDENTIAL 2 (R-2), ZONING DISTRICT

7.1 A multiple family or mobile home development with units or lots for sale or rent shall be allowed no more than two (2) ground signs on a temporary basis for a two (2) year period. Such signs shall be located adjacent to a development project's entrance way, and limited to one along each bounding primary or secondary road. The signs, when permitted, shall not exceed twenty-four (24) square feet in area nor a height of six (6) feet. The length of the sign shall not exceed eight (8) feet in distance nor shall the height of the sign exceed eight (8) feet. The sign support shall not extend more than two (2) feet from the ground to the sign surface. Such signs shall be located no closer than ten (10) feet from any property line. The sign permit may be renewed yearly if the project is less than ninety-five (95) percent occupied.

7.2 Residential 2 or Mobile Home Entrance Way Ground Signs on Private Property - Shall neither exceed five (5) feet in height nor twenty-four (24) square feet in area and shall only display the name of the project. Signs shall be located on private property at least one (1) foot away from all property lines. All entrance way signs shall be ground signs, shall have a common design, and be constructed of the same or similar materials throughout that development.

Boulevards – Residential 2 or Mobile Home Entrance Way ground signs erected on private property shall meet all requirements as stated above and shall not be located closer than ten (10) feet from the intersecting road right-of-way line.

7.3 A residential or mobile home development with units or lots for sale or rent shall be allowed one (1) off-premise temporary sign for a two (2) year period which may be renewed yearly if at least five (5) percent of the lots or units remain vacant and available or new units or lots are under construction. Such sign shall be for the purpose of directing traffic to the development's location. The sign may be a maximum of twenty-four (24) square feet in area and shall not exceed six (6) feet in height. No such sign shall be located within fifty (50) feet of any road or street right-of-way. Such sign shall be removed when ninety-five (95) percent of all units or lots have been occupied.

7.4 One (1) wall sign for identification purposes for each such development shall be permitted. Such sign shall not exceed twenty-four (24) square feet in area. The sign shall not extend above the roof line nor shall such sign project from the face of the building more than twelve (12) inches.

7.5 Golf Courses - Golf courses with frontage on two roads, each of which has a minimum road right-of-way width of eighty-six (86) feet, shall be permitted two (2) ground signs - one for each frontage. Each sign shall not be located closer than ten (10) feet from any road right-of-way. Such signs shall neither exceed twenty-four (24) square feet in area or six (6) feet in height. All height measurements shall be taken from the surface of the public sidewalk or the road closest to the sign.

7.6 A Residential 2 or mobile home development shall be permitted one (1) project announcement sign after the development has received site plan approval from the Township Planning Commission. This sign may remain until the first building permit is issued. At that time, the sign must be removed. Project Development signs shall neither exceed twenty-four (24)

square feet in area or six (6) feet in height and shall not be located closer than ten (10) feet to any property line.

Section 8
RESERVED FOR FUTURE USE

Section 9
SIGNS AUTHORIZED WITH A PERMIT IN ALL COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

9.1 WALL SIGNS/AWNING SIGNS. The total square footage allowed for a wall sign, awning sign, or a combination of the two in these zoning districts shall be determined by multiplying one (1) square foot by the linear footage of frontage of the building or legally occupied tenant space, but shall not exceed two-hundred (200) square feet per building or tenant space.

All wall signs shall utilize individual die-cut or internally illuminated channel letters. Any building or multiple building site shall utilize a single color for all wall sign letters, excluding any trademark or copyrighted logo. If the letters are attached to an exposed electrical raceway, the raceway shall match the color of the wall.

Where corporate logos are proposed for use as a wall sign or as part of the overall wall sign, the logo shall not exceed 30% of the maximum permitted area.

When a wall sign is used in conjunction with an awning sign the total square footage allowed for both together shall not exceed the maximum square footage that would be allowed for a wall sign.

Corner lots shall not be provided additional footage.

9.2 WINDOW SIGNS. Window copy, painted or otherwise attached to the window surface, shall be limited in area to twenty-five (25) percent of the total surface of the window to which the sign is affixed, and no more than two (2) signs per window surface shall be permitted. However, this type of sign does not require a permit.

9.3 CANOPY SIGNS. Canopy signs shall not exceed eighty (80) square feet in total area and shall not project further than the canopy support structure. The minimum clearance shall be ten (10) feet from the average grade of the parcel on which it is located to the bottom of the sign.

9.4 GROUND SIGNS.

A. One (1) ground sign may be permitted for each developed lot or parcel. The sign shall not be located closer than ten (10) feet to any property line and to the edge of the pavement of any driveway entrance off of the right-of-way.

B. The sign face shall not exceed twenty-four (24) square feet in area. The sign structure shall not exceed twelve (12) feet in length or less than ten (10) feet in height as measured from the finished elevation of the sidewalk located along the right-of-way nearest to the sign.

C. The ground sign shall be integrated into the landscape buffer design and shall be compatible with the design and materials used for the structures on the site.

D. The masonry base shall have a minimum height of eighteen (18) inches and shall not exceed a height thirty-six (36) inches. The masonry base, at a minimum, shall be equal to the length of the sign. Masonry or other decorative features enclosing the sides or top of the face of the sign shall not extend beyond the maximum allowable width and height of the sign.

9.5 BILLBOARDS. Billboards shall be permitted in the zoning districts adjacent to limited access interstate freeways and shall not exceed the requirements of the *Hi-way Beautification Act, specifically, Public Act 106 of 1972, as amended.*

9.6 TEMPORARY CLOTH OR CANVAS SIGNS, PENNANTS, OR BANNERS may be displayed for a period of up to four weeks within the calendar year that the first permit was applied for. Three (3) permits may be issued per calendar year. The total square footage allowed for a banner sign shall not exceed what is permitted for a wall sign in *section 9.1*.

9.7 MENU ORDER AND SIMILAR DRIVE-THROUGH ASSISTANCE SIGNS. One (1) such free standing sign not exceeding twenty-four (24) square feet in size shall be permitted per each legally valid "drive-through" type use. Further, said sign may only be located at the point of vocal communication with the main building.

9.8 PROJECT ANNOUNCEMENT SIGNS. A commercial or industrial development shall be permitted one (1) project announcement sign after the development has received site plan approval from the Township Planning Commission. This sign may remain until the first building permit is issued. At that time, the sign must be removed. Project Announcement signs shall neither exceed twenty-four (24) square feet in area nor six (6) feet in height and shall not be located closer than ten (10) feet to any property line.

9.9 KINROSS GOVERNMENTAL PROPERTY. A changeable copy sign/reader board may be installed in addition to what is permissible within *Section 9 of this Ordinance*. This provision is not applicable to size and location requirements.

Section 10
SIGNS AUTHORIZED WITH A PERMIT IN AGRICULTURAL OR RESIDENTIAL 1 ZONING DISTRICTS

10.1 Each conforming agricultural or open space recreational use shall be permitted wall signs. The area of such sign shall be computed by multiplying two (2) square feet by the total linear front footage of the building itself, but in no case shall the total sign area exceed two hundred (200) square feet. The sign shall not extend above the roof line or gable line, nor shall such sign project more than twelve (12) inches from the face of the building.

10.2 One ground sign for each developed lot or parcel where a conforming use exists, shall be permitted after the building and sign permits have been issued. The sign shall not exceed twenty-

four (24) square feet in area, nor exceed six (6) feet in height. Such signs shall be set back a minimum of ten (10) feet from any property line.

10.3 Producers of bona fide agricultural products as permitted within the Agricultural Zoning District shall be permitted no more than one (1) off-premise ground signs except as otherwise provided for in the *Kinross Charter Township Zoning Ordinance*. The signs shall be no larger than twenty-four (24) square feet in area and shall not exceed six (6) feet in height. The signs shall be located no less than ten (10) feet from all road rights-of-way and one hundred (100) feet away from all other signs. Each agricultural producer including, but not limited to, an individual, partnership, or corporation, shall be permitted to establish and maintain such signs. The purpose of the off-premise advertisement signs is to permit the producer to make the public aware of produce for sale. The sign shall include the name of the producer, the type(s) of produce available and directional information to assist the motoring public in locating the producer's agricultural area. Additional information may be indicated at the option of the producer. Such signs shall not advertise any products or services other than the availability of bona fide agricultural produce raised by the producer.

Permits may be obtained for a maximum period of six (6) consecutive months in any calendar year. Permit applicants shall present a letter indicating permission has been received from the land owner of tax record to place said sign upon his or her property. In addition a cash bond shall be posted to guarantee removal of said signs. Said signs shall be removed within forty-eight (48) hours of permit expiration.

10.4 GOLF COURSES - Golf courses with frontage on two roads, each of which has a minimum road right-of-way width of eighty-six (86) feet, shall be permitted two (2) ground signs one for each frontage. Each sign shall not be located closer than ten (10) feet from any road right-of-way. Such signs shall neither exceed twenty-four (24) square feet in area or six (6) feet in height. All height measurements shall be taken from the surface of the public sidewalk or the road closest to the sign.

Section 11
NON-CONFORMING SIGNS

11.1 The regulations established in the Zoning Ordinance under Non-Conforming Structures shall also be applicable to signs which exist on the date of the adoption of these regulations where such signs fail to comply with the provisions described in this section. The elimination of non-conforming signs is hereby declared to be a public purpose and for a public service. The Township Board may initiate proceedings and prosecute for condemnation of nonconforming signs under the power of eminent domain in accordance with *Article 149 of the Public Acts of 1911, as amended, being section 213.21 through 213.41 of the Michigan Compiled Laws* or other appropriate statutes.

11.2 Nothing in this section shall relieve the owner or user of a non-conforming sign, or owner of property on which the non-conforming sign is located from the provisions of the Ordinance regarding safety and maintenance of the sign.

11.3 Whenever an addition or modification to an existing site requires submittal and approval of a site plan pursuant to *Section 3.20, "Site Plan Review" of the Zoning Ordinance*, any non-conforming sign(s) shall be brought into conformance with the provisions of this ordinance.

Section 12
REZONING SIGNS IN ALL DISTRICTS

Whenever an application for rezoning is made, the following requirements shall be met.

12.1 It shall be the duty of the petitioner to remove all signage not in compliance with the requested, new district; removal shall be within thirty (30) days after the public hearing, if approved.

12.2 In the event that the Township determines the need to consider rezoning certain land areas, the regulations of this subsection will not be applicable.

Section 13
RESERVED

Section 14
PORTABLE SIGNS

Non-profit religious organizations and other similar community non-profit organizations may utilize a portable sign for the purpose of advertising the time and place of worship services or other meetings open to the public. Such sign may not exceed six (6) square feet in area or four (4) feet in total height. The sign shall not exceed two (2) feet in horizontal width. The sign must be located so as not to disrupt or create a safety hazard for pedestrian or vehicular movement. A sign permit is required, however, such portable sign will be permitted only if the non-profit organization is not permitted other permanent ground signs on the subject property. The portable sign utilized by the non-profit organization may not be placed closer than ten (10) feet from any road right-of-way.

Section 15
GASOLINE SERVICE STATIONS
SPECIAL SIGNS

Gasoline service stations may display the following special signs which are deemed customary and necessary to their respective businesses. Sign permits shall be required for such signs.

15.1 No more than two (2) signs, each sign not exceeding six (6) square feet in area, may be placed on a gasoline pump island for the purpose of displaying gasoline prices.

15.2 No more than two (2) signs, each sign not exceeding six (6) square feet in area, may be placed on a gasoline pump island for the purpose of designating "attendant served" or "self-serve".

Section 16
DIRECTIONAL SIGNS

Signs not exceeding six (6) square feet which contain only non-commercial messages including designation of rest rooms, drive entrances and exits, telephone locations and directions to door openings. Such signs shall not require permits.

Section 17
APPLICATION

Application for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or be accompanied by such plans, drawings and specifications as are necessary to advise the Zoning Administrator of the type, size, shape, location, construction and materials of the proposed sign and the building, structure or premises upon which it is to be placed.

Section 18
FEES

18.1 Fees for application review and site inspections, prior to sign placement, shall be established by the Township Board by means of a Fee Schedule Resolution. The Fee Schedule Resolution may be revised, as needed, without an amendment to this ordinance.

18.2 No fee shall be required for a permit for alteration or repair unless the sign is to be altered or repaired to an extent of fifty per cent (50%) of its value or unless a change of location or in type of sign is involved, in which case the charge for such permit shall be in accordance with the fees for signs required by this Ordinance.

Section 19
ENFORCEMENT AND VIOLATIONS

In the event a violation of this Ordinance is noted, the Zoning Administrator will notify the owner of record and the occupant of said property of said violation, and if different, the owner of the sign. Such notice shall specify the violation, and the time within which the corrective action must be completed. This notice may be served personally or by mail.

Section 20
PENALTIES

Any person, corporation, partnership or any other legal entity who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction thereof, may be fined not more than five hundred *($500.)* dollars or imprisoned of not more than ninety (90) days or both, upon the discretion of the court. Every act or violation and every day upon which a violation occurs shall be considered a separate offense. Any Person violating any of the provisions of this Ordinance shall become liable to the Township for any expense, including actual attorney's fees, loss, or damage occasioned by the Township by reason of such violation.

Section 21
ORDINANCE CONSTRUCTION
NON APPLICABILITY AND APPEAL

This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this Ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the Township and all amendments thereto; provided however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail. If there is believed to be a conflict between the stated intent and any specific provisions of this Ordinance, the Zoning Board of Appeals may, in accordance with established procedures, permit modification of said specific provisions while retaining the intent in such appealed instance.

Section 22
REPEAL

All ordinances or parts therefrom in conflict with the provisions of this Ordinance, except as herein provided are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 23

SEVERABILITY

Should any provision or section of this Ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of the remaining provisions or sections.

Section 24
SAVINGS CLAUSE

The repeal provided herein shall not abrogate or effect any offense or act not committed or done or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established or occurring prior to the effective date of this Ordinance.

Section 25
EFFECTIVE DATE

This Ordinance shall become effective upon publication.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on June 16, 2003.

KINROSS CHARTER TOWNSHIP
EMERGENCY SERVICES
COST RECOVERY ORDINANCE
ORDINANCE NO. 1.129

Adopted: November 1, 2004
Published: September 16 & November11, 2004
Effective Date: December 11, 2004

AN ORDINANCE to establish charges for emergency services *under Michigan Public Act 33 of 1951, as amended (MCL 48.801 et seq.), Public Act 368 of 1978, as amended (MCL 333.20948) and Public Act 246 of 1945 as amended (MCL 41.181),* to provide methods for the collection of such charges and exemptions there from, and to repeal all ordinances or parts of ordinances in conflict herewith.

KINROSS CHARTER TOWNSHIP, CHIPPEWA COUNTY, MICHIGAN, HEREBY ORDAINS:

The Kinross Charter Township Board hereby Ordains:

TITLE

This Ordinance shall be known and may be cited as the "Kinross Charter Township Emergency Services Cost Recovery Ordinance."

SECTION 1
PURPOSE

In order to protect the Charter Township of Kinross from extraordinary expenses resulting from the utilization of township resources in response to certain emergency incidents and demands for services, including, but not limited to, Police, Fire, Ambulance, the Department of Public Works and other outside agencies. The Charter Township of Kinross authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to such incidents under the authority of *P.A. 179 of 1990, P.A. 35 of 1951, P.A. 33 of 1951 as amended, by P.A. 81 of 1989, 42 U.S. Code [USC], et seq, P.A. 390 of 1976, as amended, P.A. 451 of 1994, P.A. 359 of 1947, P.A. 50 of 1960, and P.A. 246 of 1945.*

SECTION 2
ESTABLISHMENT OF TYPICAL FEES

All owners of premises, or all individuals as the case may be, involved in an incident in which there is a response of emergency services, equipment and personnel within Kinross Charter Township shall remit to the Township the actual cost or fees established by Township Resolution for typical costs. Said funds shall be used to help defray the costs

associated with providing and/or contracting for emergency services by the Township. The Resolution(s) establishing the fees may be updated or changed on a periodic basis to reflect changes in the cost of providing these services.

SECTION 3

DEFINITIONS

The following terms or phrases shall be defined to mean:

a. Assessable Costs. Those costs for services incurred by the township in connection with a response to a public safety incident, emergency assistance, excessive requests for emergency assistance, false alarms, or requested service. Included, but not necessarily limited, are costs of the actual labor and material costs of the township (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, cost of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the township or by a third party on behalf of the township; service charges and interest; attorney's fees, litigation costs, charges, fines or penalties to the township imposed by any court or state or federal governmental entities.

b. Bomb Threats. The verbal or written threat of a bomb or other explosive device, which if discharged as threatened, would violate a federal, state or local law.

c. Charge Against Person. The costs of an emergency response shall be a charge against the person liable for the costs under this ordinance. The charge constitutes a debt of that person and is collectible by the township for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

d. Cost Recovery Schedule. The Township Board shall from time to time adopt resolutions that set forth a schedule of the costs incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the township and represent the "costs of an emergency response or requested service." This schedule shall be available to the public from the Township Clerk.

e. Department of Public Works. The department created by the Township Board of the Charter Township of Kinross.

f. Emergency Assistance. Any request for emergency medical, public safety, police, fire, public works, and civil defense services defined herein.

g. Emergency Medical Services Director. The chief operational and administrative officer of the EMS Department, or in his/her absence, the senior officer in charge at the time of response.

h. Emergency Medical Services Department: The Emergency Medical Services Department created by the Township Board of the Charter Township of Kinross.

i. Excessive Requests for Emergency Assistance. Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than 3 times in the preceding thirty (30) days.

j. Extra Services, Special Services. Services provided by the Kinross Police Department, Emergency Medical Services, Department of Public Works or individual officers of the department(s) that are specifically identified in the cost recovery schedule.

k. False Alarms. Any automated or manual devices designed to request or summon emergency assistance which device is activated intentionally or otherwise, in absence of an actual need for emergency assistance. The most senior person responding to a false alarm shall make the determination that there was no actual need for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if

(1) caused by an act of God, i.e. lightning storm,

(2) it originates from a motor vehicle alarm system or

(3) has not occurred more frequently than three (3) times in a calendar year.

l. Hazardous Substance or Materials: For the purpose of this Ordinance, hazardous substances and/or materials include but are not necessarily limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable or organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the US Department of Transportation or by the laws of the State of Michigan.

m. Hazardous Materials Release: A release shall be any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, dumping, or disposing of a substance or material into the environment.

n. Illegal Fire. A fire set or determined to be set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no-burning" ban, order, or ordinance. An illegal fire does not include an unintentional fire or a fire caused by an act of God, i.e. lightning storm.

o. Motor Vehicle. Any self propelled or towed vehicle designed or used on the public streets, roads, and highways and for the purpose hereof all trailers or appurtenances attached to any motor vehicle.

p. Mutual Aid Agreement. An agreement between municipalities to assist each other with emergency services under certain circumstances spelled out within the agreement.

q. Police Chief: The chief operational and administrative officer of the Police Department, or in his/her absence, the senior police officer in charge at the time of response.

r. Police Department: The Police Department created by the Township Board of the Charter Township of Kinross.

s. Public Safety or Emergency Incident. Including

(1) excessive requests for emergency assistance,

(*2*) a false alarm,

(*3*) a hazardous material incident, emergency or release,

(*4*) an illegal fire,

(*5*) bomb threats,

(*6*) threats to oneself or others, or

(*7*) utility line failure.

t. Public Works Director. The head of the Department of Public Works for the Charter Township of Kinross.

u. Responsible Party: A responsible party is any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property, onto which or from which hazardous material is released or the owner, possessor or party in control of the hazardous substance immediately prior to the said release.

v. Responsible Party, Under the Influence. Any person is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

w. Responsible Party, Extra Services. Any persons, individual, business or other entity that requests, requires or is provided extra services or special services specifically identified in the Cost Recovery Schedule.

x. Threats to Oneself or Others. Verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local law.

y. Utility Line Failure. The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport natural gas or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses) if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to correct or repair such failure.

SECTION 4

CHARGES IMPOSED UPON RESPONSIBLE PARTY

The Township Supervisor shall prepare and propose a schedule of fees for review by the Township Board. The schedule shall consider the actual cost of usual services, the nature and extent of the usual services required, and for certain emergency services. Upon review, the Township Board shall adopt by resolution(s) fee schedules and such fees shall be charged to the owner of the premises or to another individual, as the case may be, for receiving such emergency services. A copy of such schedules shall be made available to the public at the office of the Township. When the Township responds to a call for emergency assistance, other actual costs incurred by it in responding to and mitigating such incident may be imposed upon the responsible party, including, but not limited to:

a. A fee at the prevailing rate for the equipment, materials, supplies, apparatus, and other items required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of the emergency response. For each hour or fraction thereof that the equipment, materials, supplies, apparatus, and other items is used or is required at the site by the officer in command, an additional hourly sum, hour or fraction thereof, may be charged.

b. All personnel related costs incurred by the Police Department, Ambulance, Fire Department, the Public Works Department, and/or other outside agencies as a result of responding to and mitigating an emergency response or demands for services. Such costs may include, but are not limited to, wages, salaries, fringe benefits, insurance, and other costs which may be a part of Kinross Charter Township's allowed usual and customary established rates for full time and part time personnel, whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time Township personnel are dispatched to the emergency incident and shall continue until all personnel have concluded their related responsibilities.

c. Other expenses incurred by the Township in responding to and mitigating an emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, charges for emergency response teams of other governmental agencies as well as Kinross Township Personnel, meals, refreshments for personnel working the scene of an emergency incident and all like and similar incidental costs arising from said emergency response and mitigation.

d. Any and all charges to the Township imposed by any local, state or federal entities related to the emergency response incident or service provided.

e. The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, or consumed as a result of the response and mitigation activities.

f. Costs incurred in accounting for all hazardous material incident related expenditures to include billing and collections costs and to include actual attorney fees incurred and all related costs associated with the collection of said expenditures, including court costs, witness fees, and expert fees incurred in support thereof.

SECTION 5
MODIFICATION OF FEES AND CHARGES

Fees and charges referenced in this ordinance may be modified and amended from time to time by resolution(s) of the Township Board.

SECTION 6
TIME FOR PAYMENT

All of the charges shall be due and payable within 120 days from the date the service has been rendered. The debt shall become delinquent, 120 days after billing, with the Township reserving all rights of collection that may be available for charges to the Township resulting from such emergency services. It is the responsibility of the Township to bill the responsible party, as soon as practicable, after the services have been rendered.

SECTION 7
ENFORCEMENT OF COLLECTION

The Township Supervisor is hereby authorized to enforce the collection of charges for emergency services and legal action may be instituted by the Township against the customer or liable party to collect payment of charges. The charges for emergency services may become a lien on the premises owned by the responsible party for services rendered. The Township Treasurer shall certify all unpaid charges for services furnished to any premises or person, which are unpaid for a period of 6 months to the Township Supervisor who shall proceed with appropriate collection procedures.

SECTION 8
EXEMPTIONS

The following circumstances shall be exempt from the foregoing charges:

1. False alarms, except as otherwise provided for herewith and within the Fee Schedule Resolution(s);

2. Alarms and/or emergency calls made for which there was no malicious intent, and that did not require a response by an emergency response department;

3. Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies;

4. Emergency services performed outside the jurisdiction of the Township under a mutual aid contract or agreement with other municipalities.

5. No additional fees may be incurred for Kinross Police services by any individual, firm, or corporation already paying for such services via special assessments levied for the operation of the Kinross District Police Department.

Mutual aid agreements may dictate costs to be charged within the agreement. In absence of costs dictated in the mutual aid agreement, this ordinance shall be a controlling document, in part or in its entirety, excepting sections of the mutual aid agreement expressly intended to be contrary to this ordinance.

SECTION 9
NON-EXCLUSIVE CHARGES

The foregoing rate and charges shall not be exclusive of the charges that may be made by the Township for the cost and expenses of maintaining emergency services, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation or by a special assessment established under the Michigan statutes pertinent thereto, or by General Fund Appropriations, in order to cover emergency service costs and expenses.

SECTION 10
MULTIPLE PROPERTY PROTECTION

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

SECTION 11
AMENDMENT

The Township specifically reserves the right to amend this Ordinance in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the Emergency Services Cost Recovery Fee Schedule Resolution(s).

ARTICLE 12
ATTORNEYS FEES

Should suit be filed pursuant to this Ordinance, and judgment has been entered on behalf of the Plaintiff, the Plaintiff may charge actual attorneys fees involved with the enforcement as well as out-of-pocket expenses.

ARTICLE 13
SEVERABILITY CLAUSE

The provisions of this ordinance are hereby declared severable, if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion declared void or unenforceable.

SECTION 14
ORDINANCE REPEAL

Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 15
PUBLICATION AND EFFECTIVE DATE

A. A true copy of this Ordinance shall be published in a newspaper of general circulation within thirty (30) days after its adoption.

B. The Township Clerk shall file or cause to be filed, an attested copy of this Ordinance with the County Clerk.

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

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on November 1, 2004.

KINROSS CHARTER TOWNSHIP
COMMERCIAL TRUCK ROUTE ORDINANCE
ORDINANCE NO. 1.130

Adopted: December 7, 2009

Published: December 18, 2009

Effective Date: January 19, 2010

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title
This Ordinance shall be known and may be cited as the "Kinross Charter Township Commercial Truck Route Ordinance."

Section 2: Purpose
The purpose of this Ordinance is to establish and regulate truck traffic routes; prohibit truck traffic on other roads; and provide penalties for the violation thereof.

Section 3: Definitions
A. “Implement of husbandry” means every vehicle that is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

B. “Road” means any street, highway or route within Kinross Charter Township.

C. “Semi-trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by some other vehicle.

D. “Trailer” means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

E. “Truck” means every motor vehicle that is designed, used or maintained primarily for the transportation of property, except a pick-up truck or a van designed to carry loads of no more than one (1) ton.

F. “Truck-tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

G. "Person" includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 4: Rule of Construction
Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 5: Truck Routes
The following roads in Kinross Charter Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

A. M-80 also know as Tone Road.
B. Gaines Highway.
C. Mackinaw Trail/H-63.
D. W. Thompson Road.
E. Bound Road.
F. Tilson Rd.
G. W Curtis St.
H. S. Watertower Dr.
I. S. Riley St.
J. All roads in the industrial complex.
K. S. Johnson Rd.
L. Fair Rd.
M. S. Wilson Rd.
N. Ploegstra Rd.
O. Kincheloe Dr. from Tone Rd. to South Watertower Dr.
P. South Hugginin St.

Section 6: Prohibition Against Travel on Other than Truck Routes
Except as expressly permitted under this ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in Kinross Charter Township on any road other than a designated truck route.

Section 7: Exemptions
The truck route limitations prescribed in this ordinance shall not apply to:

A. Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property, or

B. Implements of husbandry incidentally moved upon a road, or

C. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township, or

D. Garbage service vehicles while involved in the provision of services to residents of the Township.

Section 8: Pick-Ups, Deliveries, Service Calls
A vehicle that would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups, deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

Section 9: Special Permits
The Township Supervisor shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this ordinance. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle and a copy of permit shall be given to the Kinross District Police Department. The Township Board shall, by resolution, set a fee and criteria for special permits.

Section 10: Signs
The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

Section 11: Enforcement and Penalties.
The Township may enforce any violation of this Ordinance by resort to one of the following:

Criminal Enforcement.
Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than $500 or shall be imprisoned in the Chippewa County jail for not more than 90 days or both such fine and imprisonment at the discretion of the court.

Municipal Civil Infraction Citation.
Any person who is found responsible or admits responsibility for violation of this Ordinance shall be subject to a civil fine and costs. The civil fines are set forth in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in any ordinary civil action and may include all expenses, direct and indirect, including attorney fees, that the Township bears in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than $9.00 nor more than $500.00 be ordered.

Municipal Civil Infraction Violation Notice.
Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as municipal civil infraction citations, as provided in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131. Any person who receives a municipal civil infraction violation notice (as opposed to a citation) may choose to dispose of the municipal civil infraction at the Kinross Charter Township Municipal Ordinance Violations Bureau by admitting responsibility and paying the scheduled fine. The bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

Section 12: Severability

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

Section 13: Administrative Liability

No officer, agent, or employee of Kinross Charter Township, or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this ordinance.

Section 14: Repeal

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as of the effective date of this ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and enforcement of this ordinance only will in no way, manner or form repeal, notify or otherwise change the definition of any such terms as used in other ordinances of Kinross Charter Township.

Section 15: Effective Date

This ordinance was approved and adopted by the Township Board of Kinross Charter Township, Chippewa County, Michigan, on December 7, 2009, and is ordered to take effect on January 19, 2010, said date being 30 or more days after publication.

ADOPTED BY THE TOWNSHIP BOARD:

_____

Lawrence Palma
Kinross Charter Township Supervisor

STATE OF MICHIGAN)
) ss
COUNTY OF CHIPPEWA)

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Kinross, Chippewa County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board on the 7th day of December, 2009, and that such ordinance was duly published in the Soo Evening News on the 18 day of December, 2009.

_____

Marvin Besteman

December 8, 2009

Soo Evening News

Please post the attached ordinance 1.130 in the legal section of the paper on Friday December 18, 2009. Send proof of publication and invoice to: Marvin Besteman, PO Box 175, Kinross, MI 49752.

Should you have any questions regarding this request contact Sheila Gaines at 906-495-5381 ext 102.

Thank you.

PUBLIC NOTICE

KINROSS CHARTER TOWNSHIP

The Kinross Charter Township Board will consider for adoption the Commercial Truck Route Ordinance #1.130 at a regular meeting on Monday, December 7, 2009, at 7:00 PM, at the Township Hall, 4884 W. Curtis Street, Kincheloe, MI. The purpose of this ordinance is to establish and regulate truck traffic routes; prohibit truck traffic on other roads; and provide penalties for the violation thereof.

The Township Board invites all interested persons to comment on the proposed Truck Route Ordinance. Written comments may be addressed to: Marvin Besteman, Kinross Charter Township, PO Box 175, Kinross, MI 49752 and are encouraged to mail comments six or more days prior to the meeting.

The full text of the Truck Route Ordinance may be viewed at the Administrative Offices of Kinross Charter Township, 4884 W. Curtis St., Kincheloe, MI 49788, between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays or on our web site at www.kinross.net.

Marvin Besteman, Clerk

Kinross Charter Township

As Adopted

CHARTER TOWNSHIP OF KINROSS

COUNTY OF CHIPPEWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, held at the Kinross Township Hall located at 4884 W. Curtis Street, in the Township, on the 7th day of December, 2009, at 7:00 p.m. Local Time.

PRESENT: Members: Lawrence Palma, Marvin Besteman, Ed DeWitt, Julie Munro, Brenda Case and Harvey O'Brien

ABSENT: Members: David Kauer

Supervisor Palma introduced Ordinance No. 1.131 entitled:

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

The Ordinance was then discussed.

It was moved by Member Brenda Case and seconded by Member Ed DeWitt that Ordinance No. 1.131 be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: O'Brien, DeWitt, Besteman, Palma and Case

NAYS: Members: Munro

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 1.131 as adopted:

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ORDINANCE NO. 1.131

AN ORDINANCE TO ADMINISTER, REGULATE AND PROVIDE FOR THE CONNECTION TO AND USE OF THE PUBLIC WATER AND SEWER SYSTEMS; TO REGULATE PRIVATE SEWAGE DISPOSAL; TO PROHIBIT CROSS CONNECTIONS TO THE WATER SYSTEM; TO PROVIDE FOR THE SETTING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEMS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ARTICLE I
TITLE, OBJECTIVES AND FINDINGS

Section 101. **Short Title**. This Ordinance shall be known as the "Water and Sewer Ordinance" and may be cited as such.

Section 102. **Objectives Re: Water System**. The Water System is maintained by the Township to protect and promote the health, safety and welfare of the Township by assuring to residents and property owners in the Service Area an adequate and reliable supply of Potable Water on a continuous basis for household and drinking purposes, including protection of the Water System against contamination and, in general, maintaining a high quality of water for distribution to Customers. The Township is adopting this Ordinance to provide for appropriate means of administering, managing and regulating the connection to, use of and payment of fair and equitable rates for use of the Water System and to provide in general for compliance with the state and federal safe drinking water acts and other applicable laws and regulations.

Section 103. **Objectives Re: Sewer System.**

a. The Sewer System is maintained by the Township to promote the health, safety and welfare of the residents of the Township. The Township is adopting this Ordinance to provide for appropriate means of administering, managing and regulating the connection to, use of and payment of fair and equitable rates for use of the Sewer System.

b. This Ordinance sets forth uniform requirements for Customers of the 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.), including the following:

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

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

(3) To improve the opportunity to recycle and reclaim wastewaters and sludge's from the Sewer System;

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

(5) To protect the physical integrity of the Sewer System and the Sewage Treatment Plant and to provide for the safety of the public and workers on and in the Sewer System and the Sewage Treatment Plant.

Section 104. **Findings Re: Public Health, Safety and Welfare**. The Township hereby determines that the Water System and the Sewer System are immediately necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon:

a. 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."

b. The ground water in that portion of the Service Area located within the former Kincheloe Air Force Base is contaminated by trichloroethylene.

Section 105. **Findings Re: Useful Life of Sewer System and Water System**. The Township Engineer has advised the Township and the Township so finds that the useful life of System components comprised of public watermain, valves and fittings, storage facilities and water booster and meter stations, exclusive of mechanical and electrical components and Public Sewer, manholes and pumping stations, exclusive of mechanical and electrical components, is 50 years and upwards and that the useful life of other System components is 15 years and upwards for mechanical and electrical components and 10 years and upwards for paint systems such as elevated storage tanks.

Section 106. **Finding Re: Measure of Sewer and Water Use by Metering**. The Township hereby finds that the metering of domestic water supply is the best available technology for measuring with relative precision the use of the Water System and the discharge to and the use of the Sewer System.

ARTICLE II
DEFINITIONS

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

"Act 451" is the Natural Resources and Environmental Protection Act, which is Act 451 of the Public Acts of Michigan of 1994, as amended.

"Approved" means approved by the Township and in the case of Article IV, Part E, by the Michigan Department of Environmental Quality as well.

"Available Public Sewer" means a Public Sewer to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from a Structure in which Sanitary Sewage Originates and located on the Premises in question. Provided, however, the Public Sewer shall also be considered to be available to Commercial and Industrial Customers located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the Public Sewer would have been available to a building on the undivided Premises pursuant to the preceding sentence, notwithstanding the 200-foot requirement, at the time of such division.

"Available Water System" means a public water system to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from a structure in which Potable Water is used and located on the Premises in question. Provided, however, the public water system shall also be considered to be available to Commercial and Industrial Customers located on individual Premises or condominium units divided or created from what was formerly an undivided Premises, if the public water system would have been available to a building on the undivided Premises pursuant to the preceding sentence, notwithstanding the 200-foot requirement, at the time of such division.

"Backflow" is the flow of water or other liquids, mixtures or substances into the Water System from any source other than its intended source, due to a reversal of flow.

"Backflow Preventer" is a device to prevent Backflow.

"Board of Appeals" means the Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article VII of this Ordinance.

"BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

"Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the Sewage discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the Sewer Lateral, beginning five (5) feet outside the inner face of the building wall.

"Cesspool" is an underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

"Combined Sewer" means a Sewer receiving both storm waters, surface runoff, street wash water and drainage and Sewage.

"Compatible Pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the Sewer System was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term substantial degree generally means removal within NPDES Permit requirements.

"Contamination" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water Nonpotable.

"County" means Chippewa County.

"Cross Connection" is any physical connection between the Water System and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system, any Potable water supply outlet which is submerged or can be submerged in Sewage and/or any other source of Contamination. See "Backflow."

"Customer" means the Person who owns or, subject to the limitations of Section 624, below, leases any Premises which are connected to or served by either of the Systems. "Customers" are divided further into the following classes:

"Residential Customer" - the owner of an individual home or dwelling unit, including manufactured housing units, apartments, condominiums or multi-family dwelling units that are served by individual Sewer Laterals or Service Connections, which discharges only Domestic Sewage which is Normal Strength Sewage.

"Commercial Customer" - any retail or wholesale business engaged in selling merchandise or a service, or multi-family dwelling units served by a single Sewer Lateral or Service Connection, which discharges only Sewage which is Normal Strength Sewage.

"Institutional Customer" - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, correctional facility or other institutional Customer.

"Governmental Customer" - shall mean any federal, state or local government office or government service facility.

"Industrial Customer" - any manufacturing, assembly or similar establishment, or any establishment which discharges Sewage other than Normal Strength Sewage.

"Customer Class" means either a Residential, Commercial, Institutional, Governmental or Industrial group of Customers.

"Customer Surcharge Fee" means a charge imposed on a Customer of the System which discharges Sewage in excess of Normal Strength Sewage.

"Department of Public Works" ("DPW") means the Department of the Township which is responsible for the day-to-day operations of the Water System and Sewer System, among other responsibilities assigned to the DPW by the Township from time to time.

"Direct Connection" means the connection of the Building Drain or Service Line directly to the Sewer System or Water System.

"Domestic Sewage" means 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 either singly or in combination.

"Dwelling Unit" means a building or a part thereof which is intended for or used for occupancy by a family or group of persons living together as a single housekeeping unit.

"Engineer" means the engineer retained by the Township.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Health Hazard" with respect to the Water System, is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Township, may create by Contamination or otherwise, a danger to the health and well-being of the Customer. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

"Incompatible Pollutant" means any pollutant that is not a Compatible Pollutant, as defined above.

"Indirect Connection" means the connection of a Building Drain or Service Line to a sewage collection or water distribution system which is installed and paid for by special assessment or private funds, which collection or distribution system is, after construction, turned over to the Township and becomes part of the Sewer System or Water System (e.g., if a developer constructs sanitary sewers and water mains in a plat and connects the sewers and water mains to the public Systems, the connection in each lot in the plat would be an Indirect Connection).

"Infiltration" means any waters entering the Sanitary Sewers from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, Inflow.

"Inflow" means any waters entering the Sanitary Sewers through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

"Infiltration/Inflow" means the total quantity of water from both Infiltration and Inflow.

"Industrial Wastes" means the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

"Informal Hearing Committee" means the three-person committee, comprised of the Superintendent of the DPW and two members of the Township Board, which shall be appointed by the Township Board from time to time, responsible under Article VII of this Ordinance for hearing informal appeals on Rates and Charges and the application of this Ordinance.

"Inspection Fee" means the amount charged to each applicant by the Township at the time an application is made to the Township for connection to either or both Systems to cover the issuance of a connection permit and the routine cost of inspecting and approving the physical connection of the building to the System.

"Inspector" means the Person designated by the Township and responsible for inspecting connections to the Public Water or Sewer System and for inspection of other components of the Systems to ensure compliance with the Ordinance as to avoid damage to the Systems, or his duly authorized representative.

"Interceptor Sewer Lines" means those lines whose basic function is to collect Sewage from two or more separate trunk sewer lines and to transport such Sewage to the Sewage Treatment Plant.

"May" is permissive.

"Meter" means an instrument for measuring the rate of flow of Public Water.

"Meter Fee" means the amount charged to each water permit applicant to cover the cost of the Meter, horn and assembly and/or its installation.

"Miscellaneous Customer Fee" is an amount charged to Customers for miscellaneous services and related administrative costs associated with the System and not covered by Rates and Charges, including additional fees for inspections required by the Township, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water and sewer usage, industrial pretreatment fees, surcharges, fines, penalties and other expenses applicable to a Customer of the System, attorney and professional fees related to such matters, and similar expenses authorized by this Ordinance.

"Natural Outlet" means any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

"Nonpotable Water" is water that is not safe for human consumption or that is of questionable potability.

"Normal Strength Sewage" means a sanitary wastewater flow containing an average daily BOD of not more than 315 mg/l; an average daily suspended solids concentration of not more than 270 mg/l; or an average daily total phosphorus concentration of not more than 8 mg/l.

"NPDES Permit" means the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of treated Sewage from the Sewage Treatment Plant into the waters of the State.

"Nuisance" means, but is not limited to, any condition where Sewage or the effluent from any sewage disposal facility is exposed to the surface of the ground or discharged into any Natural Outlet or when the odor, appearance, or presence of said Sewage or effluent has an obnoxious or detrimental effect on or to the senses and/or health of Persons, or when it shall obstruct the comfortable use or sale of adjacent property.

"pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

"Person" means any individual, or any public or private firm, company, association, society, tribe, corporation, or group.

"Plumbing System" includes the water supply and distribution pipes, plumbing fixtures, and traps, soils, waste and vent pipes, Building Drains, Private Water Storage Tanks, water-treating or water-using equipment and all related connections, devices and appurtenances, all as located within the property lines of the Premises.

"Potable Water" is water suitable for human consumption and contact; free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the Michigan Department of Environmental Quality.

"Premises" shall mean a parcel of property or lot and includes appurtenant land and improvements.

"Pretreatment" means the treatment of extra strength Sewage in privately owned Pretreatment facilities prior to discharge into the Sewer System.

"Private Disposal System" shall mean a privately-owned facility such as a septic tank, cesspool, or other facility intended or used for the disposal of Sewage.

"Private Water Storage Tank" means a storage tank which is owned by a private Person and is not part of the Water System.

"Properly shredded garbage" means Garbage from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1/2) in any dimension.

"Public Sewer" means a local or main collector sewer which is owned and controlled by the Township.

"Public Water" is water provided by the Water System.

"Rates and Charges" when not specifically identified as Sewer Rates and Charges or Water Supply Rates and Charges, means either or both Sewer Rates and Charges or Water Supply Rates and Charges, or any component thereof, as the context shall dictate.

"Reduced Pressure Principle Backflow Preventer" is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

"Replacement" means expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the Systems to maintain the capacity and performance for which the Systems were designed and constructed.

"Residential Equivalent Unit" or "Unit" refers to a standard basis of measuring the relative quantity of Sewage generated or Water use demanded, and the benefits derived from the use of the Systems ordinarily 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 use of 200 gallons. A listing of the relative relationships between the various Customers of the Systems is hereby determined by the Township and is set forth in Exhibit A to this Ordinance. The assignment of Unit(s) to a particular Customer shall be determined from time to time by the Township, based upon the use to which the Customer's property is put. Each Customer shall be assigned a minimum of one (1) Unit for each Sewer Lateral or Service Connection. 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 Exhibit A shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Exhibit A.

"Safe Air Gap" or "Air Gap" means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve inches.

"Sanitary Sewer" means a sewer which carries Sewage and to which storm, surface and ground waters are not normally admitted.

"Schedule of Rates and Charges" is the Schedule of Rates and Charges listing the amounts of the various Water Supply Rates and Charges and Sewer Rates and Charges, together with other determinations and designations required by this ordinance. This schedule shall be adopted, and may be amended in part or in whole, by resolution of the Township Board from time to time.

"Secondary Water Supply" means a water supply system maintained in addition to the Public Water supply, including, but not limited to, water systems from ground or surface sources not meeting the requirements of applicable law, 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.

"Service Area" means those areas within the former Kincheloe Air Force Base, and other areas of the Township, which are now or hereafter served by the System. The term "Sewer Service Area" is used when reference is made only to the area served by the Sewer System; the term "Service Line Area" is used when reference is made only to the area served by the Water System.

"Service Connection" means the publicly owned corporation cock, pipe and curb stop that conveys Public Water from the Township mains to the curb stop and which connects to the Service Line.

"Service Connection Fee" means the amount charged by the Township to an applicant for water service to cover the cost of the installation of a Service Connection.

"Service Line" means a privately owned pipe connected to the Service Connection at the curb stop and extending into the Premises supplied with Public Water.

"Sewage" means any liquid or water carried waste including Domestic Sewage and Industrial Wastes and any Infiltration or Inflow as may be present.

"Sewage Treatment Plant" means the publicly-owned physical plant designated to receive and process the raw, untreated Sewage of the properties served by the System, including stabilization ponds, effluent sprayers and all appurtenant piping, manholes, chemical contact chambers, control structures, ground water monitor wells, earthwork, valves, gates, electrical circuitry, fencing and openings.

"Sewer" means a pipe, tile, tube or conduit for carrying Sewage.

"Sewer Availability Fee" means the amount charged to a Premises to make the local collection components of the Sewer System available to directly serve said Premises. This charge represents a cost allocable to such Premises for the Sewers directly available to the Premises for connection thereto, and associated costs.

"Sewer Commodity Charge" is a periodic charge based on metered (or assumed) water usage levied on Customers of the Sewer System for a portion of the fixed and all of the variable Sewer System Operation, Maintenance and Replacement Costs.

"Sewer Lateral" means the connection laterally from the local or main collector sewer to the Building Drain, including the Wye Branch.

"Sewer Lateral Fee" means the fee charged by the Township to construct and install a Sewer Lateral.

"Sewer System Operation, Maintenance and Replacement Costs" means all costs, direct and indirect, necessary to insure adequate treatment and collection of Sewage on a continuing basis to conform with all federal, state and local wastewater management requirements, and to assure optimum long term management of the Sewer System and shall include a reasonable allowance for the Replacement of the equipment and appurtenances necessary to maintain the intended performance of the Sewer System.

"Sewer Rates and Charges" shall include the Sewer Availability Fee, Sewer Trunkage Fee, Sewer Lateral Fee, Inspection Fee, Sewer Readiness to Serve Charge, Sewer Commodity Charge, Customer Surcharge Fee, Miscellaneous Customer Fee, any late fees or penalties incurred thereon pursuant to this Ordinance, and the civil penalty imposed pursuant to Section 304.

"Sewer Readiness to Serve Charge" is a periodic fee levied on each Customer of the Sewer System, based upon the size of the Customer's Water Meter, for a portion of the fixed Sewer System Operation, Maintenance, and Replacement Costs.

"Sewer System" means the Sewage Treatment Plant and all Sewers and lift stations that convey Sewage to the Sewage Treatment Plant and appurtenances thereto, including all extensions and improvements thereto which are now owned or may hereafter be acquired by the Township, known generally as the Kinross Township Sewer System.

"Sewer Trunkage Fee" means the charge to a Premises for the installation, upgrade (including Replacement) and oversizing of trunk Sewers, Sewage Treatment Plant, lift stations and appurtenances necessary to serve the Premises so as to promote efficient operation of the Sewer System without overburdening the Sewer System.

"Shall" is mandatory.

"Slug" shall mean any discharge of Sewage or industrial waste, which, in concentration of any given constituent, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration during normal operation.

"State" means the State of Michigan.

"Storm Sewer" or "Storm Drain" means a sewer which carries stormwaters, surface runoff, street wash waters, and drainage, but is intended to exclude Sewage and industrial wastes, other than unpolluted cooling water.

"Structure in which Sanitary Sewage Originates" is 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.

"Submerged Inlet" means a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

"Sub-surface disposal field" means a facility for the distribution of septic tank overflow, or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

"Superintendent of the DPW" means the highest executive official in the Department of Public Works.

"Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, Sewage or other liquids and which can be removed by laboratory filtering.

"System" or "Systems" when not identified as the Sewer System or Water System, means either or both the Sewer or Water System, as the context requires.

"Township" means the Charter Township of Kinross, located in Chippewa County, Michigan, and/or duly authorized agent or representative.

"Treasurer" means the Treasurer of the Charter Township of Kinross or his or her authorized deputies, assistants or agents.

"Unmetered Fire Protection Connection" is a pipe extending from the Water System to supply a sprinkler, yard main, or other fire protection system.

"Unmetered Fire Protection Fee" is the monthly charge to a Customer with an Unmetered Fire Protection Connection for the availability of the Water System to provide fire protection to the Premises.

"Water Availability Fee" means the amount charged to a Premises to make the local distribution components of the Water System available to directly serve said Premises. This charge represents a cost allocable to such Premises for the watermains made directly available to the Premises for connection thereto, fire hydrants, valves, and associated costs.

"Water Commodity Charge" is a charge based upon metered (or assumed) water usage levied on Customers of the Water System for a portion of the fixed and all of the variable Water System Operation, Maintenance and Replacement Costs.

"Water Readiness to Serve Charge" is a periodic fee levied on each Customer of the Water System based upon the size of a Customer's Water Meter, for a portion of the fixed Water System Operation, Maintenance and Replacement Costs.

"Water Supply Rates and Charges" shall include the Water Availability Fee, Meter Fee, Service Connection Fee, Water Trunkage Fee, Inspection Fee, Water Readiness to Serve Charge, Unmetered Fire Protection Fee, Water Commodity Charge, Miscellaneous Customer Fee, any late fees or penalties incurred thereon pursuant to this Ordinance, and the civil penalty imposed pursuant to Section 404.

"Water System" means all facilities of the Township and all subsequent additions, including the water works, wells, pumps, mains, hydrants, storage tanks, Service Connections, Meters, and all other facilities used or useful in the pumping, treatment, and distribution of Public Water, including all extensions and improvements thereto which are now owned or may hereafter be acquired by the Township, known generally as the Kinross Township Water System.

"Water System Operation, Maintenance and Replacement Costs" means all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include a reasonable allowance for debt service and the Replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

"Water Trunkage Fee" means the charge to a Premises for the installation, upgrade (including Replacement) and oversizing of trunk water mains, pumping stations, storage facilities

and other Water System facilities and appurtenances necessary to serve the Premises so as to promote efficient operation of the Water System without overburdening the Water System.

"Watercourse" means a channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.

"Wye Branch" means the portion of the Sewer Lateral connected to a public Sanitary Sewer that is made at an angle similar to a "wye" so that a sewer cleaning rod will not come into the Sewer at a right angle and penetrate the far side, but will travel down the course of the Sewer.

ARTICLE III
PUBLIC SEWER SYSTEM; PRIVATE SEWAGE DISPOSAL

PART A: USE OF PUBLIC SEWERS REQUIRED

Section 301. **Unlawful Discharge.** It shall be unlawful to discharge to any Natural Outlet, Watercourse, or public or private property within the Township, or in any area under the jurisdiction of said Township, any Sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 302. **Sewage Disposal Facilities Regulated.** Except as provided in this Ordinance, no Person shall construct or maintain in the Sewer Service Area any Private Disposal System.

Section 303. **Required Connection.**

a. Except as provided in Section 306, the owners of each Structure in which Sanitary Sewage Originates and located in the Sewer Service Area are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Public Sewer in accordance with the provisions of this Ordinance, subject to availability of capacity in the Sewer System. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

b. Notwithstanding Section 306, all newly-constructed Structures in which Sanitary Sewage Originates shall be connected to an Available Public Sewer prior to occupancy, subject to availability of capacity in the Sewer System.

c. In general, an Available Public Sewer is a Public Sewer to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from the Structure in Which Sanitary Sewage Originates located on the Premises in question. See Article II for a more detailed definition of Available Public Sewer.

Section 304. **Time for Connection; Civil Penalty.** Except as provided in Sections 303(b) and 306, as a matter of public health, all new connections to the Available Public Sewer required hereunder, shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections or the modifications of a structure so as to become a Structure in which Sanitary Sewage Originates. Persons who fail to complete a required connection to the Available Public Sewer within such period shall be liable for a civil penalty equal

in amount to the Sewer Readiness to Serve Charge and Sewer Commodity Charge that, based upon similarly situated Customers, would have accrued and been payable had the connection been made as required. Notwithstanding the preceding, if the Township Board by resolution or the Chippewa County Health Department by rule requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed.

Section 305. **Enforcement in the Event of a Failure to Connect.** In the event a required connection to the Available Public Sewer 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 Sewer 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 Sewer.

Section 306. **Incidentally Available Sewer.** A Person may be permitted by the Township, in the sole discretion of the Township Board, to extend the Public Sewer at the cost and expense of such Person, in such a manner that the Public Sewer is made incidentally available to Premises other than those owned by the developer or outside the area for which sanitary sewers are declared a necessity by the Township for the public health and welfare, or are otherwise required to be constructed. Existing buildings on Premises to which the Public Sewer is so incidentally made available shall not be required to connect to the Public Sewer until such time as new Private Disposal System are required, or until repairs or replacement of the Private Disposal System of the premises are required, or until connection of all Premises within the area in which the Premises is located is declared a necessity by the Township for the public health and welfare. When such connection is made to the Public Sewer, the owners of the Premises shall pay the Sewer Rates and Charges required by Article VI of this Ordinance for connection.

PART B: PRIVATE SEWAGE DISPOSAL

Section 307. **Private Sewage Disposal.** Where connection to a Public Sewer is not required, a Structure in which Sanitary Sewage Originates shall be connected to a Private Disposal System which shall comply with all regulations of the Chippewa County Health Department.

Section 308. **Abandonment.** At such time as connection to the Public Sewer is made, any Private Disposal System shall be abandoned, pumped out and filled with clean sand.

Section 309. **Maintenance.** The owner shall operate and maintain Private Disposal System in a sanitary manner at all times with no expense to the Township.

Section 310. **Additional Standards.** No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the Chippewa County Health Department, or by any other governmental unit or body having jurisdiction or to which the Township has delegated such jurisdiction.

PART C: SEWER LATERALS AND CONNECTIONS TO PUBLIC SEWER SYSTEM

Section 311. **Permit Application.** No person shall make any connection to the Sewer System without first obtaining a permit from the Township. The owner or his agent shall make application on a special form furnished by the Township which shall be accompanied by payment in full of the Sewer Availability Fee, Sewer Lateral Fee, Sewer Trunkage Fee, Inspection Fee, any civil penalty which has accrued pursuant to Section 304, above, and such other charges or deposits required by this Ordinance, except to the extent provided in Section 617.

Section 312. **Approval of Permit.** The approval of a permit application shall be subject to (a) compliance with all terms of this Ordinance, (b) the availability of capacity in the Sewer System, (c) compliance of the plans and specifications with the standards for construction required by this Ordinance, and (d) compliance with all applicable administrative and regulatory requirements.

Section 313. **Contractor Requirements.** Any contractor or plumber desiring to construct a Sewer Lateral or Service Connection or uncover, make any connection with, or disconnection from, or opening into, use, alter or disturb the System or appurtenances thereof, must first secure an annual license from the Township. The license shall not be valid until signed and dated by the Superintendent of the DPW or the designee of the Superintendent of the DPW. 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 and execute unto the Township and deposit with the Township a cash bond or irrevocable letter of credit, 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 the System 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 Sewer Lateral or Service Connection installation and connection, or disconnection or other use, alteration or disturbance of the System 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. 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. The amount of the license fee, cash bond, letter of credit and the limits of the public liability insurance required by this Section 313 shall be approved by the Township Board and set forth in the Schedule of Rates and Charges. Any subcontractor to a licensed contractor or plumber must also obtain a license from the Township and comply with all requirements of this Section 313.

Section 314. **Installation of Sewer Lateral**. A Sewer Lateral shall be installed only by a plumber or qualified contractor, licensed by the Township in accordance with Section 313, at the Customer's expense and only after approval of the permit application by the Township.

Section 315. **Sewer Laterals.**

a. All costs and expenses incident to the installation, connection, maintenance and replacement of the Sewer Lateral shall be borne by the owner. The owner shall indemnify the Township and its authorized representatives against any loss or damage that may directly or indirectly result from the installation and connection of the Sewer Lateral to the Public Sewer.

b. A separate and independent Sewer Lateral shall be provided for each building except that, where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard or driveway, the Sewer Lateral from the front building may be extended to the rear building and the whole considered as one Sewer Lateral. In areas where Sewer Laterals have not been constructed to the Premises and complete street improvements have been made or where unusual lot splits have occurred leaving only one Sewer Lateral for two Premises, joint use of this Sewer Lateral may be approved by the Township with the connection being made to the System if there is no health or other danger. Compliance with pretreatment standards or local discharge limits prescribed by Ordinance or other regulation shall be determined within each tributary to the common Sewer Lateral prior to commingling with other wastewater.

c. Old Sewer Laterals may be used in connection with new buildings only when, on examination and test by the Township, they are found to meet all requirements of this Ordinance.

d. The Sewer Lateral shall be constructed of one of the following types of pipe meeting the current ASTM specifications:

(1) Plastic (ABS) ASTM D 1527 SDR 35

(2) Plastic (PVS) ASTM D 1785 SDR 35

(3) Vitrified Clay (VC) ASTM C-700 Extra Strength

(4) Asbestos-Cement (AC) ASTM C-428 C1-2400

(5) Cast Iron Extra Heavy ASTM A-74

(6) Non-reinforced Concrete ASTM C-14 Extra Strength

Provided, however, that in filled or unstable ground the pipe shall be extra heavy cast iron.

e. The size and slope of the Sewer Laterals shall be approved by the Township, but in no event shall the diameter be less than four inches. The minimum grade shall be as follows:

6-inch pipe – 1/8” per foot or 1” per 8 feet
4-inch pipe – 1/4” per foot or 2” per 8 feet

f. Whenever possible the Sewer Lateral shall be brought to the building at an elevation below the basement floor. No Sewer Lateral 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. The Sewer Lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long radius fittings. Each bend of 45° or over shall have a cleanout.

g. In all buildings in which any Building Drain is too low to permit gravity flow to the Sewer Lateral, the Sewage carried by the Building Drain shall be lifted by approved means and discharged to the Sewer Lateral.

h. All excavations which are made for the installation of Sewer Laterals shall be done in complete conformance with the requirements and standards of the Inspector. Pipe laying and backfill shall be performed in accordance with the applicable provisions of ASTM designated C-12, except that no back fill shall be placed until the work has been inspected and approved by the Inspector or his representative. Cinders shall not be used for backfill.

i. All joints shall be tight and sealed with neoprene gasket of a type approved by the Inspector.

j. All Sewer Laterals shall be tested by exfiltration. The test shall be made with a minimum head of six (6) feet. The exfiltration rate shall not exceed one hundred fifty (150) gallons per inch of pipe diameter per mile of pipe per day. The test will be made by the installer in the presence of the Inspector. Certification of the test shall be a requirement for approval of the installation.

k. The applicant for the Sewer Lateral permit shall notify the Township when the Sewer Lateral is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his direct representative.

Section 316. **Connections.** The connection of the Sewer Lateral into the Public Sewer shall be made at the Wye Branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated Wye Branch in the Public Sewer shall be made only as directed by the Township.

Section 317. **Excavations.** All excavations for Sewer Lateral installation and connection to the Public Sewer 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. No such work shall be commenced before such owner obtains the necessary permission to work in the public right-of-way from the Township and the County Road Commission.

Section 318. **Maintenance of Building Drain and Sewer Lateral.**

a. The owner of a Premises shall be responsible for the maintenance and repair of the Building Drain and Sewer Lateral. Existing Sewer Laterals shall meet all requirements of this Ordinance. Whenever any examination determines that an existing Sewer Lateral does not meet the requirements of this Ordinance and the Township determines that the connection is creating a health hazard, odor or public nuisance, or environmental hazard the Sewer Lateral shall be reconstructed by

the Township and the cost thereof shall be imposed against the Customer as a Miscellaneous Customer Fee.

b. The Sewer Lateral is part of the System; however, because the Sewer Lateral serves only an individual Premises, the cost of maintenance, repair or replacement of a Sewer Lateral shall be the responsibility of the owner of the Premises which is served by the Sewer Lateral. Any necessary maintenance, repair or replacement shall be performed by an authorized contractor at the expense of the owner, in the manner provided for installation of new Sewer Laterals, or by the Township, and the cost thereof shall be imposed against the owner as a Miscellaneous Customer Fee.

PART D: OPERATION, MAINTENANCE AND USE OF PUBLIC SEWER

Section 319. **Township Control.** The operation, maintenance, alteration, repair and management of the Sewer System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Sewer System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Sewer System.

Section 320. **Abatement of Nuisance.** This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public Nuisance or menace to the public health.

Section 321. **No Connection of Drains.** No person shall discharge, or cause to be 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 any Public Sewer. No footing drains shall be connected to a Public Sewer. All footing drain water shall be discharged to storm sewers or dry wells.

Section 322. **Stormwater.** Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as Storm Sewers or Storm Drains or to a Natural Outlet approved by the Chippewa County Road Commission, Chippewa County Drain Commissioner, Michigan Department of Environmental Quality, and/or other interested governmental agencies. Industrial cooling water, unpolluted air conditioning water, or unpolluted process waters may be discharged to a Storm Sewer, Storm Drain or Natural Outlet upon approval of the Chippewa County Road Commission, and, where appropriate, upon approval of the Chippewa County Drain Commissioner, Michigan Department of Environmental Quality, and/or other interested governmental agencies.

Section 323. **Prohibited Discharge.** No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:

a. Any gasoline, benzene, naphtha, motor oil, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any treatment process, constitute a hazard to humans or animals, create a public Nuisance or create any

hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes discharged to the Public Sewer.

c. Chlorine demand in excess of 15 mg/l.

d. Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewer System.

e. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Sewer System such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

f. Wastes which contain the following substances in concentrations exceeding limitations set forth by State or Federal agencies to protect the Sewage Treatment Plant or receiving waters, to minimize deleterious concentrations in sludges, and/or comply with NPDES Permit limitations:

Arsenic
Cyanide
Cadmium
Hexavalent Chromium
Total Chromium
Copper
Iron
Nickel
Lead
Mercury
Phenols
Zinc

Any other compound or substance in quantities which, individually or collectively, impair the operation or maintenance of the Sewer System or which are prohibited by State or Federal regulations.

g. Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur oxide, or oxides of nitrogen) and other substances capable of public Nuisance.

h. Color (as from, but not limited to, dyes, inks or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.

Section 324. **Additional Prohibited Discharge.** No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Engineer that such wastes can harm either the Sewer System, sewage treatment

process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a Nuisance. In forming his opinion as to the acceptability of these wastes, the Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Public Sewers, materials of construction of the Public Sewers, nature of the sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature less than thirty-two degrees Fahrenheit (32°F/0°C) or higher than one hundred fifty degrees Fahrenheit (150°F/66°C).

b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous in temperatures between thirty two (32°) and one hundred fifty (150°) degrees Fahrenheit (0° to 65°C).

c. Any Garbage that has not been properly shredded (no particular size greater than one half (1/2) inch).

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite Sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

f. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Engineer in compliance with applicable State or Federal regulations.

g. Any waters or wastes having a pH in excess of 9.0.

h. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage Treatment Plant.

(4) Unusual volume of flow or concentration of wastes.

i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such

degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction discharge to the receiving waters.

j. Discharges that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Township, is a nuisance in the treatment process.

Section 325. **Grease, Oil and Sand Interceptors.**

a. Grease, oil and sand interceptors shall be provided for non-residential uses when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Township and shall be located so as to be readily accessible for cleaning and inspection.

b. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

c. When a grease, oil or sand interceptor is determined by the Township to be necessary, the interceptor shall be installed either by the Customer in accordance with applicable Township specifications at the expense of the Customer or by the Township and the cost thereof shall be imposed against the Customer as a Miscellaneous Customer Fee.

d. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 326. **Metering.** If the Water System is available, all sewer Customers shall either have approved meters on all water intakes which are the source of wastes ultimately discharged to the Sewer System, or shall meter the liquid wastes in a manner acceptable to the Township.

Section 327. **Unusual Strength Sewage.** If any Sewage is discharged, or is proposed to be discharged, to the Sewer System, which contains the substances or possesses characteristics enumerated in Sections 323 or 324, or is not Normal Strength Sewage, and which in the judgment of the Township may have a deleterious effect upon the Sewage Treatment Plant, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitutes a public Nuisance, the Township may:

a. Reject the Sewage.

b. Require Pretreatment to the level defined as "Normal Strength Sewage" prior to discharge to the Sewer System.

c. Require Pretreatment to an acceptable level (other than Normal Strength Sewage) and in accordance with applicable Federal and State Pretreatment regulations prior to discharge to the Sewer System.

d. Impose a Customer Surcharge Fee determined by the relative concentration of BOD, Suspended Solids, or phosphorus which exceed the thresholds of "Normal Strength Sewage" or by the relative excess concentration of any other pollutant including grease, for example, which exceeds the limitations in Section 323 or 324, if the System has the capacity to handle such Sewage.

If the Township requires or permits the Pretreatment or equalization of Sewage prior to the discharge to the Sewer System, the design and installation of the plants and equipment shall be subject to the review and approval of the Township and subject to the requirements of all applicable codes, ordinances and laws.

Section 328. **Industrial Customers; Filings.** The Township shall require that each Industrial Customer file with the Township the material listed below. The Township may require the same information from any non-industrial Customer:

a. A written statement setting forth the unique nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

b. A plan map of the building, works or complex, with each point of discharge to a Public Sewer, Storm Drain, Natural Outlet, or groundwaters noted, described and the waste stream identified.

c. Reports on appropriate characteristics of wastes, as sampled and tested, on a schedule, at locations, and according to methods outlined in this Ordinance.

d. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of Persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

e. A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.

f. Reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste.

If any industrial process is to be altered so as to increase or decrease Industrial Wastes or potential industrial waste discharge to the Public Sewer, written notification shall be given to the Township. Discharge of said altered industrial waste streams shall be subject to the Township's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

Section 329. **Maintenance of Pretreatment Works.** Where Pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Customer at his or her expense.

Section 330. **Control Manhole.** When required by the Township, the Customer serviced by a Sewer Lateral carrying Sewage shall install an adequate sampling vault or control manhole in a fully accessible place for Township personnel to obtain samples and flow measurement data,

together with such necessary meters and other appurtenances in the Sewer Lateral to facilitate observation, sampling and measurement of the Sewage. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the Sewer System and receiving stream. Should the Township desire continual flow recording and twenty four (24) hour composite sampling, then a more complex manhole would be mandatory, complete with one hundred and ten (110) volt AC electric service. Samples collected may be divided between the Industrial Customer and Township for analysis if so desired by the Industrial Customer. The manhole shall be installed by the Customer at his or her expense, and shall be maintained by the Customer so as to be safe and accessible at all times.

Section 331. **Measurements; Standards.** All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Wastewater" and/or Federal Regulation 40CFR136 and shall be determined at the control manhole provided for, or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Sewer System from the point at which the Sewer Lateral is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether grab sample or samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" set forth in Part E, Article III of this Ordinance.

Section 332. **No Agreement Implied.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any Customer, after recommendation by the Township, whereby Sewage of unusual strength or character may be accepted by the Township for treatment, subject to equitable payment therefor by the Customer.

Section 333. **Industrial Cooling Waters Prohibited.** Industrial cooling water containing such pollutants as insoluble oils or grease, or other Suspended Solids, shall be treated for removal of the pollutants and then discharged to the Storm Drain.

Section 334. **Entry by Agents.** Agents of the Township, County, Michigan Department of Environmental Quality, or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

Section 335. **Limitation of Liability.** By connecting to the Sewer System, each Customer agrees to release the Township of any liability whatsoever as a result of interruption of service, or other cause. Each Customer further agrees to indemnify, save and defend the Township harmless against all claims, demands, costs and expenses for loss, damages or injuries to persons or property in any manner directly or indirectly arising out of the use of the Sewer System by the Customer.

PART E: INDUSTRIAL WASTE CONTROL PROGRAM

Section 336. **Responsibility.** Each Industrial Customer is responsible for the Industrial Wastes it discharges to the System. The Industrial Customer shall maintain any required Pretreatment facility operation and assure a continual high level of performance. In case no Pretreatment is provided, the Industrial Customer shall prevent accidental discharges of process wastes admitted to the Sewer System. The Industrial Customer shall catalog all chemicals stored, used or manufactured. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the Sewer System are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths shall be made, including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township and shall be treated as confidential information.

Section 337. **Plans.** A sketch of the plant buildings shall be made by the Industrial Customer, including a diagram of process and chemical storage areas. Location of any Pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the Sewer System must be included on the plant layout sketch.

Section 338. **Concentrates.** Spent concentrates shall be prevented from entering the Sewer System to prevent toxic wastes from upsetting the Sewage Treatment Plant. Supervision and operation of the Pretreatment equipment to treat spent concentrates, toxic wastes and high strength organic wastes to an acceptable level as defined by the Township is the responsibility of the Industrial Customer. All sludges generated by such treatment must be handled in an acceptable manner, as in a designated area of a sanitary landfill or by a licensed waste hauler.

Section 339. **Secondary Containment.** Adequate secondary containment or curbing shall be provided to protect all floor drains from accidental spills and discharges to the Sewer System. Such curbing should be sufficient to hold 150% of total process area tank volume. All floor drains within the containment area must be plugged and sealed. Spill-throughs or sumps within process areas must discharge to appropriate Pretreatment tanks. Secondary containment shall be provided for storage tanks and chemical storage areas serviced by commercial haulers.

Section 340. **Costs.** All costs for industrial waste monitoring incurred by the Township, including, without limitation, the cost incurred by the Township to observe, sample and measure wastes at a control manhole in accordance with Section 330, shall be paid by the Industrial Customer as a Miscellaneous Customer Fee. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surveillance fee is deemed necessary to check industrial discharges, then a factor may be incorporated to reduce the costs as Industrial Customer lowers its waste strength.

PART F: OVERFLOW OR BACKUP OF THE SEWER SYSTEM

Section 341. **Notice and Claim Procedures Applicable to Overflow or Backup of the 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 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, a 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," the Township 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, at the earliest possible time but not later than 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. Notwithstanding the foregoing, photographs of the area affected and all personal property damaged by the Sewage Disposal System Event shall be submitted to the Township with the written notice.

c. The written notice under subsection (a) shall be sent to the Superintendent of the DPW, who is hereby designated as the individual 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 Superintendent of the DPW 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 the contacting agency of 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).

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. Notwithstanding the foregoing, the inspection by the Township of the area affected by the Sewage Disposal System Event prior to the completion of all clean-up activities and the inspection by the Township of the personal property damaged by the Sewage Disposal System Event prior to the disposal of such personal property shall be a precondition to the payment of compensation, if any, by the Township.

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

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

(2) The Sewer System had a defect;

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

(4) 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 Sewer System; or

(5) The defect in the 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:

(1) An obstruction in the Plumbing System or Sewer Lateral not caused by the Township; and

(2) A connection on the affected Premises of a footing drain, sump system, surface drain, gutter, down spout or 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 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 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 Sewer System.

l. 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.

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

ARTICLE IV
PUBLIC WATER SYSTEM

PART A: USE OF PUBLIC WATER SYSTEM REQUIRED

Section 401. **Mandatory Connection to Water System.**

a. All owners of a building using or requiring Potable Water, now situated within the Township, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with an Available Water System in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon the Township by law or ordinance, to make such installations or connections.

b. In general, an Available Water System means a public water system to which connection can be made located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises in question and passes not more than two hundred (200) feet at the nearest point from the structure in which Potable Water is used and located on the Premises in question. See Article II for a more detailed definition of Available Water System.

Section 402. **Connection of New Construction to Water System.** All owners of Premises located in the Township which are presently undeveloped and which are hereafter improved by a building using or requiring Potable Water shall be required to connect to an Available Water System in the manner provided by Sections 401 and 404.

Section 403. **Connection of Existing Improved Properties to Water System**. Owners of an existing building using or requiring Potable Water, which are located in the Township and which are currently served by a private water well, shall not be required to connect to an Available Water System until such time as:

a. a new private water well is required;

b. the existing private water well fails to the extent it is necessary to drill a replacement well;

c. connection of all improved properties, within the area in which said Premises are located, is declared a necessity by the Township for the public health and welfare; or

d. a fire protection system utilizing water is installed.

Upon the occurrence of any such event, connection shall be made to an Available Water System in accordance with Sections 401 and 404. In the alternative, an owner of property not required to connect may voluntarily connect to an Available Water System at any time in compliance with the terms of this Ordinance.

Section 404. **Water System Connection Deadline; Civil Penalty**. All connections to the Available Water System required hereunder shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections, the occurrence of any event requiring connection as set forth in Section 403 or the modification of a building so as to become a building using or requiring Potable Water. Newly constructed structures required to connect shall be connected to an Available Water System prior to occupancy thereof. Notwithstanding the preceding, if the Township Board or Chippewa County Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed. Persons who fail to complete a required connection to an Available Water System when required shall be liable for a civil penalty equal in amount to the Water Readiness to Serve Charge and Water Commodity Charge that, based upon similarly situated Customers, would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

Section 405. **Enforcement in the Event of a Failure to Connect to Water System**. In the event a required connection to an Available Water System is not made within the time provided by Section 404, 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 Water System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance. 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 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 Water System.

PART B: SERVICE LINE CONNECTION, SERVICE CONNECTION AND CONNECTION TO PUBLIC WATER SYSTEM

Section 406. **Permit.** Prior to the connection of a Service Line to a Service Connection, a prospective Customer must file a permit application on a form to be supplied by the Township. The application must be accompanied by payment in full of the Water Availability Fee, Meter Fee, Service Connection Fee, Water Trunkage Fee, the Inspection Fee, any civil penalty which has accrued pursuant to Section 404 and such other charges or deposits required by this Ordinance, except to the extent provided in Section 617. The approval of a permit application shall be subject to (a) compliance with all terms of this Ordinance, (b) the availability of capacity in the Water System, (c) if the Premises is, or is to be, connected to the Sewer System, the availability of capacity in the Sewer System, (d) compliance of the plans and specifications with the standards for construction required by this Ordinance, and (e) compliance with all applicable administrative and regulatory requirements.

Section 407. **Installation of Service Connection.** A Service Connection shall be installed only by the Township or the Township's authorized representative at the Customer's expense and only after approval of the permit application by the Township.

Section 408. **Individual Service Connection/Shutoff Required.**

a. For any new construction, a single Service Connection shall not serve more than one individual dwelling, commercial or industrial unit intended for separate occupancy unless approved by the Township Board, even though the ownership of the adjacent Premises may be the same. Duplexes or multi-family dwellings, including apartment buildings, condominiums, and single-family dwellings converted to multi-family dwellings, may be served by a single Service Connection, provided each Dwelling Unit is metered separately, and if required by the Township Board, there is an individual curbside shutoff (or shutoff valve in another location which is accessible without entering the building or unit) for each individual Dwelling Unit, located, installed and secured in a manner approved by the Township. If the shutoff valve is located on private property, then, as a condition of service, authorized representatives of the Township shall be permitted access to the shutoff valve.

b. In the existing Water System, many dwellings do not presently have curbside shutoffs, and many duplexes and multi-family dwellings do not have individual Service Connections or individual curbside shutoffs for each Dwelling Unit. The Township may install curbside shutoff valves in accordance with a program for installing such valves for all connections to the System.

c. The curbside shutoff and individual Service Connection shall be installed only by the Township or the Township's representative. The cost of installation by the Township shall be charged as a Miscellaneous Customer Fee against the Customer. Any necessary additional Service Line shall be installed by the Customer at the Customer's sole expense.

d. The Township reserves the right to utilize or require any type of technology available for shutoff valves, including remote control valves.

Section 409. **Service Lines.** All Service Lines shall be installed in an approved manner by a licensed plumber at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code.

Section 410. **Service Line; Specifications.** All Service Connection and Service Lines shall be of Type "K" copper. All underground fittings and connections shall be Approved. No Service Connection or Service Line of less than 3/4" diameter will be permitted. Service Connections of larger size shall be determined and approved by the Township.

Section 411. **Installation.** All Service Connections and Service Lines must be laid on solid ground not less than six feet below finished grade. The installation must be inspected by the Township or its authorized representative before it is covered. A separation distance of ten feet from all sewer or septic lines shall be maintained, unless approved by the Township.

Section 412. **Location.** No Service Connection shall be installed where the Service Line is in line with a driveway, tree, fire hydrant, catch basin or other obstruction.

Section 413. **Non-Obstruction.** No Person shall obstruct or interfere in any way with any Service Connection, curbside shutoff or other appurtenance of the System, including Meters, by

placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 414. **Protecting Service Lines or Service Connections.** Service Lines and Service Connections shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Township. The expense of repairing or thawing the Service Line or Service Connection, if frozen, shall be borne by the Customer. The Service Line and Service Connection, as repaired or thawed, shall not be covered until inspected and approved by the Township or its authorized representatives. The Township shall not be responsible for thawing Service Lines and Service Connections

Section 415. **Discontinuance of Service.** The Township may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 416. **Excavations.** All excavation for Service Connection or Service Line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the Customer's expense.

Section 417. **Pre-existing Service Connections and Service Lines.** All Service Connections and Service Lines installed prior to the adoption of this Ordinance shall conform to the standards set forth in this Article and shall be subject to inspection by the Township or its authorized representative. Any replacement or improvement costs necessary to bring the Service Connection and Service Line into conformity with this Article shall be borne by the Customer.

PART C: METERS

Section 418. **Meters/Installation.** The Public Water used by each Customer shall be metered. The Water Meter will be furnished, installed, tested and maintained by the Township at the Customer's expense and shall remain the property of and under the control of the Township. The expense of the Water Meter and its installation shall be billed to the Customer as a Meter Fee.

Section 419. **Size.** Meters for ordinary domestic service shall be of 5/8 inch x 3/4 inch size. The Meter shall contain remote readouts. A separate gate valve the same size as the Meter connections shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to size shall be made by the Township. Larger sizes may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use.

Section 420. **Location.** Meters shall be set in an accessible location and in a manner approved by the Township. Where due to unusual circumstances it is necessary to place the Meter in a pit, such pit shall be installed by the Township at the expense of the Customer, as a Miscellaneous Customer Fee, as directed by the Township.

Section 421. **Access.** The Township shall have the right to shut off the Public Water to any Customer where access is not available to the Meter, subject to the notice requirements set forth in Section 622. Qualified employees of the Township shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or

inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 422. **Damage.** Any damages to a Meter resulting from intentional harm carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid by the Customer as a Miscellaneous Customer Fee.

Section 423. **Meter Bypass.** Meter bypass piping valves are prohibited, except as provided in this Section. A Commercial or Industrial Customer may submit a written request to install meter bypass piping and valves. The request shall explain the reason that installation of meter bypass piping is necessary. The Superintendent of the DPW may approve meter bypass piping if he determines, in his discretion, that it is necessary for the protection of equipment or the public health.

Section 424. **Existing Meter.** Any Meter installed prior to adoption of this Ordinance shall be subject to inspection and testing by the Township. All repair or replacement costs shall be borne by the Township.

Section 425. **Accuracy.**

a. If any Meter shall fail to register properly, the Township shall estimate the consumption of Public Water and bill accordingly.

b. A Customer may require that a Meter be tested upon depositing a sum, which shall be established by the Township Board as part of the Schedule of Rates and Charges. If the Meter is found to register more than two percent (2%) fast, the deposit shall be returned to the Customer. If the Meter is found to register less than two percent (2%) fast, the Township shall retain the deposit.

c. When the Township, on its own initiative, tests a Meter and finds same to register five percent (5%) or more slow, the Township may estimate such consumption loss for the previous six (6) months and bill accordingly.

Section 426. **Irrigation and Other Meters**. One Water Meter shall be installed for each Service Connection, except that one or more additional Water Meters may be installed at the expense of the Customer to meter uses of Public Water which do not generate Sewage to be discharged to the Sewer System (e.g. lawn and garden irrigation water, cooling water, unpolluted air conditioning water or unpolluted industrial process water).

PART D: WATER SYSTEM USE

Section 427. **Turn Off/On.** No person other than an authorized representative of the Township shall turn on or off any Service Connection without the written permission of the Township.

Section 428. **Unlawful Actions.** It shall be unlawful for any Person to do any of the following.

a. Damage or destroy any portion of the Water System;

b. To do anything which will in any way contaminate the Water System; or

c. To connect any pipe to said Water System or take or run any water from any line of the Water System without complying with all the provisions of this Ordinance.

Section 429. **Interruption of Service.** The Township may stop service to any Customer at any time for any reason, including repairs to the Water System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Township shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. Should it become necessary to shut off water from any section of the Water System because of any accident or for the purpose of making repairs or extensions, the Township will endeavor to give timely notice to the Customers affected thereby and will, so far as practical, use reasonable efforts to prevent inconvenience and damage arising from any such causes, but the failure of a Customer to receive such notice shall not render the Township responsible or liable in damage for any inconvenience, injury, or loss which may result therefrom. The Township shall not be responsible or liable in damage for any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water for any reason, including the shutting off of such supply by the Township, nor shall the Township be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 430. **Tampering Prohibited.** No Person, except an authorized representative of the Township in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Township therefor and for the loss of water caused thereby and shall be responsible for any damage caused by escaping water.

PART E: PROHIBITING CROSS-CONNECTION

Section 431. **State Rules.** The Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code, as amended or superseded.

Section 432. **Control Program.** The Township shall develop a comprehensive control program for the elimination and prevention of all Cross-Connections. The plan for the program shall be submitted to the Michigan Department of Environmental Quality for review and approval. After the plan has been approved by the Michigan Department of Environmental Quality, the Township shall implement the program for removal of all existing Cross-Connections and prevention of all future Cross-Connections.

Section 433. **Cross-Connection Prohibited.** A Cross-Connection shall be not be made:

a. between the Water System and a Secondary Water Supply;

b. by a Submerged Inlet;

c. between the Water System and piping which may contain sanitary waste or chemical contaminant; and

d. between the Water System and piping immersed in a tank or vessel which may contain a contaminant.

Section 434. **Approved Devices.** All devices for the prevention of Cross-Connection shall be Approved. The devices shall be installed in good working condition at the Customer's expense. The Township will inspect, routinely, such devices and, if found to be defective or inoperative, shall require replacement thereof.

Section 435. **Corrective Action.** The Customer shall obtain prior written approval from the Township before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Township shall take into account the degree of hazard involved and the time required to obtain and install necessary equipment. If the Cross-Connection has not been removed within the time specified, the Township shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person.

Section 436. **Identification of Secondary Water Source.** When a Secondary Water Supply is used in addition to the Water System, or in other high risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the American Water Works Association Standard Color Code and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it shall be considered a Cross-Connection.

Section 437. **Private Water Storage Tank.** A Private Water Storage Tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is approved for Potable Water use.

Section 438. **Maintenance of Devices.** It shall be the responsibility of the Customer to maintain Cross Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 439. **Testing.** Periodic testing and inspection schedules shall be established by the Township for all Cross Connection prevention devices. The interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when Approved. Certified testing of a Reduced

Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an annual basis. Records of the test as well as records of repair shall be provided to the Township by the Customer.

Section 440. **Discontinuance of Service.** The Township is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross-Connection exists. The Township may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such Premises shall not be restored until such Cross-Connection has been eliminated and the Customer pays a turn-on charge.

Section 441. **Imminent Health Hazard.** The Township shall immediately stop water service to any Customer discovered to have a Cross-Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

PART F: OPERATION, MAINTENANCE AND USE OF WATER SYSTEM

Section 442. **Operation/Maintenance.** The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Township. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 443. **Maintenance of Plumbing System, Service Line and Service Connection.**

a. The owner of a Premises shall be responsible for the maintenance and repair of the Plumbing System and Service Line. Existing Service Lines shall meet all requirements of this Ordinance. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Township may condemn or discontinue the service to the Premises and require that the Service Line be repaired or replaced at the Customer's expense.

b. The Service Connection is part of the System. However, because the Service Connection serves only an individual Premises, the cost of maintenance, repair or replacement of a Service Connection shall be the responsibility of the owner of the Premises which is served by the Service Connection. Any necessary maintenance, repair or replacement shall be performed by the Township, and the cost thereof imposed against the Customer as a Miscellaneous Customer Fee.

Section 444. **Other Water Sources Prohibited.** Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System.

Section 445. **Right to Limit Use.** The Township may regulate, limit or prohibit the use of Public Water to the extent deemed necessary to ensure an adequate supply for essential domestic and commercial needs, firefighting, and protection of the Water System, or to make necessary repairs, extensions, or for other proper purposes.

Section 446. **Limitation of Liability.** By connecting to the Water System, each Customer agrees to release the Township from any liability whatsoever as a result of interruption of water service or water pressure. Each Customer further agrees to indemnify, save and defend the Township against all claims, demands, costs or expenses for loss, damage or injuries to persons or property in any manner directly or indirectly growing out of the transmission and use of water by the Customer.

Section 447. **No Limitation on Powers.** This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public nuisance or menace to the public health.

PART G: FIRE HYDRANTS

Section 448. **Tampering; Permit to Use.** No person shall open or cause to be open any fire hydrant except for authorized representatives of the Township, except in the case of an emergency, without first securing a "Permit to Use Fire Hydrant" from the Township and paying a deposit to the Township, which shall be established by Resolution of the Township Board as part of the Schedule of Rates and Charges. Such Person must report to the Township when such use is terminated, at which time a hydrant inspection will be made by the Township. The cost of the estimated amount of Public Water used and the cost of any necessary repair, if needed, shall be deducted from the deposit and the difference (if any) shall be refunded to the permit holder. If the deposit is insufficient to cover said costs, the permit holder shall pay the difference.

Section 449. **Private Hydrants.** The Township must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.

Section 450. **Obstruction Prohibited.** No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of twenty (20) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Township, the Township is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person as a Miscellaneous Customer Fee.

ARTICLE V
SYSTEM EXTENSIONS

Section 501. **By Township.**

a. Extension of or changes in the Water System or Sewer System may be initiated by the Township or by written request, including petitions, from property owners. The Township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

b. If the petition is granted, the Township will proceed as promptly as practical with the proposed work under the terms and conditions prescribed by the Township. The said work

will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this Ordinance.

Section 502. **Voluntary Extension.**

a. In the alternative, the Township may permit, in its sole discretion, a private party to arrange to construct an extension of the Water System or Sewer System, which shall be transferred to the Township upon completion.

b. Any such extension shall be approved by the Township, in its discretion, and the Township's engineer, who shall determine the location of the Public Sewer and/or water mains, and approve the construction plans and specifications. The persons responsible for the extension shall obtain all necessary permission to work in the public right-of-way from the Township and the County Road Commission, and shall be responsible for the payment of all costs related to construction of the sewer mains, Sewer Laterals, water mains, and Service Connections, including, but not limited to, actual construction costs, improvement or enlargement of existing System facilities, if necessary to accommodate the extension, restoration and replacement costs, cost of connecting to the existing Sewer System or Water System, permit and inspection fees, and reimbursement to the Township for out-of-pocket expenses for Township engineer review and any other applicable professional services. These costs shall be in addition to all applicable Rates and Charges for individual premises to be connected to and use of the Systems. Upon satisfactory completion of the extension, it shall be dedicated to the public and become part of the Systems, to be owned and controlled solely by the Township thereafter.

Section 503. **Required Extensions of System to Service New Development.** The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise), for which land use approval is received after the effective date of this Ordinance, shall be required to extend the Sewer System or Water System or both and connect the Premises so developed, including all divisions of the parent parcel, to the System extension, subject to the conditions for extensions set forth in Section 502(b) and the condition for approval of a permit application set forth in Section 312, if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the System when divided by the number of Units proposed for the development equals one hundred feet or less. This requirement for a system extension shall be applied separately to the Water System and the Sewer System. This subsection 503 shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the System.

ARTICLE VI
SYSTEM RATES AND CHARGES

PART A: GENERAL

Section 601. **Public Utility.** The Systems shall, as far as possible, be operated and maintained by the Township on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended. The Systems shall be operated on the same fiscal year as that of the Township.

Section 602. **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 603. **Rates Established by Resolution.** The Rates and Charges described in this Article shall be set forth in the Schedule of Rates and Charges established and adjusted by resolution of the Township Board from time to time. The listing of various Rates and Charges in this Article is not to imply that such Rates and Charges are necessarily payable by all Premises. As provided by resolution of the Township Board from time to time, certain Rates and Charges or components of Rates and Charges may not be applicable based upon the circumstances of the Premises in question.

PART B: SEWER RATES AND CHARGES

Section 604. **Inspection Fee.** An Inspection Fee for connection to the Sewer System shall be established by the Schedule of Rates and Charges. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense incurred by the Township for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour.

Section 605. **Fees for Connection to the Sewer System.**

a. **Sewer Availability Fee.**

(1) The Sewer Availability Fee shall be based upon the frontage of the Premises upon the adjacent public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Sewer System and/or any combination thereof.

(2) The amount of the Sewer Availability Fee shall be provided in the Schedule of Rates and Charges.

(3) No Sewer Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Sewer for the purpose of making the Sewer System available to the Premises or the development of which the Premises is a part, at private expense. A Sewer Availability Fee shall be charged, however, if a Public Sewer was made incidentally available to the Premises as a result of the installation and dedication of a Public Sewer by a developer or private party in order to reach a building or development beyond the Premises in question.

(4) The Township may determine to charge a portion of the Sewer Availability Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of a Premises, including that portion of the Premises served by an Available Public Sewer. For such Premises, the Township shall maintain an accurate record of the portion of the Sewer Availability Fee paid for the Premises. The remaining Sewer Availability Fee applicable to the Premises shall be charged for subsequent connections on other parts of the Premises at the rates in effect at the time of connection on the Schedule of Rates and Charges.

b. **Sewer Trunkage Fee.**

(1) The amount of the Sewer Trunkage Fee shall be set on a per Unit basis, as provided by the Schedule of Rates and Charges.

(2) An additional Sewer Trunkage Fee shall be charged to a Premises, if following connection to the System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used as a single-family dwelling is converted to a duplex).

c. **Sewer Availability Fee and Sewer Trunkage Fee**. The Sewer Availability Fee and Sewer Trunkage Fee may be set in different amounts for different districts within the Service Area based upon the cost of providing Sewer System infrastructure.

d. **Sewer Lateral Fee**.

(1) For a Sewer Lateral installed by the Township at public expense, the Sewer Lateral Fee shall be as provided by the Schedule of Rates and Charges.

(2) No Sewer Lateral Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Sewer Lateral for the purpose of making the Sewer System available to the Premises. A Sewer Lateral Fee shall be charged, however, if the Sewer Lateral was installed by a developer or private party as part of a project to extend Public Sewer to a building or development beyond the Premises in question.

(3) If no Sewer Lateral is available, no Sewer Lateral Fee shall be payable, and the applicant shall be responsible for all costs of installing the Sewer Lateral, including restoration.

Section 606. **Sewer Readiness to Serve Charge.**

a. Customers shall pay a monthly Sewer Readiness to Serve Charge based on the size of the Water Meter which serves the Premises in accordance with the schedule of meter equivalents set forth in Section 612(b) and as provided in the Schedule of Rates and Charges.

b. A Customer without Public Water service shall install a Meter on each private water well or source of water which is the source of Sewage ultimately discharged to the Sewer System and pay monthly a Sewer Readiness to Serve Charge based upon the size of the private well Meter.

Section 607. **Sewer Commodity Charge.**

a. Customers shall pay monthly a Sewer Commodity Charge to be paid in arrears based upon metered Public Water usage during the immediately preceding month, in an amount provided by the Schedule of Rates and Charges.

b. The Township reserves the right to establish a minimum monthly Sewer Commodity Charge, which shall entitle a Customer to use up to a specified amount of metered Public Water.

c. A Sewer Customer may install one or more separate evaporation meters downstream of the primary water Meter to meter Public Water that does not enter the Sewer System (e.g., lawn and garden irrigation water, cooling water, unpolluted air-conditioning water or unpolluted industrial process water). In this circumstance the Water Commodity Charge shall be based upon the total Public Water usage as metered by the primary water Meter and the Sewer Commodity Charge shall be based upon the "net" metered Public Water usage determined by subtracting the Public Water metered by the evaporation meter from the Public Water metered by the primary water Meter at the point of entry of the Public Water into the Premises. The evaporation meter is available from the Township for the cost provided by the Schedule of Rates and Charges. The Customer shall be responsible for reading the evaporation meter on a monthly basis and providing the meter read information to the Township. If the Customer does not provide the evaporation meter read information to the Township, the Water Commodity Charge shall be based upon 100% of Public Water usage metered at the primary water Meter.

d. The Sewer Commodity Charge for a Customer without Public Water service shall be based upon the private water so metered, less water metered by an evaporation meter that does not enter the Sewer System.

e. The Township reserves the right to base the Sewer Use Fee on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout (by dogs or otherwise), a program malfunction and similar events beyond the control of the Township.

Section 608. **Customer Surcharge Fee.** Each Customer that discharges Sewage of a strength which exceeds "Normal Strength Sewage" or a limitation set forth in Sections 323 and 324 shall pay a surcharge in the amounts provided by the Schedule of Rates and Charges.

Section 609. **Miscellaneous Customer Fees.**

a. The Township shall, from time to time, establish or charge Miscellaneous Customer Fees, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Sewer System, including without limitation, services to turn service on and off. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

b. In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Sewer, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents, including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review.

c. The amount, or the methodology for determining the amount, of the Miscellaneous Customer Fee shall be set forth in the Schedule of Rates and Charges.

PART C: WATER RATES AND CHARGES

Section 610. **Inspection Fee.** An Inspection Fee for connection to the Water System shall be established by the Schedule of Rates and Charges. Additional fees may be charged as a Miscellaneous Customer Fee based on the actual expense incurred by the Township for missed inspection appointments, repeat inspections and complicated inspections requiring more than one hour.

Section 611. **Fees for Connection to the Water System.**

a. **Water Availability Fee**.

(1) The Water Availability Fee shall be based upon the frontage of the Premises upon a public street right-of-way and/or the frontage of the Premises upon an adjacent public utility easement intended for the Water System or any combination thereof.

(2) The amount of the Water Availability Fee shall be provided in the Schedule of Rates and Charges.

(3) No Water Availability Fee shall be charged for a Premises if a developer or other private party has installed and dedicated a Public Water main for the purpose of making the Water System available to the Premises or the development of which the Premises is a part, at private expense. A Water Availability Fee shall be charged, however, if Public Water was made incidentally available to the Premises as a result of installation and dedication of a Public Water Main by a developer or private party in order to reach a building or development beyond the Premises in question.

(4) The Township may determine to charge a portion of the Water Availability Fee otherwise applicable to a Premises only for a portion of the Premises, based upon frontage, area and other characteristics of that portion of the Premises, including that portion of the Premises served by an Available Public Water Main. For such Premises, the Township shall maintain an accurate record of the portion of the Water Availability paid for the Premises. The remaining applicable Water Availability Fee, at the rate in effect on the Schedule of Rates and Charges at the time of connection, shall be charged for subsequent connections on other parts of the Premises.

b. **Water Trunkage Fee**.

(1) The amount of the Water Trunkage Fee shall be set on a per Unit basis as provided by the Schedule of Rates and Charges.

(2) An additional Water Trunkage Fee shall be charged to a Premises, if following connection to the Water System, the use of the Premises is changed to a more intensive use (e.g., a Premises formerly used as a single-family home is converted to a duplex).

c. **Water Availability Fee and Water Trunkage Fee.** The Water Availability Fee and Water Trunkage Fee may be set in different amounts for different districts within the Service Area based upon the cost of providing necessary Water System infrastructure.

d. **Service Connection Fee.**

(1) For a Service Connection installed by the Township at public expense, the Service Connection Fee shall be as provided by the Schedule of Rates and Charges.

(2) No Service Connection Fee shall be charged for a Premises if a developer or other private party has at private expense installed and dedicated a Service Connection for the purpose of making the Water System available to the Premises. A Service Connection Fee shall be charged if the Service Connection was installed by a developer or private party as part of a project to extend Public Water to a building or development beyond the Premises in question.

(3) If no Service Connection is available, no Service Connection Fee shall be payable, and the applicant shall be responsible for all costs of installing a Service Connection, including restoration.

e. **Meter Fee.** The Meter Fee shall be as provided in the Schedule of Water Supply Rates and Charges.

Section 612. **Water Readiness to Serve Charge.**

a. Customers shall pay a Water Readiness to Serve Charge, based on the size of the public water meter or private well meter, as the case may be, as provided in the Schedule of Rates and Charges. The Water Readiness to Serve Charge shall be billed monthly in arrears.

b. The Water Readiness to Serve Charge shall be based upon the following meter equivalents:

Meter Size	Meter Equivalent
5/8" x 3/4"	1.00
1"	1.60
1 1/2"	3.20
2"	4.80
3"	12.80
4"	20.00
6"	40.00
8"	64.00
10"	To be set forth in the Schedule of Rates and Charges

Section 613. **Water Commodity Charge.**

a. Customers shall pay monthly a Water Commodity Charge, to be paid in arrears based upon metered Public Water usage during the immediately preceding month, in an amount provided by the Schedule of Rates and Charges.

b. The Township reserves the right to establish a minimum monthly Water Commodity Charge, which shall entitle a Customer to use up to a specified amount of metered Public Water.

c. The Township reserves the right to base the Water Commodity Charge on estimated water usage due to the inability to read the Water Meter as a result of inclement weather, acts of God, a broken Water Meter, blocked access to the Water Meter readout, a program malfunction and similar events beyond the control of the Township.

Section 614. **Unmetered Fire Protection Fee.** Customers who have an Unmetered Fire Protection Connection shall pay monthly an Unmetered Fire Protection Fee based upon the size of the Service Connection, as provided by the Schedule of Rates and Charges. No Water Use Fee shall be charged to the Customer for the Public Water used to test the Unmetered Fire Protection Connection or to fight a fire on the Premises.

Section 615. **Miscellaneous Customer Fees.**

a. The Township shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, the Township's cost to install a water shut-off valve and services to turn service on and off. Whenever the Township is requested to provide turn-on or off services at times other than regular business hours of the Township, there will be imposed an additional charge of labor and materials.

b. In addition to the minimum Inspection Fee, persons connecting structures to, disconnecting from, or extending the Public Water, or proposing to make such connection or extension, shall reimburse the Township for expenses incurred by the Township for review of preliminary and final plans for connection or extension, for inspection, for review of right-of-way, easement, or other documents, including, as applicable, fees billed to the Township by outside consultants and fees for Township staff review.

c. The amount, or the methodology for determining the amount, of the Miscellaneous Customer Fee shall be set forth in the Schedule of Rates and Charges.

PART D: COLLECTION

Section 616. **Collection of Rates and Charges.** It shall be the duty of the Superintendent of the DPW or his designee to bill and collect all Rates and Charges.

Section 617. **Accrual Date.** Water Readiness to Serve Charges, Water Commodity Charges, Unmetered Fire Protection Fees, Sewer Readiness to Serve Charges, Sewer Commodity Charges, Customer Surcharge Fees, and Miscellaneous Customer Fees shall accrue as of the day of connection to the System. The billing of said charges for the initial billing period shall be prorated in arrears.

Section 618. **Billing.**

a. Bills for Water Readiness to Serve Charges, Water Commodity Charges, Unmetered Fire Protection Fees, Sewer Readiness to Serve Charges, Sewer Commodity Charges, Customer Surcharge Fees and Miscellaneous Customer Fees shall be billed in arrears on a monthly basis.

b. The Township shall endeavor to mail bills on or before the seventh day of each month. Failure to mail or receive a bill shall not excuse payment. The bill shall separately itemize the Rates and Charges payable.

c. Monthly bills shall be due and payable at the business office of the Township on or before the 20th day of the month. If not paid by the due date, a per-month penalty shall be charged on the unpaid balance of Water Supply Rates and Charges and on the unpaid balance of Sewer Rates and Charges in an amount set forth on the Schedule of Rates and Charges.

Section 619. **Payment of Connection Fees.** The owner of a Premises who applies for connection to the System shall pay the applicable Sewer Availability Fee, Sewer Trunkage Fee, Water Availability Fee and Water Trunkage Fee in a single lump sum at the time of application, unless such fees are payable as a special assessment pursuant to Sections 620.

Section 620. **Special Assessment District (SAD).** Premises located in a special assessment district established by the Township to finance a portion of the System and subject to a "full special assessment" on the respective special assessment roll shall receive full credit towards payment of the Sewer Availability Fee, Sewer Trunkage Fee, Water Availability Fee and Water Trunkage Fee, as the case may be, as determined by the Township; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll. For purposes of this Section 620, a "full special assessment" shall be deemed to be a special assessment levied by the Township and comprised of components related to the costs which are intended to be offset by the components of the applicable availability or trunkage fee. The Township reserves the right to charge additional components of the applicable availability or trunkage fees for Premises for which there has been a lot split, a charge in the use of all or part of the Premises to a more intensive use or for which an availability fee was not charged, regardless of the reasons, for the entire eligible frontage of the Premises.

Section 621. **Person Responsible.**

a. The Owner of the Premises shall be listed as the Customer, and shall be responsible for payment of all Rates and Charges, and the Premises shall be subject to all liens and penalties for non-payment of Rates and Charges, unless compliance is made and maintained with Section 624 hereof pertaining to rental properties. Bills and notices relating to the conduct of the business of these Systems will be mailed to the property owner at the address on the permit application or application for change of billing provided by the Township. Such property owner shall continue to be responsible for such billings, until such time as the Township has approved a change in billing. In the event of a name change on a billing account, a name change/same account fee shall be charged to the Customer in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee. No change in billing information will be approved until all unpaid Rates and Charges have been paid with respect to the Premises.

b. Upon sale or change in occupancy of a Premises, the previous owner or occupant may request the Service Line to the Premises be discontinued, until such time as the new owner or occupant makes application for service. In such case, the new owner or occupant shall pay a new account fee in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee.

c. Parties wishing to avoid interruption of service upon change of ownership or occupancy may do so by completing an application on a form provided by the Township, and by paying all Rates and Charges due and payable at the time of such application, and in addition the estimated Rates and Charges for the upcoming month. Appropriate adjustment shall be made for such payment made in advance.

PART E: REMEDIES FOR NON-PAYMENT

Section 622. **Unpaid Rates and Charges.** If Rates and Charges are not paid on or before the due date, or if Township access to the Meter is not available, 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 Drain from the Sewer Lateral, or disconnecting the Service Line from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township as a Miscellaneous Customer Fee, and, if applicable, Township access to the Meter is restored and, if also applicable, the requirements for individual Service Connections and curbside shut-off valves have been complied with;

b. Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties and reasonable attorney fees; or

c. Enforce the lien in the manner provided by Section 623 below.

d. Apply the security deposit, if any, provided in accordance with Section 624(b) or Section 626 against the unpaid Rates and Charges.

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 Rates and Charges and penalties invalidate or waive the lien created by Section 623 below. Before disconnecting service, the Township shall give written notice to the Customer at the last known address according to the Township records and the Township Tax Assessment Roll.

Section 623. **Lien.** Except as provided by Section 624, the Rates and Charges shall be a lien on the respective premises served by the System, effective immediately upon provision of water or sewer service. Rates and Charges which are ninety (90) days or more past due, as of September 1 each year, shall be certified by the Superintendent of the DPW or his designee, along with all penalties, to the tax-assessing officer of the Township, who shall enter the delinquent Rates and Charges and penalties 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.

Section 624. **Rental Properties.**

a. Unless the landlord satisfies, and maintains compliance with, the provisions of (b) below, billings for leased premises shall be sent to the landlord and the Premises shall be subject to all liens and other mechanisms provided by this Ordinance for collection of Rates and Charges.

b. A lien shall not attach for 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 Rates and Charges, effective only for services which accrue after the date an affidavit is furnished and filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease, shall be signed by both the landlord and the tenant, shall contain the written consent of the landlord and the tenant for the authorized representatives of the Township to enter onto the Premises for the purposes and under the circumstances set forth in Article VIII of this Ordinance and an agreement by the landlord to give the Township twenty (20) 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 an amount determined by the Township Board and set forth in the Schedule of Rates and Charges. Upon the failure of the tenant to pay the Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest and 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 622 and 623 of this Article shall be applicable with respect to the unpaid Rates and Charges, including penalties. The security deposit shall be held by the Township and shall be returned to the tenant without interest upon proof of termination of the lease, following the final payment of all accrued and outstanding Rates and Charges.

c. In the event a landlord, tenant or occupant of a Premises for which an affidavit is on file with the Township in accordance with Section 624(b) denies an authorized representative of the Township access to the Premises for the purposes and under the circumstances set forth in Article VIII of this Ordinance, the Affidavit shall be void, a lien shall attach for Rates and Charges for the Premises as of such date, the security deposit held by the Township shall be applied by the Township against any unpaid balance of Rates and Charges, including interest and penalties, regardless of whether said Rates and Charges, interest and penalties are then due or past due, and the remaining balance of the security deposit shall be returned to the tenant without interest accompanied by written notice of the foregoing.

d. At the time of a change in occupancy of any Premises for which an affidavit is on file with the Township in accordance with Section 624(b), the landlord must comply with all requirements of Section 624(b) with respect to the new tenant for each rental unit in question. Furthermore, as a condition of continuing service, all unpaid Rates and Charges pertaining to that rental unit must be paid in full, and separate Service Connections and shutoff valves shall be installed if required by the Township Board in accordance with Section 408.

Section 625. **Cancellation of Permits; Disconnection of Service.** Applications for connection permits may be canceled and/or water 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 permit application as to the nature or extent of the property to be serviced by the System.

b. Nonpayment of Rates and Charges.

c. Failure to keep Sewer Laterals, Control Manholes, Service Connections and Service Lines in a suitable state of repair.

d. Discharges to the Sewer System in violation of this Ordinance.

e. Damage to any part of the System.

f. Existence of Cross Connection.

Before disconnecting water or sewer service, the Township shall give written notice to the Customer at the last known address according to the Township records and the Township Tax Assessment Roll.

Section 626. **Security Deposit.** If the service supplied to a Customer has been discontinued for nonpayment of Rates and Charges, service shall not be reestablished until all delinquent Rates and Charges and penalties, and a turn-on charge, in the amount established in the Schedule of Rates and Charges as a Miscellaneous Customer Fee, has been paid, and, if also applicable, the requirements for individual Service Connections and curbside shut-off valves have been complied with. The Township may, as a condition to reconnecting said service, request that a security deposit, in an amount determined by the Township Board and set forth in the Schedule of Rates and Charges, be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for Rates and Charges. Upon the failure of the Customer to pay future billings of Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including penalties. The Customer shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in this Part shall be applicable with respect to any unpaid Rates and Charges, including penalties. The security deposit shall be held by the Township and shall be returned to the Customer without interest upon (a) continued timely payments by the Customer of all Rates and Charges as and when due, for a minimum of twelve (12) months, or (b) when the Customer no longer occupies the Premises.

PART F: FLOW OF FUNDS

Section 627. **Revenues, Depository.** All revenues of the System, including collections of Rates and Charges together with penalties thereon and all rental income derived from the System, including, for example, lease income from water tower antenna leases shall be set aside, as collected

and deposited into a bank designated by the Township Board and duly qualified to do business in Michigan in the manner and at the time(s) hereafter specified:

a. **Public Works Enterprise Fund.** All Revenues of the System shall be deposited into a separate depository bank account entitled "Public Works Enterprise Fund" and allocated to separate subaccounts in the following manner:

(1) **Operation and Maintenance Account.** On a monthly basis, adequate revenues from the collection of Rates and Charges sufficient to provide for the payment of the next month's current expenses of administration and operation of the System and such current expenses for the maintenance of the System to preserve the System in good repair and working order shall be deposited to the Operation and Maintenance Account.

(2) **Debt Service Account.** There shall next be established and maintained an account, designated "Debt Service Account," into which shall be periodically deposited such sums as shall be necessary to enable the Township to repay bonds, notes or other indebtedness, if any, incurred from time to time by or on behalf of the Township with respect to the System. The Township acknowledges that as of the effective date of the Township Water and Sewer Ordinance, the Township has no outstanding indebtedness with respect to the System.

(3) **Payment Account.** There shall next be established and maintained an account, designated "Payment Account," which shall include separate subaccounts for each of the Township's contractual payment obligations. The Payment Account shall include, without limitation, separate subaccounts (a) to provide for repayment to the Township General Fund or other Township funds and accounts for interfund loans, if any, and (b) to provide for payment of contractual payments to be derived from the proceeds of certain Rates and Charges payable to the extent and in the manner provided in specific agreements, if any, for System extensions.

(4) **Improvement Account.** There shall next be established and maintained an account, designated "Improvement Account," which shall be used for the purpose of making improvements in the efficiency of the System through the use of new technology and the replacement or repair of obsolete or inefficient components to prevent overburdening of or failures in the System. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Account, Debt Service Account and Payment Account, such revenues derived from Rates and Charges as the Township Board shall deem necessary for this purpose.

(5) **System Extension Account.** There shall next be established and maintained a System Extension Account for the purpose of making extensions and enlargements to the System. To the extent the cost of System extensions and enlargements are funded from System revenues, it is the intent of the Township that such revenues are derived from Rates and Charges paid by Customers that benefit from such extensions and enlargements. Consistent with this intent, the System revenues may be deposited to the Sewer Extension Account.

(6) **Surplus Account.** Collections of revenues not allocated to one of the above described accounts shall be allocated to the "Surplus Account." The funds on deposit in the Surplus Account may be used for any lawful purpose related to the System.

b. **Bank Accounts.** Moneys belonging to a single fund and all sub-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 set forth above.

Section 628. **Transfer of Funds.** In the event the moneys in the Operation and Maintenance Account are insufficient to provide for the current requirements of the Operation and Maintenance Account, any moneys and/or securities in other accounts of the Sewer and Water Enterprise Fund, with the exception of the Debt Service Account, shall be transferred to the Operation and Maintenance Account, to the extent of any deficit therein and these monies shall be replaced in the next operating year.

Section 629. **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. Income received from such investments shall be credited to the fund or account from which said investments were made.

ARTICLE VII
APPEALS; VARIANCES

Section 701. **Appeals; Variances.**

a. Any Person may appeal the Rates or Charges levied in accordance with this Ordinance, or the application of any other provision of this Ordinance.

b. A variance may be granted from the Rates or Charges or application of any provision of this Ordinance if it is determined by the Township:

(1) That strict application of this Ordinance would cause undue hardship;

(2) That there are special circumstances applicable to the property in question which are not applicable to a significant number of other properties;

(3) That the hardship does not result from actions taken by the applicant itself; and

(4) That a variance would be consistent with the intent and purpose of this Ordinance, and it would not be contrary to the public health and safety.

Section 702. **Informal Hearing Committee.** An informal hearing before the Informal Hearing Committee may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty, action or shut-off notice within ten days after the date thereof, or the application of any other provision of this Ordinance, stating the reasons therefore with supporting documents and data. Any additional information required to resolve the appeal, as directed by the Superintendent of the DPW or the Informal Hearing Committee, shall be provided by the Customer at his or her own expense. The informal hearing shall be scheduled at the earliest practicable date, but not later than fourteen (14) 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 Superintendant of the DPW. The Informal Hearing

Committee shall base its decision on determinations made in accordance with Section 701(b) and shall issue a written statement of its decision within ten (10) business days after the informal hearing.

Section 703. **Appeals from Informal Hearing Committee to Board of Appeals.**

a. Appeals from the written decision of the Informal Hearing Committee 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 Superintendant of the DPW and with the Board of Appeals, specifying the grounds therefore. Prior to a hearing, the Superintendant of the DPW shall transmit to the Board of Appeals a summary report of all previous action taken by the Informal Hearing Committee. The Township Board of Appeals may, at its discretion, call upon the Superintendant of the DPW to explain the decision of the Informal Hearing Committee.

b. 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. In order to find for the appellant, a majority of the Board of Appeals must concur. Within the limits of its jurisdiction, the Board of Appeals may reverse or affirm, in whole or in part, the decision of the Informal Hearing Committee or may make such order, requirement, decision or determination as, in its opinion, ought to be made in the case under consideration, based upon determinations made in accordance with Section 701(b). The final disposition of the appeal shall be in the form of a resolution of the Board of Appeals either reversing, modifying, or affirming, in whole or in part, the appealed Informal Hearing Committee decision or determination. The decision of the Board of Appeals shall be final.

c. The Board of Appeals shall meet at such times as the Board of Appeals 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 of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, findings of fact, the action of the Board of Appeals, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

Section 704. **Effect of Administrative Action; Payment of Amounts Outstanding During Appeal Process.** If an informal or formal hearing is not demanded within the periods specified herein, all Township administrative action shall be deemed final. In the event either or both such hearings are demanded, Township administrative action undertaken pursuant to the ordinance provision subject to appeal shall be suspended until a final determination has been made, except that all bills for Rates and Charges outstanding during the appeal process shall continue to be due and payable to the Township.

Section 705. **Refunds; Variances.** If a variance is approved by the Informal Hearing Committee or the Board of Appeals, the Township shall, if necessary, adjust Rates and Charges accordingly, including any refunds due. Appropriate conditions may be placed upon a variance to accomplish the purposes of this Ordinance. Refunds shall be retroactive for the previous twelve months' billings only, but no adjustments shall be made to any Rates and Charges which are delinquent under the terms of this Ordinance.

Section 706. **Appeal from Board of Appeals.** Appeals from the determinations of the Board of Appeals may be made to the County Circuit Court 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 of Appeals shall be conclusive upon the Circuit Court.

ARTICLE VIII
POWER AND AUTHORITY OF TOWNSHIP EMPLOYEES OR REPRESENTATIVES

Section 801. **Entry on Premises and Inspection by Township.** The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Inspector, the Township Supervisor, the Superintendent of the DPW, the Township's Engineer, the Chippewa County Health Department and representatives of the Michigan Department of Environmental Quality bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties served by the System for the purposes of inspection, observation, measurement, sampling, testing, meter reading, installation of separate Service Connections and/or shutoff valves in accordance with Section 408, discontinuance of service, emergency repairs in accordance with the provisions of this Ordinance, including without limitation, inspection for the presence of a Cross Connection and the testing and inspection of devices preventing Cross Connection and enforcement of this Ordinance. Any Person who applies for or receives sewer or water service from the Township shall be deemed to have given consent for all such activities including entrance upon that Person's property.

Section 802. **Compliance with Safety Rules.** While performing the duties in Section 801 above, the duly authorized employees, representatives or agents of the Township shall observe all reasonable safety rules applicable to the Premises established by the Customer.

ARTICLE IX
ENFORCEMENT

Section 901. **Damage to System.** No unauthorized Person shall maliciously, willfully, recklessly or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Building Drain to or from a Sewer Lateral or any Service Line to or from a Service Connection or tamper with or modify any Meter, fire hydrant, pump, valving appurtenance, flow control section or sampling equipment with the effect, without limitation, of rendering inaccurate any Meter or other monitoring equipment.

Section 902. **Notice to Cease and Desist.** Except for violations of Section 901 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 903. **Civil Infraction.** Any violation of Section 901 or any violation beyond the time limit provided for in Section 902, 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, including reasonable attorney's fees, loss, or damage occasioned by reason of such violation. The Supervisor is hereby authorized to issue citations for municipal civil infractions for violations of the Ordinance.

Section 904. **Nuisance; Abatement.** Any Nuisance, Health Hazard 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 this Ordinance by injunction or other legal or equitable remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such Nuisance, Health Hazard or violation. The person who violated the Ordinance or permitted such Nuisance, Health Hazard or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney's fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous Customer Fee.

Section 905. **Liability for Expenses.** Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township or its authorized representative by reason of such violation as Miscellaneous Customer Fee.

Section 906. **Remedies.** 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 X
VALIDITY

Section 1001. **Conflicting Ordinances/Repeal.** This Ordinance is intended to consolidate, replace, and supersede all currently existing Township Ordinances concerning the administration, use, connection and related matters pertaining to the Water System and the Sewer System, including the setting of rates and fees. Without limiting the generality of the foregoing, Ordinance No. 1.123 adopted March 4, 2002, and entitled the Township "Water Ordinance", as amended, and Ordinance No. 1.124, also adopted March 4, 2002, entitled the Township "Sewer Ordinance", as amended, are hereby repealed effective upon the effective date of this Ordinance.

Section 1002. **Severability.** The invalidity 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 1003. **Higher Standards.** 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.

ARTICLE XI
PUBLICATION AND EFFECTIVE DATE

Section 1101. **Publication.** A true copy or a summary of this Ordinance shall be published as provided by law.

Section 1102. **Effective Date.** This Ordinance shall be in full force and effect on December 18, 2009.

ARTICLE XII
AMENDMENT

Section 1201. **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 fees, charges or rates herein provided.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on December 7, 2009, and approved by me on December 7, 2009.

_____
Lawrence Palma, Supervisor
Charter Township of Kinross

Attest:

_____
Marvin Besteman, Jr., Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on December 7, 2009, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the tine set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

_____
Marvin Besteman, Jr., Clerk
Charter Township of Kinross

CERTIFICATE OF PUBLICATION

I, Marvin Besteman, Jr., Township Clerk of the Charter Township of Kinross, County of Chippewa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 1.131 or a summary thereof was published in _The Evening News__ on December 18_, 2009.

_____

Marvin Besteman, Jr., Clerk
Charter Township of Kinross

EXHIBIT A

TABLE OF RESIDENTIAL EQUIVALENT UNITS

Usage	Unit	Unit Factors	Remarks
Athletic Field w/ restrooms	Field	2.00	Also, see School
Auditorium	Seat	.007	Also, see School
Auto Dealer	1,000 sq. ft. of building	0.40	
Bar	Seat	0.05	
Barber Shop	Barber Chair	0.14	
Beauty Shop	Booth/Work-Station	0.25	
Bowling Alley (No Bar/Restaurant)	Alley	0.16	Add Bar or Restaurant if applicable
Car/Truck Wash	Water Usage (73,000 gallons per year)	1.00	
Church	1 – 400 seats 401 – 800 seats 801 – 1,200 seats	1.00 2.00 3.00	
Cleaners:			
Pick Up Only	1,000 sq. ft.	0.25	
Dry Cleaners	Press	1.25	
Clinic/Med Station	1,000 sq. ft.	1.00	
Correctional Facility	Prisoner	.3 per prisoner	
Golf Course, Country Club (including Pro Shop/Snack Area)	1,000 sq. ft. Clubhouse	2.00	If applicable, add Restaurant or Swimming Pool: add showers @ 0.16 units/head if not with pool

Usage	Unit	Unit Factors	Remarks
Gymnasium	Shower Head	0.16	Add Auditorium factor if spectator oriented (Also, see School)
Hall/Convention Facility:			
Members Only	Hall	1.00	
Members & Rentals	Hall	2.00	
Hospital:			
Medical	Bed	1.10	
Psychiatric		1.00	
	Water Usage (73,000 gallons per year)		
Hotel/Motel	Guest Room	0.25	Add unit for associated facilities (i.e., Bar, Restaurant, Swimming Pool, Hall or Convention facilities)
Industry (2):			
Exclusive of Wet Process	1,000 sq. ft.	0.50	
Warehouse	1,000 sq. ft.	0.10	
Wet Process	Water Usage (73,000 gallons per year)	1.00	
Industrial Complex	Water Usage (73,000 gallons per year)	1.00	
Laundry, Laundromat, etc.:			
Laundry/Laundromat (including dry cleaning pick-up area)	Washer	0.50	
	Oversize Washer	0.75	
Laundry:			
(Commercial)	Water Usage (73,000 gallons per year)	1.00	
Office Building	1,000 sq. ft.	0.40	

Usage	Unit	Unit Factors	Remarks
Personal Care:			
Nursing Homes	Bed	0.25	
Supportive Care	Bed	0.25	
Independent Living (including auxiliary service space)	Living Unit	0.50	
Day Care	1,000 sq. ft.	1.00	
Public Institutions:			
Library, Fire Station, Museum	Sewer Lateral	1.00	Also see Twp. Offices
Park	Sewer Lateral	2.00	
Township Offices	1,000 sq. ft.	0.40	Add Halls Plus other public institutions if part of building or site
Residential:			
Single family Housing	Living Unit	1.00	
Multi-family Housing (Apt's/Condos/Duplex)	Living Unit Space	1.00	
Mobile Home Parks	Mobile Home Space	1.00	No extra units for central meeting areas, pools, etc.
Campground with central bath house	Camping Site	0.35	
Restaurant (1):			
Dinner and/or Drinks	Seat	0.083	
Fast food (Inside Seats)	Seat	0.083	
Fast food (Takeout only)	1,000 sq. ft.	1.00	

Usage	Unit	Unit Factors	Remarks
School:			
No Cafeteria or Showers	Classroom including labs, art & music rms as classrooms	0.75	
W/Cafeteria/No Showers	Classroom, etc.	1.25	
W/Cafeteria & Showers	Classroom, etc.	1.50	
Administrative Offices	1,000 sq. ft.	0.40	Incidental if part of school structure with classrooms: treat as office if separate structure
Auditorium	Seat	.007	Incidental if part of regular school structure w/ classrooms
Gymnasium	Shower Head	0.16	Incidental if part of regular school structure w/ classrooms
Hockey Rink	Rink	9.00	Intended to include approximately 1,000 spectator seats w/ associated restrooms & team shower areas
Athletic Field w/ restrooms	Field	2.00	Incidental if field does not have its own restrooms
Service Station including Convenience Store and/or Incidental Car Servicing Area	Pumping location intended to service one vehicle at a time	1.0 + .20 per pump	
Stadium	Seat	.007	
Store: (3)			
Grocery/Super Market as Primary Use	1,000 sq. ft.	0.40	
Other (Including Mini-Malls)	1,000 sq. ft.	0.25	

Usage	Unit	Unit Factors	Remarks
Swimming Pool w/Access to Showers	1,000 sq. ft. of pool surface	3.00	
Theaters:			
Drive-In	Car Space	0.02	
Inside	Seat	.007	

1. **Bar/Restaurant:** An establishment shall be classified as a bar or restaurant depending on its primary characteristic. A restaurant is primarily a food serving establishment, but may serve drinks (alcoholic), and have a bar area. A bar is primarily a drink (alcoholic) serving establishment, but may have limited snack or meal serving facilities. Where an establishment has a clearly defined bar and restaurant they may be computed separately.

2. **Industry:** Industry is intended to cover a large variety of uses not specifically listed, including, but not limited to, vehicle or equipment repair, parts, or servicing, and for packing, assembling, and manufacturing facilities. Warehousing may be computed separately from industrial when part of the same structure. Industrial and warehousing units applied to a complete structure shall include incidental office areas. Where an office area comprises more than 10% of an industrial or warehouse structure, it shall be computed separately.

Industrial complex shall be considered large multi-use facilities where numerous diverse operations are involved on a site. It may consist of one or more buildings.

3. **Multi-Use Premises – i.e. Strip Mall:** Where the entire structure is served by one Sewer Lateral and/or Service Connection, the unit factors for the various uses shall be computed separately, and then totaled for the entire premises.

Where each space has its own Sewer Lateral or Service Connection, a minimum of one (1) Unit per space shall be assigned.

4. **Note:** A Premises served by a Sewer Lateral or Service Connector shall be assigned a minimum of One (1) Unit.

One Unit shall be assigned when a connection permit is issued. Remaining units applicable to a permit (i.e., Multi-family, Industrial, Commercial, etc.) shall be added when occupancy permit is issued.

KINROSS CHARTER TOWNSHIP CONSTRUCTION CODE ORDINANCE

ORDINANCE NO. 11A

CHARTER TOWNSHIP OF KINROSS

COUNTY OF CHIPPEWA, STATE OF MICHIGAN

Adopted: July 3, 2000
Effective: August 3, 2000

TITLE:

This Ordinance shall be known and cited as the Kinross Charter Township Construction Code Ordinance, Ordinance No. 11A

THE CHARTER TOWNSHIP OF KINROSS HEREBY ORDAINS:

Section 1. PURPOSE:

To provide standards for the granting of building permits and administering the State Building Code within the Charter Township of Kinross and to repeal Kinross Charter Township Ordinance No. 11 while transferring responsibility for the administration and enforcement of its building code to the County of Chippewa under the provisions of the State Construction Code Act of 1972, *Act 230 of the Public Acts of 1972, as amended.*

Section 2. TRANSFER OF AUTHORITY

Pursuant to the provisions of section 9 (7) of the State Construction Code Act of 1972, as amended, the Charter Township of Kinross hereby transfers all responsibility for the administration and enforcement of its building code provisions to the County of Chippewa.

Section 3. CONSTRUCTION AND ALTERATION

No structure or premises shall hereafter be used or occupied and no building shall be erected, enlarged, moved, removed, reconstructed, extended or altered,

except in conformity with the regulations set forth herein and in the State Construction Code.

Section 4. RESTORING UNSAFE STRUCTURES

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the building inspector, in accordance with the State Construction Code.

Section 5. BUILDING PERMITS

No building or structure shall hereafter be erected, enlarged, moved, removed, reconstructed, extended or altered until a building permit and/or all other applicable code permits have been obtained in accordance with the State Construction Code.

Section 6. ZONING PERMITS

No building or structure, which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning permit has been issued by the Kinross Charter Township Zoning Administrator, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this and all other applicable ordinances. This zoning permit requirement shall apply to a building or structure, which is exempt from the building permit requirements pursuant to the Kinross Charter Township Zoning Ordinance.

Section 7. DWELLING STANDARDS

A dwelling or residence shall be permanently attached to a solid foundation constructed on the site in accordance with the State Construction Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the State Construction Code.

Section 8. USED DWELLINGS

All the dwelling standards in *Section 6* of this ordinance shall apply to a used dwelling, which is to be installed within the Charter Township of Kinross. A zoning permit shall be obtained for any used dwelling(s) proposed to be

installed in the township. A certificate indicating that the dwelling complies with all zoning shall be submitted with the permit application.

Section 9. SEVERABILITY.

Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance.

Section 10. ORDINANCE REPEAL.

Kinross Charter Township Ordinance No. 11 adopted on April 21, 1975 is hereby repealed.

Section 11. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after adoption and publication. (Ordinance No. 11A effective August 3, 2000).

KINROSS TOWNSHIP
ORDINANCE NO. 15

An Ordinance to Prohibit Trespassing on the Kincheloe Cross Country Ski Trail System with Snowmobiles or other off the road Vehicles.

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

Section 1. Trespassing

It shall be unlawful for any person to operate any snowmobile or off the road vehicle or travel across or enter upon the Kincheloe Cross Country Ski Trail System or to trespass upon the area within the posted boundaries thereof, except vehicles and persons engaged in the administration and maintenance of the trail system.

Section 2. Misdemeanor

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by law or by both fine and imprisonment in the discretion of the Court.

Section 3. Effective Date

This ordinance shall take effect 30 days after publication as provided by law.

KINROSS TOWNSHIP
ORDINANCE NO. 17

An Ordinance to Prohibit Stopping or Standing of Unauthorized Vehicles or Persons on the Perimeter Streets Surrounding Kinross Correctional Facility.

Adopted May 21, 1979
Published May 31, 1979
Effective July 1, 1979

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

Section 1. Conduct

It shall be unlawful for any person to loiter or to stop, park, or leave standing any vehicle on the following streets: Wilson Road, Hugginin Street, and Kincheloe Street adjacent to the fenced in area of Kinross Correctional Facility, except authorized persons and vehicles lawfully using the streets.

For the purposes of this ordinance, authorized persons and vehicles shall include Kinross Correctional Facility vehicles and personnel, and those engaged in street maintenance, law enforcement and public safety.

Section 2. Signs

Appropriate signs shall be posted advising of the restrictions.

Section 3. Misdemeanor

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by law or by both fine and imprisonment in the discretion of the Court.

Section 4. Effective Date

This ordinance shall take effect 30 days after publication as provided by Law.

KINROSS TOWNSHIP
ORDINANCE NO. 20

KINROSS TOWNSHIP
SUBDIVISION CONTROL ORDINANCE

ADOPTED: June 16, 1980
PUBLISHED: June 26, 1980
EFFECTIVE: June 26, 1980

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Kinross Township
Ordinance No. 20

Subdivision Control Ordinance

In accordance with Public Act 288 of 1967, as amended, "The Subdivision Control Act", MCL 560.101-560.293, which states that it is: "An Act to regulate the subdivision of land; to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements, and that there be adequate drainage thereof; to provide for proper ingress and egress to lots; to promote proper surveying and monumenting of land subdivided, and conveyed by accurate legal descriptions; to provide for the approvals to be obtained by subdividers prior to the recording and filing of plats; to

establish the procedure for vacating, correcting and revising plats; to control residential building development within flood plain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts; and additionally:

An Act which in accordance with Section 259, MCL 560.259, "Minimum Standards: provides that: "The standards for approval of plats prescribed in this Act are minimum standards and any municipality, by ordinance, may impose stricter requirements and may reject any plat which does not conform to such requirements"; and

An Act, which in accordance with Section 186, MCL 560.186 provides that: "(d) Minimum width and area requirements for residential lots as bet forth in this Act may be waived in any subdivision where connection to a public water and a public sewer system is available and accessible on where are proprietor before approval of the plot has, posted security with the clerk of the municipality as provided in Section 182 (MCL 560.182) and where the municipality in which the subdivision is proposed has legally adopted zoning and subdivision control ordinances which include minimum lot width and lot area provisions for residential buildings", and

An Act which in accordance with Section 188, MCI 560.188, "(1) If the subdivision includes or abuts certain improvements other than streets and alleys, such as county drains and such improvements are not in existence at the time of consideration by the governing body of the municipality, it may require, as a condition of approval of the final plat, the proprietor to enter into an agreement to construct such improvements within a reasonable tins," and" (3) My municipality, as a condition of approval of the plat may require the proprietor to enter into an agreement as provided in this section;" and "(2) The governing body may require a cash deposit, certified check or irrevocable bank letter of credit, whichever the proprietor selects, or surety bond acceptable to the municipality, covering the estimated cost of construction, to be deposited with the clerk of the municipality to insure the faithful performance of the agreement. Outlots or parks used as a buffer strips, if between the boundary of the subdivision and such improvements, shall not alter the requirements of this section:"

The Township Board of the Township of Kinross, Chippewa County, Michigan Ordains:

Article I - General Provisions

Section 1.1 Title:

This Ordinance shall be known and may be cited as the "Kinross Township Subdivision Control Ordinance".

Section 1.2 Purpose:

The purpose of these regulations is to provide for the orderly growth and harmonious development of Kinross Township; to secure adequate traffic circulation through coordinated street systems which relate to existing streets and highways, adjoining subdivision and undeveloped lands and public utilities and facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for public school sites, recreation areas and other public areas and building requirements; and to

provide logical and reasonable procedures for the achievement of these purposes; to establish standards of subdivision design and site preparation and public improvement installation which will result in improved quality of new developments in the Township without adding substantially to the ultimate cost of houses to the purchasers; to provide for economics in the installation of utilities; to provide standardized procedures permitting a subdivider to design and process his plans without undue expenditure of funds or time; to insure the maintenance of proper levels of public health and safety standards by adopting standards for safe water, waste disposal, storm drainage, police and fire protection, streets and highways and public facilities such as schools, parks, and other Township needs.

Section 1.3 Scope:

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations. Where this Ordinance imposes a greater restriction upon land than is imposed or required by existing provisions of any other Ordinance of the Township, the provisions of this Ordinance shall prevail.

Section 1.4 Administration:

The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Public Act 288 of 1967, "The Subdivision Control Act," and the Township Planning Commission in accordance with Public Act 168 of 1959, as amended, "The Township Planning Act".

Section 1.5 Determination of Fees:

The following schedule of fees for review of plats is herewith established by the Township Board and may, by resolution, be amended, from time to time by said Board.

1.51 Preliminary Plat:

The Planning Commission shall require a fee of twenty dollars ($20.00) for each subdivision plat submitted for preliminary approval.

1.52 Final Plat:

The Planning Commission shall require a fee for each subdivision plat submitted for final approval according to the following schedule:

(a) Up to and including twenty-five (25) lots - fifty dollars ($50.00).

(b) Twenty-six (26) up to and including fifty (50) lots - seventy five dollars ($75.00).

(c) Fifty-one (51) up to and including seventy-five (75) lots - one hundred dollars ($100.00).

(d) Seventy-six (76) up to and including one hundred (100) lots - one hundred and twenty-five dollars ($125.00).

(e) For each additional twenty-five (25) lots, or any part thereof, over one hundred (100) lots an additional twenty-five dollars ($25.00).

1.53 Recording Final Plat:

The subdivider shall pay to the Township a recording fee of twenty dollars ($20.00) which shall be forwarded with the final plat to the County Plat Board.

1.54 Payment of Fees:

The subdividers shall pay preliminary plat, final plat and recording fees in the following manner:

(a) Preliminary Plat Fees shall be paid in full at the time of submitting Plat for preliminary approval.

(b) Final Plat Fees shall be paid in full at the time of submitting Plat for final approval.

(c) Recording Fee shall be paid in full at the time of submitting Plat for final approval.

Section 1.55 Fees for Inspection Improvements:

The Township Board may establish a fee schedule for the inspection of all special improvements to be included within a pint. The subdivider shall be held responsible for all inspection fees. All inspection fees shall be paid in advance of the next requested phase of approval.

Article II - Definitions

Section 2.1 Rules Applying To The Text:

For the purpose of this Ordinance the following rules of construction shall apply:

(1) Words used in the present tense include the future tense: and the singular includes the plural, unless the context clearly indicates the contrary.

(2) The term “shall” is always mandatory and not discretionary: The word “may” is permissive.

(3) The word or terms not interpreted or defined by this article shall be used with a meaning of carrion or standard utilization.

Section 2.2 Definitions:

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

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

As-Built Plans: Revised construction plans in accordance with all approved field changes.

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

Block Length: The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

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 a river bank.

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

Commercial Development: A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Commission or Planning Commission: The Kinross Township Planning Commission.

Comprehensive Development Plan (Or Master Plan): The unified document adopted by the Township of Kinross, County of Chippewa consisting 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.

County Drain Commissioner: The Chippewa County Drain Commissioner.

County Health Department: The Chippewa County Health Department.

County Plat Board: The Chippewa County Plat Board.

County Road Commission: The Chippewa County Road Commission.

County Drain Commissioner: The Chippewa County Drain Commissioner.

County Health Department: The Chippewa County Health Department.

County Plat Board: The Chippewa County Plat Board.

County Road Commission: The Chippewa County Road Commission.

Cross walkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dedication: The intentional appropriation of land by the owners to public use.

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Flood Plain: That land which can be expected to be inundated during an Intermediate Regional Flood as indicated in Flood Plain Information Report, prepared for the Michigan Water Resources commission, Department of Natural Resources, by the Corps of Engineers, U.S. Army.

Governing Body: The township board of the Township of Kinross.

Greenbelts or Buffer Parks: 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 environment by adverting encroachment of conflicting uses.

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

Industrial Development: A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

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

a. **Corner lot:** a lot situated at the intersection of two (2) streets or on a curved street does not exceed 135’ (degrees).

b. **Lot frontage:** All property abutting the right-of-way of a street, dedicated to the public, measured along the right-of-way between the side lot lines of a lot. In no case shall the line along an alley be considered as acceptable for frontage.

c. **Through lot:** a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, or converging streets.

d. **Lot depth:** the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

e. **Lot width:** the horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

Lot Line: The fixed boundaries of a lot described by survey and recorded in a plat.

a. **Front lot line:** that boundary of a lot measured along the edge of the right-of-way of a street, dedicated to the public, which abuts that lot.

b. **Rear lot line:** that boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot the point of intersection of the side lot lines shall be considered the rear lot line.

c. **Side lot line:** that boundary of a lot which intersects both the front and the rear lot lines.

Master Plan For Streets And Highways Of Kinross Township, Chippewa County, Michigan: That portion of the Master Plan of the Township of Kinross dealing with streets and highways, adopted June 16, 1980, amended by the Township of Kinross Planning Commission.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site whether 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 subdivision Control act.

Planning Commission: The Planning commission of the Township of Kinross as established under Act 168, Public Acts of 1959, as amended, being MCL 125.321-125.333.

Planned Unit Development: A land area which has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

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

a. **Sketch Plan:** 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 topographic 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 in final form ready for approval and recording in accordance with the requirements of the Subdivision Control Act, Public Act 288 of 1967.

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.

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.

Replat: The process of changing the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries 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.

a. **Street Right-Of-Way Line:** That line as specified in the Master Plan for Major Streets and Highways, Kinross Township, Chippewa County, Michigan.

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

a. **Local street:** A street designed to provide direct access to individual abutting properties.

b. **Minor arterial:** A street designed to move through traffic at moderate speeds and volumes to and from major arterials.

c. **Major arterial:** A street designed to nave through traffic at moderate speeds and high volumes to and from major traffic generators.

d. **Stub street:** A dead end local street which provides for eventual extension of the street onto unplatted land.

e. **Alley:** A roadway at least 20 feet wide to provide secondary access to commercial, industrial or multiple housing developments.

f. **Marginal access street:** A frontage road which separates properties from heavily traveled through streets and eliminates the need for unlimited access to through streets or individual properties.

g. **Cul-de-sac street:** A local street of short length with provision for turn around at its termination.

h. **Street width:** The shortest distance between the lines delineating the right-of-way of streets.

Subdivide Or Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives,

successors or assigns for the purpose of sale, or lease of sore than one (1) year, or of building development, where the act of division creates five (5) or rare parcels of land each of which is ten (10) acres or less in acres or less in area; or five (5) or sore parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years, dating from January 1, 1968.

Subdivider, Proprietor, Or Developer: A natural person, firm, association, partnership, corporation or continuation of any of them which may hold any recorded or unrecorded ownership interest in land whether recorded or not. The proprietor is also commonly referred to as the owner.

Subdivision Control Act: Public Act 288 of 1967, State of Michigan, as amended.

Surveyor: Either a land surveyor who is licensed in the state of Michigan as a licensed land surveyor or a civil engineer who is licensed in the State of Michigan as a licensed professional engineer.

Topographical Map: A map showing existing physical characteristics, with contour lines at two-feet intervals to permit determination of proposed grades and drainage.

Township: The Township of Kinross, Chippewa County, Michigan.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

Article III - Platting Procedure and Data Required

Section 3.1 Pre-Application Contract and Sketch Plan:

The Subdivider shall have no obligation to submit his proposed plat for sketch plan approval. This procedure is suggested as a means of avoiding problems of a technical nature, which may arise due to a lack of information during the preliminary or final stages of approval. If the subdivider elects to submit a sketch plan, the following procedure shall apply.

3.11 Purpose:

a) To provide guidelines for the subdivider concerning development policies of the Township.

b) To acquaint the subdivider with the platting procedures and requirements of:

1) The Township Board and the Planning Commission.

2) Other agencies.

c) To provide the Planning Commission and other affected agencies with general information concerning the proposed development.

d) Acceptance of the sketch plan does not assure acceptance of the preliminary plat.

3.12 Requirements:

The plan shall show the subdivisions' entire development scheme in schematic form including the area for immediate development, and shall include the following:

(1) Drawn to scale, but may be in sketch form.

(2) Existing conditions and characteristics of the land on and adjacent to the site.

(3) General layout of streets, blocks and lots.

(4) Any general area to be set aside for schools, parks or other community facilities.

3.13 Procedure:

(a) The developer shall submit two (2) copies of the sketch plan plat to the Township Planning Commission ten (10) days before the next meeting of the Planning Commission.

(b) The Planning Commission or Subdivision Committee of the commission will review the plan with the subdivider or his agent. The Commission may also request that copies of the sketch plan be submitted to other affected public agencies for review.

(c) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and making appropriate comments and suggestions concerning the proposed development scheme. The Planning Commission may grant tentative sketch stage approval or indicate its intent to reject the proposed plat, provided however, that an indicated rejection at this stage not bar the developer from submitting a preliminary plat.

Section 3.2 Preliminary Plat Preparation and Submittal

3.21 Application by the Subdivider

(a) Subdivider submits to the Township Clerk a written application, together with written and graphic information, and the fee authorized by the Township Board, at least ten (10) days prior to the regular monthly Planning Commission meeting at which he hopes to have his proposed plat on the agenda. The Township Clerk records the receipt of the plat and partly forwards it to the Chairman of the Planning Commission who places it on the agenda of the next scheduled meeting of the Planning Commission.

(b) Subdivider submits five (5) copies of the preliminary plat on paper not greater than twenty-four (24) inches by thirty-six (36) inches drawn at a scale of at least one (1) inch to two hundred (200) feet which shall include the following information:

1. Scale and north arrow;

2. Name of proposed subdivision;

3. Names, addresses and telephone numbers of subdivider(s) end surveyor preparing the plat;

4. Location map of the subdivision, giving the numbers of the sections, township and range and name of the township and county, also showing adjoining roads$_1$ physical features, township or section lines to which reference may be made, school district within which the proposed plat is located, and the general location of the proposed plat in relation to schools, shopping centers and major community facilities;

5. A property and topographic survey map of the proposed plat area, including the location of property lines, topographical lines at not more than 2 foot intervals, streams, lakes, swamps and drainage sources, location of flood plain areas, existing streets and highways within the area to be platted, or in the immediate vicinity of the area to be platted, from which access to the property can be made, and the adjacent property lines and names of adjacent property owners, and the location of existing facilities and strictures, such as buildings, sewage systems, high tension towers, utility easements of record or in use, excavations, bridges and culverts.

6. Streets, street names, right-of-way and roadway widths. Other right-of-way easements, showing location, width and purpose as available.

7. Lot lines and the total number of lots by block.

(c) Subdivider submits supporting written information which shall include:

1. A LEGAL OPINION showing the legal and equitable owners (including mortgages, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which may condition the use of the property.

2. 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 multifamily 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.

3. Statement as to whether the high groundwater is less than or greater than six (6) feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than six (6) feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.

4. Statement of the availability of water of good quality for domestic use on the land proposed to be subdivided. 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 hydro-geologist competent in the field of water supply.

5. A report of soil limitations 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 information shall be specified.

6. Copies may be required of proposed protective covenants and deed restrictions by the Planning Commission.

7. The names and addresses of all property owners whose lands abut the proposed subdivision as they appear on the tax records of the Township.

d) The subdivider shall obtain and submit letters indicating approval or rejection from the following agencies:

1. Chippewa County Road Commission

2. Chippewa County Drain Commissioner

3. Chippewa County Health Department

4. Michigan Department of State Highways and transportation, if any of the proposed subdivision includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.

5. Michigan Department of Natural Resources, Bureau of Water Management, if the land proposed to be subdivided abuts a lake or a stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected; or if any part of the proposed subdivision lies within the flood plain of a river, stream, creek or lake.

6. The School Board of the respective school district in which the subdivision is to be located.

7. Chippewa County Road Commission for verification that street names do not duplicate or conflict with existing street names.

8. The Chippewa County Soil Conservation District for a review of Soil Limitations Report.

9. The Kinross Township Engineer for review of utility service plans and any other pertinent information.

e) The Subdivider shall submit:

1. Preliminary engineering plans for ‘streets, water, sanitary and storm sewers, and other required public 4rovements. The engineering plans shall contain enough

information and detail to enable the Planning Commission to make a preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standards.

2. Plans showing location and results of all percolation tests and soil borings performed on the site when subdivision is proposed in areas not served by a public sewer system. Percolation tests should be provided on the basis of at least one (1) per acre or one (1) per lot if lots exceed one (1) acre in size. The County Health Department may notify this requirement based on local conditions.

Section 3.22 Review and action by the Planning Commission

a) The Planning Commission shall review the submitted preliminary plat for completeness and shall not place the preliminary plat on the agenda of the Commission until all data required by this ordinance shall have been submitted.

b) The subcommittee for reviewing plats shall report to the full Planning Commission their recommendations on any factors which would be of general concern to the Township in respect to the preliminary plat.

c) The Planning Commission shall review the preliminary plat, and, if the plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter, giving the earliest date for resubmission of the plat and additional information required.

d) The Planning Commission shall give its report to the ‘Township Board not more than sixty (60) days after submission of the preliminary plat. The sixty (60) day period may be extended if the applicant consents. If no action is taken within sixty (60) days, the preliminary plat shall be deemed to have been approved by the Planning Commission. Said report shall indicate whether or not the Planning Commission recommends that preliminary approval be granted and may contain any other recommendations, conditional or otherwise, which the Planning Commission deems essential.

3.23 Review and Action by the Township Board

a) The Township Board shall not review, approve or reject a preliminary plat until it has received from the Planning Commission its report and recommendations.

b) Following receipt of the recommendations of the Planning Commission, the Township Board shall consider the proposed subdivision at its next regularly scheduled meeting. In any event, the Township Board, should, within a thirty (30) day period of the initial receipt of the preliminary submission from the Township Planning Commission, grant or deny preliminary approval.

c) The Township Board may also make recommendations, suggestions and proposals, which they deem necessary as conditions for granting preliminary approval of the subdivision.

3.24 Conditions and Duration of Approval:

Tentative approval under this section shall confer upon the proprietor for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended for not more than one year if applied for by the proprietor and approved by both the Planning Commission and the Township Board.

Section 3.3 Final Plats:

3.31 Requirements:

a) General:

(1) Final Plats shall be prepared and submitted as provided for in Public Act 288 of 1967, the "Subdivision Control Act" and in this Kinross Township Subdivision Control Ordinance.

(2) A written application for approval and the recording fee shall accompany all final plats at the time they are presented to the Township Clerk.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of a title opinion prepared by an attorney at law licensed to practice law in Michigan, or a policy of the title insurance currently in force.

(4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

b) Time of Submittal:

(1) Final plats shall be submitted to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.

3.32 Procedures:

a) Submittal to Approving Authorities: The subdivider shall submit the final plat and as-built engineering plans, where required for approval, to the following agencies:

(1) Chippewa County Road Commission: For approval or rejection.

(2) Chippewa County Drain Commissioner: For approval or rejection.

(3) Chippewa County Health Department: For issuance of a letter of approval or rejection.

(4) Kinross Township Planning Commission: For recommendations to the Township Board.

3.33 Actions:

a) Township Planning Commission:

(1) The Planning Commission shall examine the plat at its next regular meeting, or within thirty (30) days of receipt thereof**,** for conformance to:

a) The provisions of Public Act 288 of 1967, "The Subdivision Control Act."

b) The provisions of this Ordinance.

c) The preliminary plat, as approved.

(2) The time for review and recommendation by the Planning Commission may be extended by agreement with the subdivider.

(3) 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.

(4) Recommendation 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 its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the recommendation from the Planning Commission.

(2) The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing and refund the recording fee. Approval shall be effective for two (2) years, with extension considered upon application in accordance with Section 120 (Ma 560.120), Public Act 288 of 1967, "The Subdivision Control Act."

(3) The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting and if it approves the plat, it shall direct its proper officers to sign the same.

c) Improvements and Facilities Required by the Township:

(1) The Township Board may require all improvements and facilities to be completed before it approves the final plat.

(2) If improvement and facilities are not required to be completed by the Township Board before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities, and such contract shall be recorded and referred to on the plat.

(3) Performance of the contract may be secured by requiring a cash deposit, certified check, or negotiable bond, or irrevocable bank letter of credit from the proprietors and payable to the public agency responsible for the improvement.

(4) The Township Board shall not require a bond duplicating any bond required by another governmental agency.

(5) Such surety may be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township and the subdivider.

ARTICLE IV - SUBDIVISION STANDARDS

Section 4.1 TRAFFICWAYS - STREET 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 Chippewa County Road Commission shall prevail. Generally, all streets shall be dedicated to public use and arterial streets shall be dedicated to public use in all cases.

4.12 Location:

Platted streets shall be required to conform to the "Master Plan for Streets and Highways" of Kinross Township as adopted and wended.

a) Local 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 subdivision, unless otherwise approved by the Planning Commission and the Chippewa 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 4.72b).

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) Alleys: Alleys shall not be permitted in areas of detached single or two-family residences. Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead end alleys shall be prohibited.

f) 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.

g) Cul-de-sac Streets: Cul-de-sac streets shall not be more than six hundred (600) feet in length. Special consideration shall be given to a longer cul-de-sac under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turn-around with a minimum external diameter of one hundred fifty (150) feet.

h) 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 of Partial Street, the other part of the street shall be dedicated within such street.

i) Private Streets: Private Streets and roads shall be prohibited, except as provided in the Township Zoning Ordinance in relation to "Planned Unit Developments", "Condominium Developments" and specified "Special Uses" required to be processed through township zoning "Site Plan Review Procedures."

4.13 Specifications:

a) Street Rights-of-Way, Roadway Width:

(1) Street and road right-of-way and roadway pavement widths shall conform to the adopted "Master Plan for Streets and Highways" and rules of the

Chippewa County Road Commission and the Department of State Highways and Transportation.

b) Street Gradients:

(1) **Maximum Grades:** Street grades shall ‘not exceed five (5) percent on either local streets or collector streets.

(2) **Minimum Grades:** No Street grade shall be less than zero point five (0.5) percent.

c) Street Alignment:

(1) **Horizontal Alignment:** When Street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets.

(2) **Vertical Alignment:** Minimum sight distances shall be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets.

4.14 Street Names:

Street names shall not duplicate any existing street in Kinross 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. Duplications shall be avoided by checking new street names with the Kinross Township Planning Commission master listing.

Section 4.2 INTERSECTIONS

4.21 Angle of Intersection:

Streets shall intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.

4.22 Sight Triangles:

Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty five (125) feet from the center of the intersection.

4.23 Sight Distance:

The minimum extent of unobstructed vision on a horizontal plane along a street surface at a driver eye height of 3.75 feet above the centerline of a street to an

object height of 6 inches above the centerline of a street for a distance of 200 feet for local street and a distance of 300 feet for collector street between said heights.

4.24 Number of Streets:

No more than two (2) streets shall cross at any one (1) intersection.

4.25 Intersections:

Except on arterials and certain collectors, "T" type intersections shall be used where practical.

4.26 Centerline offsets:

Slight jogs at the intersections shall be avoided. Where such jobs are unavoidable, street centerlines shall be offset by a distance of one hundred fifty (150) feet or more.

4.27 Vertical Alignment of Intersection:

A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be carried back fifty (50) to one hundred (100) feet each way from the intersection. An allowance of two percent (2%) intersection grade in rolling and four percent (4%) in hilly terrain will be permitted.

Section 4.3 PEDESTRIANWAYS:

4.31 Crosswalks:

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 (10) feet wide and extend entirely through the block.

4.32 Sidewalks:

Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets.

Section 4.4 EASEMENTS:

4.41 Location:

Easements shall be provided along rear lot lines and also along side lot lines when necessary for utilities. The total width shall not be less than six (6) feet along each

lot, or a total of twelve (12) feet for adjoining lots. **(See also Section 4.66 for backup lots.)**

4.42 Drainage way:

The subdivider shall provide drainage way easements as required by the rules of the Chippewa County Drain Commissioner.

4.43 Major Easements:

Where easements are required to allow access to the municipal water and sanitary sewer facilities, the Township shall have the power to require the grant of additional easements to the boundary of the proposed subdivision. Said grants and extensions may be required in order to insure the continuation of said services into adjoining lands or subdivisions.

Section 4.5 BLOCKS:

4.51 Arrangements:

A block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

4.52 Minimum Length:

Blocks shall not be less than five hundred (500) feet long.

4.53 Maximum length:

The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet long from center of street to center of street.

Section 4.6 LOTS:

4.61 Conform to Zoning:

The lot width, depth, and area shall not be less than the particular district requirements of the Kinross Township Zoning Ordinance except where outlots are provided for sane indicated and permitted purpose.

4.62 Lot Lines:

Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

4.63 Width Related to Length:

Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed two and one-half (2½) times the width as measured at the building line.

4.64 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 crosswalk shall be treated as corner lots.

4.65 Uninhabitable Areas:

Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the Planning Commission, increase the danger to health, life, general welfare, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks.

4 .66 Backup Lots:

Lots shall not back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such lots shall contain a landscaped easement long the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street, to minimize noise and to protect outdoor living areas. Lots extending through a block and having frontage on two (2) local streets shall be prohibited.

4.67 Lot Frontage:

All lots shall front upon a publicly dedicated street. Variances from this may be permitted if in accordance with township zoning for planned unit developments, condominium developments, and special uses permitting non-public or private streets and drives.

4.68 Future Arrangements:

Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations, or for agricultural use) the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks or splitting of lots into smaller lots. Whenever such future resubdividing or lot splitting is contemplated the plan thereof shall be approved by the Planning Commission prior to the taking of such action.

4.69a Division of Platted Lots:

a) The Planning Commission may approve the subdividing or partitioning of a platted lot where the purpose is to add area to an adjacent building site, and the resulting parcels will be used as separate building sites or lots.

b) The Planning Commission may partition or divide a platted lot to accommodate sale, lease or development, provided however, that the resulting lots shall not be less in area and dimension than provided by Public Act 288 of 1967, "The Subdivision Control Act" or the Kinross Township Zoning Ordinance for the zoning district in which the lot is located. The division of platted outlots shall generally be discouraged.

c) Application for approval to partition or subdivide shall be made in writing to the Commission and shall be accompanied by a sketch drawn to scale indicating the original lot, the proposed division, the pertinent dimensions, and the legal description of the resultant parcels.

4. 69b Division of Unplatted Parcel:

The division of an unplatted parcel of land into two (2), three (3) or four (4) lots involving the dedication of a new street shall require the approval of the 'Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. It building or zoning permit shall be issued in such cases until the 'Township Board has approved division of such lands.

Section 4.7 PLANTING STRIPS AND RESERVE STRIPS:

4.71 Planting Strips:

Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide, and shall not be a part of the normal right-of-way or utility easement.

4.72 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 of "stub" or "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.

Section 4.8 PUBLIC SITES AND OPEN SPACES:

4.81 Public uses:

Where a proposed park, playground, school or other public use shown on the comprehensive Development Plan is located in whole or in part within a subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. If within three (3) years of plat recording, the purchase is not agreed on, the reservation may be cancelled or shall automatically cease to exist.

4.82 Natural Features:

Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, water courses, historic spots, and similar irreplaceable assets) shall be preserved to the satisfaction of the Planning Commission in the design of the subdivision.

Section 4.9 LARGE SCALE DEVELOPMENTS:

4.91 Modification:

This Ordinance may be modified in accordance with Article VI in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the comprehensive Plan and with a building and development program which provides and dedicates adequate public open space and improvements for the circulation, recreation, education, light, air and service needs of the tract when fully developed and populated.

4.92 Neighborhood Characteristics:

A community or neighborhood under this provision shall generally be consistent with the Comprehensive Plan and contain one hundred (100) living units or wore, contain or be bounded by major streets or natural physical barriers as necessary, and shall contain reserved areas of sufficient size to serve its population, for schools, playgrounds, parks, and other public facilities. Such reserves may be dedicated.

Section 4.10 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS:

4.101 Commercial or Industrial Modifications:

These subdivision design standards may be modified in accordance with **Article VI** in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned

industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation in accordance with the requirements of the Kinross Township zoning Ordinance.

ARTICLE V - SUBDIVISION IMPROVEMENTS

Section 5.1 PURPOSE:

It is the purpose of this section 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 plat to have prepared by a licensed, professional engineer, a complete set of construction plans, including profiles, cross sections, 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:

5.31 Submittal:

When construction has been completed at the time of filing the final plat, one (1) 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 **provided in Section 3.3.**

Section 5.4 REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider shall be required to install the following public improvements in accordance with the conditions and specifications as follows:

5.41 Monuments:

a) Monuments shall be set in accordance with Public Act 288 of 1967, "The Subdivision Control Act", and the rules of the State Department of the Treasury.

b) Any monument or lot marker removed during construction of roads, placement of utilities or other public improvement shall be replaced by the contractor or utility responsible with the help of a licensed surveyor and be inspected by an appointed representative of the Kinross Township Board.

5.42 Streets, Roads, and Alleys:

All streets, roads, and alleys shall be constructed in accordance with the standards and specifications adopted by the Chippewa County Road Commission.

5.43 Curbs and Gutters:

Curbs and gutters shall be required on all streets and shall be constructed in accordance with the standards and specifications adopted by the Chippewa County Road Commission.

5.44 Installation of Public Utilities:

Public utilities shall be located in accordance with the rules of the C2iippewa County Road Commission and the rules, regulations, and standards of the Township of Kinross. The underground work for utilities shall be stubbed into the property line of each lot or parcel in the plat.

5.45 Telephone and Electric Utility Lines:

All new telephone and electric utility lines may be required to be installed underground.

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 Chippewa County Drain Commission and Kinross Township. Construction shall follow the specifications and procedures established by the Chippewa County Drain Commissioner and Kinross Township.

5.47 Water Supply System:

When a proposed plat is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the subdivider. If a system of mains is installed by the developer, all subsequent building in said plat shall be required to connect to said systems. If there is no

existing or accessible public water supply system, the subdivider may be required to install a water supply system for the cannon use of the lots within the subdivision in accordance with the requirements of Public Act 98 of 1913, as amended, and Kinross Township. All easements and water supply improvements shall be dedicated to the public and accepted by the Kinross Township Board for administration, operation and maintenance. It proprietary rights of any type or description shall be retained by the developer or owner of the subdivision. Individual wells may be permitted in accordance with the requirements of the Chippewa County Health Department.

The sizes of water mains, the location and type of valves and hydrants, and the amount of soil cover over the pipes, and other features of the installation, shall conform to the requirements of the Michigan Department of Public Health, and the adopted standards of Kinross Township. A construction permit is required for the Michigan Department of Public Health prior to the start of the project. Connection to a nearby public water system may be required by the Township if the proposed subdivision is, in the judgment of the Township, accessible to said system, and the Township may require the developer to pay all or a share of the cost of extending said facility to his subdivision.

5.48 Sanitary sewer System:

When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereto shall be provided by the subdivider. Sewer system shall comply with the requirements of the Michigan Department of Public Health, and the adopted standards of the Township. Connection to a nearby public sanitary sewer system may be required by the Township of the proposed subdivision is, in the judgment of the Township accessible to said system, and the Township may require the developer to pay all or a share of the cost of extending said facility to his subdivision.

If there is no existing or accessible public sewer system, a Sewer System for the common use of the lot owners may be required to be provided by the subdivider, if feasible in the judgment of the Planning Commission with the advise of the Kinross Township Engineer, and the Chippewa County Health Department, and it shall comply with the requirements of Public Act 98 of 1913, as amended, and the adopted standards of Kinross Township. All such easements and sanitary sewer improvements may be required to be dedicated to the Public through the Kinross Township Board with the dedication made a matter of record with the Chippewa County Register of Deeds. Where it is determined in the judgment of the Planning Commission, with the advise of the Kinross Township Engineer and the Chippewa County Health Department, that a subdivision cannot be feasibly connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be approved with shall comply with the requirements of the Chippewa County Health Department.

5 .49a Street Name Signs:

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Chippewa County Road Commission.

5 .49b Sidewalks and Bicycle Paths:

Four (4) foot wide sidewalks shall be required on both sides of streets where the width of lots as measured at the street frontage line or at the building setback line average less than 90 feet. In areas within one-half mile of any existing or proposed elementary school for which a site has been acquired and a building date set, bicycle paths a minimum of two feet wide shall be required on one side of the streets regardless of average lot widths. Sidewalks shall be constructed in accordance with the requirements of the Chippewa County Road Commission.

5. 49c Crosswalks:

Crosswalks, when required by Kinross Township, shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet in width, located generally along the centerline of the easement, and dedicated as a public pedestrian walkway. Crosswalks shall be constructed in accordance with the requirements of the Chippewa County Road Commission.

5.49d Recreational:

Where a school side, neighborhood park, recreation area, or public access to water frontage, as previously delineated in the Comprehensive Plan 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 Kinross Charter Township in all other cases; however, voluntary dedication of these land areas may be accepted, if within three (3) years of plat recording the purchase is no LT agreed upon, the restrictions nay be cancelled or shall automatically cease to exist.

5.49e Greenbelts:

It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, or Kinross Charter Township requires the same, a proposed subdivision plat shall show the location of said greenbelts.

5.49f Street Trees:

Street trees shall be provided as required by the Planning Commission, as follows:

a) Species: The trees should be species as determined by the Planning Commission which are nest resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities or street lighting or street pavement.

b) Location: Street trees should be spaced so that there will be approximately ten (10) feet between branch tips when the trees are fully grown. No trees shall, be planted within fifty (50) feel: of intersection of two (2) street right-of-way lines. Approaches to buildings should be considered when locating trees.

c) Thee Size: Street trees shall be at least one and one-half (1½) inches in diameter when planted. Any tree which dies within two (2) years after planting shall be replaced by the subdivider.

d) Number: The number of trees shall be determined by the lot widths. There shall be a minimum of one (1) tree per interior lot with a frontage of seventy (70) feet or less, or a minimum of two (2) trees per lot with a frontage of sore than seventy (70) feet. At least three (3) trees shall be provided for a corner lot.

5.49g Street Lighting:

Streetlights may be required to be installed at intersections only, or, throughout the subdivision. In the event of such requirements, a subdivider shall conform to the requirements of Kinross Charter Township and the public utility providing such lighting.

5.49h Plans Required for the Control of Erosion and Sedimentation:

In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval of a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein. The Planning Commission shall review these plans as submitted, and shall take necessary steps to ensure compliance by the developer with these plans as finally approved.

a) Requirements:

(1) Three (3) sets of plans for the control of erosion and sedimentation shall be submitted to the Planning Commission at the time the final plat drawings are submitted.

(2) Measures to be taken to control erosion and sedimentation shall be described and provided for in the construction agreement and the estimated cost of accomplishing such measures may be covered in the performance bond. In addition the subdivider may be required to provide a cash escrow guarantee (to be held by a company which is in the practice of handling escrows), approved by the Township Board in an amount determined by the Planning Commission which would ensure the 'Township that emergency measures could be taken by the Township at the subdivider's expense, if he did not initiate corrective action determined to be needed by the Planning Commission. In this regard, the subdivider shall, at the time of Final Plat submission, deliver to the Township Board written instructions addressed to the escrow holder to (1) Convey to~ the subdivider, after completion of the entire subdivision, (as per the construction agreement) upon approval, by resolution of the Township Board the cash guarantee or (2) to convey to the Township when the Township Board has approved such action, by resolution, such amounts of the cash guarantee, as the resolution requires.

(3) At the building and zoning permit application stage, a review will be conducted to insure conformance with the plan as approved.

(4) During the construction phase, further consultative technical assistance will be furnished, if necessary, by the Planning Commission. The Planning Commission shall enforce compliance with the approved plans.

(5) The Planning Commission shall make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion and sedimentation control program.

b) Required Control Measures:

The plan for and implementation of soil erosion controls shall conform to the "Standards and specifications for Soil Erosion and Sediment Control" as established by the Chippewa County Soil Conservation District. The developer shall submit a letter of review of soil erosion control plans from the Chippewa County soil Conservation District to the Planning Commission.

Section 5.5 GUARANTEE OF COMPLETION OF PUBLIC IMPROVEMENTS

5.51 Financial Guarantee Arrangements and Exceptions:

In lieu of the actual installation of public improvements, as required by the Township, the subdivider may elect to provide a financial guarantee of performance in one or a continuation of the following arrangements for those requirements which are over and beyond the requirements of the Chippewa County Road Commission or any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a) Performance or Surety Bond:

(1) The bond shall accrue to the respective government agency responsible for administering the construction, operation and maintenance of the specific public improvement.

(2) The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement.

(3) The term length in which the bond is in force shall be for a period to be specified by the respective public agency responsible for the specific public improvement.

(4) The bond shall be with a bonding company or surety company authorized by the Secretary of State of the State of Michigan, to do business in the State of Michigan.

b) Cash Deposit, Certified Check, Negotiable Bond, Irrevocable Letter of Credit:

(1) A cash deposit, certified check, or negotiable bond, shall accrue to the respective public agency responsible for administering the construction, operation or maintenance of the respective government of which the public agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental legislative body.

(2) The dollar value of the cash deposit, certified check, negotiable bond, shall be equal to the total estimated cost of construction of the specified public improvement.

(3) The escrow time for the cash deposit, certified check, or negotiable bond, shall be for a period to be specified by the respective public agency responsible for administering the specific public improvement.

(4) In the case of either cash deposits or certified checks, an agreement between the respective public agency and the developer may provide for

progressive payments out of the cash deposit or reduction of the certified check or negotiable bond to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the specific public improvement.

5.52 Conditional Approval of Final Plat:

The approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

a) The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Township Board.

b) Surety acceptable to the Township Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable letter of credit, or surety bond.

5.53 Special Agreements:

A special agreement shall be entered into between the subdivider and the Township Board where street lights have been required by the Township Board.

5.54 Inspection of Public Improvements Under Construction:

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivision developer and the Township Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

5.55 Penalty for Failure 'to complete the Construction of a Public Improvement:

In The event the subdivider shall, in any case, fail to complete such work within such period of tire as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board may reimburse itself the cost and expense thereof by appropriating the deposit, certified check, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take, such steps as may be necessary to require performance by the bonding or surety company and as included in the written agreement with the Township Board and the subdivider.

ARTICLE VI - VARIANCES

SECTION 6.1 GENERAL VARIANCES:

The Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship or practical difficulties may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirements is impractical. The Planning Commission shall only recommend variances that it deans necessary to, or desirable for, the public interest. In making its finding as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds the following:

a) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impractical 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 Public Act 288 of 1967, "The Michigan Subdivision Control Act," except as modified by the provisions of this Subdivision Control Ordinance or the Kinross Charter Township Zoning Ordinance.

d) The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Township Board, which shall also record its reasons and actions in its minutes.

e) That such variance will not have the effect of nullifying the intent and purpose of this Ordinance and the Master (Comprehensive Development) Plan of Kinross Township.

6.2 Existing groups of principal structures located upon a single lot or parcel of land under single or multiple ownerships existing on the effective date of this Kinross Charter Township Subdivision Control Ordinance Variances:

The aforesaid lot width, depth, area, ratio and other specific requirements of this Ordinance may be waived, upon recommendation of the Township Planning Commission and with letters of waiver from all affected government agencies, by the Township Board of the preliminary and final plat, when the proposed subdivision includes principal structures not built on caused-to-be-built by the subdivider, when the Township Board with the recommendations of the Township

Planning Commission, determines that (1) application of the specific requirements of this ordnance will not be injurious to the purposes of this Ordinance as set forth in Article I, Section 1.2.

6.3 Topographical - Physical Limitation Variances:

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

6.4 Planned Unit Development, Condominium Development and Special Use Variances:

The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development, condominium development, condominium development or a special use permitted in accordance with the Kinross Charter Township Zoning Ordinance. If in the judgment of the Planning Commission, such a plan provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs, it shall make findings, as required herein below. The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township Board whether:

a) The proposed project will constitute a desirable and stable community development.

b) The proposed project will be in harmony with adjacent land uses.

6.5 Variances From The Required Public Improvements or Utilities:

The Planning Commission may recommend to the Township Board that waivers be granted for the installation of a public sanitary sewer system, curb and gutter, a public water system, or any or all of then, when in its best judgment, said installations shall be impractical. Provided, however, that the average width of the lot in the proposed subdivision as measured at the street frontage is two hundred (200) feet or wore, and where the average lots size is at least forty thousand (40,000) square feet, or that the proposed subdivision is an extension of an existing subdivision which does not have this public.

Section 6.6 APPLICATIONS REQUIRED:

6.61 Required Improvement Variance or Topographical Variance:

Application for any such variance shall be submitted in writing by the subdivider or at any time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

6.62 Planned Unit Development, Condominium Development and Special Use Variances:

Application for any such variance shall be made in writing by the subdivider at the time when the proposed project is filed for the consideration of the Planning Commission stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

ARTICLE VIII - AMENDMENTS

Section 8.1 PROCEDURES:

The Township Board may, from time to time, amend, supplement, or repeal provisions of this Ordinance in the manner prescribed by Public Act 359 of 1947, as amended. A proposed amendment, supplement, or repeal may be originated by the Township Board, Township Planning Commission, or by any petitioner. 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 IX - MISCELLANEOUS PROVISIONS

Section 9.1 Validity:

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

APPENDIX A

Summary of Procedures for Processing a Subdivision Plat in Kinross Charter Township, Chippewa County, Michigan

1. Subdivider obtains land

2. Subdivider makes sketch plan of proposed development, includes:

- **(a)** Characteristics of land
- **(b)** General layout of streets, blocks, and lots
- **(c)** Any special area for schools, parks, etc.

3. Subdivider submits 2 copies of sketch plan to Planning Commission 10 days before next Commission meeting

4. Planning Commission receives sketch plan and studies it

5. Planning Commission makes appropriate comments and suggestions concerning the plan to the subdivider

6. Subdivider refines sketch plan

7. Subdivider makes formal preliminary plat application to the Township Clerk 10 days before next Planning Commission meeting, said application to include:

- **(a)** 5 copies of proposed plat
- **(b)** A property and topographic survey map
- **(c)** A legal opinion on ownership of the property
- **(d)** A statement of intended use of the plat
- **(e)** A report on groundwater, water supply and soil limitations
- **(f)** A list of names and addresses of adjacent property owners
- **(g)** Letters from agencies specified in the Ordinance
- **(h)** Preliminary engineering plans for streets, sewer, water, drainage, and other items listed in the Ordinance
- **(i)** A fee of $20.00 for review

8. Clerk transmits application to Planning Commission immediately

9. Planning Commission reviews application for completeness and places it on the agenda of the next meeting of the Commission only if all necessary data have been submitted

10. Planning Commission reviews preliminary plat and if it is incomplete notifies the subdivider.

11. Planning Commission publicly discusses the preliminary plat as an agenda item at its next meeting.

12. Planning Commission reports to Township Board not more than 60 days after submission of completed application by the subdivider

13. Township Board receives preliminary plat and report from Planning Commission

14. Township Board approves or rejects preliminary plat within 30 days of receipt from Planning Commission if approved:

15. Subdivider instructs licensed surveyor to prepare final plat

16. Licensed surveyor certifies the plat

17. Subdivider certifies the plat

18. County Treasurer certifies the plat

19. Subdivider submits final plat to the County Drain Commissioner for certification or rejection

20. Subdivider submits final plat to the County Road Commission for certification or rejection

21. Subdivider obtains letter of approval or denial from County Health Department

22. Subdivider submits final plat to the Township Clerk within 2 years of date of preliminary plat approval and 10 days before the next Planning Commission meeting which application shall include:

(a) Final plat according to requirements of Public Act 288 of 1967, "The Subdivision Control Ordinance

(b) Written application and final fees according to fee schedule in Kinross Charter Township Subdivision Control Ordinance

(c) Proof of ownership of property

(d) Required letters and certificates

23. Clerk transmits final plat to Planning Commission

24. Planning Commission receives final plat, studies the plat, and certifies or rejects it within 10 days of receipt

25. Planning Commission transmits final plat and report to the Township Board

26. The Township Board receives final plat, studies the plat, and certifies or rejects it within 20 days of receipt

27. Township Board transmits final plat with necessary certificates to County Plat Board

28. County Plat Board certifies or rejects final plat within 15 days of receipt

29. County Plat Board forwards approved final plat to State Department of Treasury

30. State Department of Treasury certifies or rejects final plat

31. State Department of Treasury forwards plat to State Highway Department if applicable

32. State Department of Treasury forwards approved plat to County Register of Deeds for recording.

THE CHARTER TOWNSHIP OF KINROSS
ORDINANCE 200.02

An ordinance to repeal ordinance #25 the Community Cable Franchise Ordinance within the Charter Township of Kinross and provides penalties for the violations(s) thereof, AND ordinance #62 the Cable TV Rate Regulation Ordinance, within the Charter Township of Kinross and provides penalties for the violations(s) thereof.

Adopted July 7, 2008

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY STATE OF MICHIGAN DOES HEREBY ORDAIN:

Section 1. Repeal

Charter Township of Kinross Ordinances #25 and #62 including any penalty(s) or remedy(s) for violation of same is hereby repealed by virtue of this ordinance.

Section 2. Effective Date August 6, 2008

This ordinance shall take effect 30 days after publication as provided by law.

Marvin Besteman
Township Clerk

KINROSS TOWNSHIP
ORDINANCE NO. 23

AN ORDINANCE TO REGULATE THE OPERATION OF SNOWMOBILES WITHIN THE PERIMETER OF THE FORMER KINCHELOE AIR FORCE BASE, TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN

Adopted: January 5, 1981.
Published: January 12, 1981
Effective: January 22, 1981

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Location of Operation

Snowmobiles must be properly registered with the State of Michigan as required by law, and shall not operate upon streets or alleys, excepting as follows:

a. Snowmobiles may cross streets or alley s if such crossing can be made in safety, and does not interfere with pedestrian and vehicular traffic on such street or alley. Snowmobiles crossing streets and alleys shall do so only as a necessary means of reaching the ultimate destination of the operator, and no unnecessary, indiscriminate crossing of streets and alleys shall be made for the purpose of going repeatedly from one point to another across the streets or alleys; it being the purpose of this provision to prohibit repeated crossing and re-crossing of streets and alleys to go back and Forth from one point to another by using the streets and alleys as a part of the operating area of snowmobiles.

b. Snowmobiles may be operated upon streets and alleys, which are not maintained for winter vehicular traffic by the removal of snow.

c. Snowmobiles may be operated on a street or alley, or highway, during a period of emergency when so declared by a police agency having jurisdiction, and when travel by conventional automotive equipment is not possible.

d. Snowmobiles may be operated on a street, alley, or highway, for a special event of limited duration, which is conducted according to a prearranged schedule under permit from the Kinross Township Board.

e. Whenever it is impractical to gain immediate access to an area where a snowmobile is to be operated, which is adjacent to a street or alley, the snow-mobile may be operated adjacent and parallel to the street or alley for the purpose of gaining access to the area of operation. This section shall only apply to the operation of a snowmobile from the point where it is unloaded from a conveyance to and from the area where the snowmobile is to be operated, when loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on the street. Loading and unloading shall

be accomplished with due regard to safety at the nearest point to the area of operation.

f. Snowmobiles may be operated in alleys at a speed not to exceed 10 miles per hour when the purpose of operation is to go and return from the place the snowmobile is normally kept, to the area to be used for the operation of the snowmobile.

Section 2. Machine Condition

No snowmobile shall be operated unless it has at least one headlight, tail light, arid, adequate brakes capable of producing deceleration of fourteen feet a second on level ground at a speed of twenty miles per hour.

Section 3. Prohibition

No person shall operate a snowmobile:

a. At a rate of speed greater than is reasonable and proper, having due regard to persons and property and conditions then existing.

b. While under the influence of intoxicants, liquor or narcotic drugs, barbital, or any derivative of barbital.

c. During the hours from one half hour after sunset, to one half hour before sunrise, without displaying a lighted headlight and lighted taillight.

d. In any nursery, planting area, or natural area of forest reproduction, and where growing stock may be damaged.

e. On the private yard of another person contiguous to that person's home, where growing trees, shrubs, plants, and lawns, may be damaged.

f. Unless it is equipped with a muffler in goad working condition, and in constant operation to prevent excessive or unusual noise and annoying smoke.

g. While transporting thereon a bow or firearm unless the same is securely encased.

Section 4. Accidents

The operator of a snowmobile involved in an accident resulting in injuries or death of any person, or property damage in an estimated amount of $100.00 or more, or some person acting for him, or the owner of the snowmobile, having knowledge of the accident, shall immediately, by the quickest means of communications possible, notify the Public Safety Department.

Section 5. Traffic Regulations

Snowmobiles, when allowed to operate on streets and alleys, shall adhere to all speed limits, and traffic regulations, and shall yield right of way to pedestrians and vehicular traffic.

Section 6. Airport Property

Snowmobiles shall not be operated on any airport within the Township of Kinross limits, except upon designated snowmobile trails or other permitted areas. The crossing of runways and taxiways is prohibited at all times.

Section 7. Unattended Machine

A snowmobile shall not be left unattended with the engine running or the key in the ignition.

Section 8. Endangerment

Snowmobiles shall not be operated in a reckless, careless, or negligent manner, or at a speed so as to be likely to endanger persons or property.

Section 9. Restricted Areas

Snowmobiles shall not be operated in cemeteries, except by cemetery officials; on sidewalks, or upon school grounds, excepting upon the designated snowmobile trails on said school grounds; nor on playgrounds during those times when children are playing on said playgrounds.

Section 10. Under Aged Operator

No person under the age of 14 years shall operate a snowmobile within the perimeter of the former Kincheloe Air Force Base in Michigan, unless the operator is accompanied by an adult, who is actually occupying a seat on the vehicle.

Section 11. Permission of Violation

No person shall knowingly authorize, or permit a snowmobile, owned by him, or under his control to be driven by any person in violation of any of the provisions of this ordinance.

Section 12. Severability

If any section or part of this ordinance is declared inoperative and void by any court of competent jurisdiction, such declaration or decision of said court shall not affect the remainder of the ordinance, but such remaining sections shall be held valid for the intent and purposes herein set forth.

Section 13. Misdemeanor

Any person who violates this ordinance or any section thereof shall be guilty of a misdemeanor and liable for fine not to exceed One Hundred Dollars ($100) and/or Ninety (90) Days in jail.

Section 14. Effective Date

This Ordinance shall take effect ten (10) days after its passage and publication.

KINROSS TOWNSHIP
ORDINANCE NO. 24

An Ordinance to Establish
a Planning and Zoning Commission
in the Township of Kinross

Adopted: March 2, 1981.
Published: March 16, 1981.
Effective: April 30, 1981

The Kinross Township Board of Kinross Township, Chippewa County, hereby adopts the following resolution as of this date, March 2, 1981, in accordance with Act 168 of 1959, The Township Planning Act, M.C.L. 125.321 - 125.333:

WHEREAS: the former Kincheloe Air Force Base located in Kinross Township has been officially closed, and

WHEREAS: the Base Conversion Authority (B.C.A.) established by Act P.A. 151 of 1978 has had administrative, planning and development authority granted to it for a period of time which will terminate on June 30, 1981, and

WHEREAS: subsequent to June 30, 1981, the land use planning, zoning, subdivision regulating and public works improvement programming will in all probability become the responsibility of Kinross Township, and

WHEREAS: the Township Board has concluded that the present Kinross Township Zoning Board established under Act 184 of 1943 MCL. 125.271-125.301 is limited to only zoning, and

WHEREAS: the closing of the Kincheloe Air Force Base, the anticipated termination of the authority of the Base Conversion Authority as of June 30, 1981 and the need to proceed with not only zoning of a combination of Kinross Township and the former Kincheloe Air Force Base, but also plan for future land use development, regulate subdivisions and program public works improvements for the combined area as authorized under Act 168 of 1959, MCL 125.321-125.333.

NOW THEREFORE BE IT RESOLVED: that the Kinross Township Board does hereby replace the present Zoning Board created under Act 184 of 1943, MCL 125.271-125.301 by a newly created Kinross Township Planning Commission in accordance with Act. 168 of 1959 MCL 125.321-125.333, and be it further

RESOLVED: that under Section 11 (MCL 125.331) of Act 168 this same Kinross Township Planning Commission shall have the powers and duties as granted to a

Township Zoning Board under Act 184 of 1943, MCL 125.271-125.301, and be it further

RESOLVED: that said Kinross Township Planning Commission shall have seven (7) members as authorized by Act 168 of 1959, Section 4, (MCL 125.324), and be it further

RESOLVED: that said 7 members of the Kinross Township Planning Commission shall be appointed in accordance with Act 168 of 1959, Section 4 (MCL 125.324), and be it further

RESOLVED: that said Kinross Township Planning Commission shall have all of the powers and duties as outlined in both Act 168 of 1959, MGL 125.321-125.333 and Act 184 of 1943, MCL 125.271-125.301.

This Ordinance shall take effect sixty (60) days after its passage and publication.

KINROSS TOWNSHIP
ORDINANCE NO. 3

KINROSS TOWNSHIP LIQUOR CONTROL ORDINANCE

ADOPTED: JANUARY 16, 1960
EFFECTIVE: FEBRUARY 26, 1960

An Ordinance to secure the public peace, health and safety of the residents and property owners of the Township of Kinross, Chippewa County, Michigan, a municipal corporation, for the regulation of alcoholic liquor traffic within said Township, through the enforcement of the Michigan Liquor Control Act of the State of Michigan within said Township; to provide penalties for the violation of said ordinance; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP BOARD OF KINROSS TOWNSHIP, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1. TITLE.

This Ordinance shall be known and cited as the Kinross Township Liquor Control Ordinance.

Section 2. LIQUOR CONTROL ACT OF THE STATE OF MICHIGAN.

All alcoholic liquor traffic, including among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within Kinross Township, County, Michigan, shall comply with the provisions of the Michigan Liquor Control Act, being Act No. 8 of the Michigan Public Acts of 1933, as amended.

Section 3. ENFORCEMENT.

For the purpose of the enforcement of said Michigan Liquor Control Act within said Township, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of said Act and the rules and regulations of Liquor Control Commission, adopted pursuant to said act, are enforced within said Township. Such Department shall consist of not less than one Constable or Deputy Sheriff appointed by the Township Board and such other personnel as the Township Board may, in its discretion, appoint. The personnel in such Department shall be entitled to such compensation as the Township Board may determine**.** Such

Department or a member thereof shall be available at all times to investigate complaints received under this Ordinance, and enforce the provisions hereof.

Section 4. INSPECTION.

The Township Liquor Control Enforcement Department shall inspect not less than monthly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of all inspections promptly to the Township Board. The Township Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act, or improper operations and practices concerning alcoholic liquor traffic within the Township, and report the same to the Township Board and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All Inspectors shall carry appropriate cards issued by the Township Clerk, clearly identifying them as Township Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported, or where the Inspector suspects the same is being thus manufactured, sold, offered for sale, kept for sale, possessed, or transported. Whenever possible, all inspection reports shall be made on Liquor Law Enforcement Inspection forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

Section 5. APPROPRIATION.

For the purpose of carrying out the provisions of this Ordinance and establishing the Liquor Control Enforcement Department herein provided for, the Township Board hereby appropriates the sum of whatever is necessary for such use, and is hereby authorized and directed to annually appropriate such an amount as will, in its discretion, be sufficient to maintain and operate such Liquor Control Enforcement Department for the ensuing fiscal year of the Township, not exceeding, however, 10 mills of the assessed valuation of the Township in any one year for vehicles, apparatus and equipment and housing for the same, and not exceeding 2 and 1/2 (two and one half)

mills of the assessed valuation of the Township per year for the maintenance and operation of the Department.

Section 6. PENALTIES.

Any person, other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Any licensee who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated there under, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the Township Liquor Control Enforcement Department shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 90 days or by a fine of not more than $100.00, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

It is the intent of the Township Board that the court, in imposing punishment under the provisions of this Ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this Ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Act.

Section *7*. EFFECTIVE DATE.

This Ordinance shall take effect on the 26th day of February 1960**.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

KINROSS TOWNSHIP
ORDINANCE NO. 40

FISCAL YEAR ORDINANCE

An ordinance to establish the fiscal year of the Township of Kinross, Chippewa County, Michigan pursuant to Michigan Public Act 596 of 1978.

ADOPTED: 1-05-87
EFFECTIVE: 3-01-87

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, HEREBY ORDAINS

SECTION I - Commencing in 1987, the fiscal year of the Township shall be from April 1 of each year until March 31 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately adjusted to coincide with the foregoing new fiscal year periods.

SECTION II - The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION III - This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CHARTER TOWNSHIP OF KINROSS
QUARRYING ORDINANCE

ORDINANCE NO. 47

CHARTER TOWNSHIP OF KINROSS

COUNTY OF CHIPPEWA, STATE OF MICHIGAN

An ordinance to regulate quarrying operations involving the extraction and/or removal of any natural materials from the ground within the Charter Township of Kinross and to repeal Charter Township of Kinross Quarrying Ordinance NO 47 A.

Adopted:

FINDING IT NECESSARY FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE, THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

TITLE: This Ordinance shall be known and cited as the Charter Township of Kinross Quarrying Ordinance, Ordinance NO. 47.

PURPOSE: To provide standards to award a permit for, and regulate, the removal of any natural materials from the ground within the geographical confines of the Charter Township of Kinross.

DEFINITIONS

QUARRY: Any excavation from which any natural materials are extracted and/or removed from the ground, for any purpose, to be transported off the site of extraction and/or removal.

QUARRY OPERATOR: An individual who operates a quarry and/or, in the case of a corporation or other business entity, an individual designated by the corporation or other business entity to serve as quarry operator on its behalf who shall have all the responsibility(s), duty(s) and/or liability(s) imposed upon a quarry operator by virtue of this ordinance.

EXCAVATION SITE: The area defined by its circumference where the ground is disturbed and/or dug up to extract and/or remove natural materials as part of any quarry operation(s).

EXPANSION OF QUARRY OPERATIONS: Any increase in the size of the circumference of the excavation site.

FENCE: A properly maintained structure or barrier, which is sufficient to impede intruders including particularly children.

RECLAMATION: The process, method and/or end result by which the land will be returned to its normal state as is prudent after quarry operations cease.

ORDINANCE ENFORCEMENT OFFICER: Any Township official so designated by the Charter Township of Kinross Board of Supervisors to enforce the requirements of this ordinance.

Section 1. PERMIT REQUIREMENT

1.1 It shall be unlawful to operate a quarry and/or expand quarry operations without first obtaining a permit from the Township as required by this ordinance.

(A) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices including agricultural drainage work incidental to farming operations and/or the creation of stock watering ponds, if no material is removed from the property;

(B) Excavation, which by its nature is of limited scope and duration, which is undertaken solely for the purpose(s) of the immediate use and occupancy of the land by the landowner, such as to construct a home, building(s), septic tank, swimming pool and/or other similar limited excavations related to residential use(s) of the property; and/or

(C) Excavation conducted at the behest of a governmental entity in conjunction with the installation and/or maintenance of publicly owned and/or operated utilities, drains, roads or other improvements where the excavation is limited to the site of the public utility, drain, road and/or improvement.

Section 3. PERMIT APPLICATION

A permit application, pursuant to this ordinance, shall be submitted by the quarry operator prior to the commencement of any quarry operations and/or prior to the expansion of quarry operations and at least annually thereafter on a form approved by the Township Planning Commission that contains at least the following information:

3.1) The specific location of the proposed quarry, identification of the landowner by name, address and telephone number and identification of the proposed quarry operator by name, address and telephone number;

3.2) The proposed season(s), months, days and hours of quarry operation(s) and the expected future duration of any quarry operation(s);

3.3) How the quarry operator intends to secure, protect and maintain the quarry site at all times to protect the health, safety and/or general welfare of the public;

3.4) A description of the proposed quarry operations and identification of the materials to be extracted and/or removed;

3.5) A site plan in accordance with this ordinance;

3.6) A reclamation plan in accordance with this ordinance; and

3.7) Any other information required by the Township Zoning Administrator, Township Planning Commission, Township Ordinance Enforcement Office and/or Township Board of Supervisors, as circumstances may require.

Section 4. SITE PLAN

A site plan shall be submitted with the permit application required by this ordinance which contains at least the following information:

4.1) A copy of a certified survey of the property identifying the specific location of the quarry site;

4.2) A copy of the most recent Chippewa County Plat Book page(s) identifying the specific location of the quarry site;

4.3) Identification of any and all materials to be extracted and/or removed as part of quarry operations;

4.4) Proposed method(s) by which materials will be extracted and/or removed as part of quarry operations;

4.5) Location, width and grade of all utility, road and/or any other easements or right of ways of record and/or used for any purpose located on the quarry site and/or immediately adjacent thereto;

4.6) A map showing all intended access routes from the proposed quarry operations to the nearest public and/or private road(s);

4.7) A map showing the location of all structures on the property where the quarry operations are to be conducted;

4.8) A description, and map showing the location, of al proposed fencing, gates, parking areas and/or signs as required by this ordinance and/or deemed necessary by the Township Zoning Administrator, Township Planning commission,

Township Ordinance Enforcement Officer and/or Township Board of Supervisors;

4.9) A description, and map showing the location of all materials processing and storage areas;

4.10) How the quarry operator intends to control dust on all roads intended to serve as the means of ingress and egress to the quarry site;

4.11) Any other information deemed necessary by the Township Zoning Administrator, Township Planning Commission, Township Ordinance Enforcement Officer and/or Township Board of Supervisors, based upon the specific facts and/or circumstances of the proposed quarry operations; and

4.12) Copies of any permits required by any other law(s), rule(s), regulations(s) and/or governmental entity(s) the application and/or issuance of which shall be the exclusive responsibility of the quarry operator.

Section 5. CONSENSUAL DUTIES

By applying for, and/or receiving, the permit required by this ordinance, the quarry operator consents to, and assumes, the following duties during the permit application process and/or during the permit period:

5.1) To provide all information required by this ordinance in a truthful, accurate, complete and forthcoming fashion;

5.2) To provide supplemental correct information if and when any information provided changes, becomes inaccurate and /or becomes incomplete;

5.3) To notify the Township Ordinance Enforcement Officer if and when any quarry operations violate this ordinance and/or the requirements of the permit required by this ordinance;

5.4) To notify the Township Ordinance Enforcement Officer if and when any complaints are made by any member of the public in any way arising out of quarry operations;

5.5) To allow the Township Zoning Administrator, Township Ordinance Enforcement Officer and/or any member of the Township Board of Supervisors and/or Township Planning Commission to come on the quarry site to inspect quarry operations at any time with or without prior notice;

5.6) To immediately cease quarry operations if and when the permit awarded pursuant to this ordinance is suspended and/or revoked;

5.7) To notify the Township Ordinance Officer if and when any other required permit(s) issued by any other governmental entity(s) is suspended, revoked and/or expires;

5.8) To comply with all time deadlines imposed by this ordinance and/or the Township Zoning Administrator, Township Ordinance Enforcement Officer, Township Planning Commission and/or the Township Board of Supervisors;

5.9) To appear before the Township Planning Commission and/or Township Board of Supervisors if requested and/or demanded to do so;

5.10) If deemed necessary by the Township Board of Supervisors at any time, based upon the facts and/or circumstances of the proposed quarry site and/or quarry operations, to provide and environmental impact study and/or any other study the associated expense(s) of which shall be solely the responsibility of the quarry operator.

Section 6. QUARRY OPERATIONS

The following requirements shall be mandatory for all quarry operations and shall be incorporated into every permit awarded pursuant to this ordinance as mandatory conditions:

6.1) A fence as defined by this ordinance shall be installed and maintained completely around the circumference of the excavation site;

6.2) The extraction and/or removal of materials shall not take place within 300 feet of an occupied structure(s) without the written consent of the owner of the structure(s) a copy of which shall be provided to the Township Ordinance Enforcement Office;

6.3) A gate(s) shall be installed and maintained at all points of ingress and egress to the quarry site which shall be kept locked at all times when quarry operations are not in progress;

6.4) Any roads used for the purpose of ingress and egress to the quarry site shall be kept free of dust by either paving the roadbed with cement or bituminous substance or by applying an appropriate chemical treatment at sufficient intervals;

6.5) The slopes of the banks of any excavation site shall not exceed three (3) feet horizontal to one (1) foot vertical;

6.6) No cut or excavation shall be make closer than fifty (50) feet from any property line, right-of-way line, or easement, provided, however, that the Township Zoning Administrator, Township Ordinance Enforcement Officer and/or Township Board of Supervisors may impose stricter requirements to maintain sufficient sub-lateral

support to surrounding property where soil and/or geographic conditions warrant to prevent cave-ins and/or damage(s) to adjacent property(s);

6.7) No material(s) shall be remove in such a manner as to cause water to collect and pool except as specifically allowed as a condition of the permit;

6.8) Quarry operations shall at all times be conducted in a manner so as to not create a danger or menace to the public health, safety and/or general welfare;

6.9) Topsoil removed at the outset of quarry operations shall be stockpiled on the quarry site. When quarry operations are complete and/or if the quarry permit is permanently revoked pursuant to this ordinance, the excavation site shall be covered with sufficient soil to maintain plant life after reclamation;

6.10) Signs providing "DANGER-KEEP OUT" in sufficient size to be seen from fifty (50) feet shall be posted around the perimeter of the quarry site at intervals not to exceed fifty (50) feet; and

6.11) A quarry operator shall, at all times, have in effect a policy of liability insurance providing coverage(s) in an amount and under conditions as found appropriate from time to time by the Township Board of Supervisors;

6.12) The Township Board of Supervisors may impose further and/or other requirements and/or conditions on quarry operations as circumstances may require to protect the public health, safety and/or general welfare.

Section 7. RECLAMATION PLAN

A reclamation plan shall be submitted with the permit application required by this ordinance which contains at least the following information and/or requirements:

7.1) A statement of planned reclamation, including the methods of accomplishment, phasing, timing, and itemized estimated cost along with the identification by name, address and telephone number of any and all individuals who, in addition to the reclamation plan and/or any and all reclamation activity(s);

7.2) The reclamation plan shall require that once quarry operations are complete and/or the permit required by this ordinance is permanently revoked, the quarry site shall be returned to the state it existed before quarry operations began, as is prudent and/or pursuant to the provisions of the reclamation plan;

7.3) Sufficient and appropriate fill materials shall be placed at the quarry site so as to prevent the accumulation of pooled water unless the reclamation plan, properly approved by the Township Board of Supervisors and any other governmental entity whose approval is required by law, provides, and the law allow, for the

creation of pond, lake or pool of water as part of reclamation and, in that event, sufficient materials shall be placed so as to create a grade not to exceed three (3)

7.4) In any event, sufficient and appropriate fill materials shall be placed at the excavation site so as to create a grade not to exceed three (3) feet horizontal to one (1) foot vertical throughout the excavation site to its lowest point;

7.5) Sufficient and adequate materials shall be placed within one (1) year after quarry operations are complete and/or the quarry permit is permanently revoked, so as to promote and/or sustain the growth of vegetation and/or plant life throughout the excavation site;

7.6) Sufficient vegetation and plant life, as provided in the reclamation plan, shall be planted and established within two (2) years after quarry operations are complete and/or the quarry permit is permanently revoked and, in any event, shall be repeated as many times and as long as necessary to establish viable vegetation and/or plant life throughout the excavation site before the reclamation process may be certified as complete.

7.7) A phasing plan, if the excavation of the site is to be accomplished in phases throughout the life of quarry operations, shall be a part of the reclamation plan and shall describe the area, activity(s), extent and timing of each phase;

7.8) A description of how any and all equipment and/or structures used in quarry operations will be disposed of after quarry operations are complete and/or the quarry permit is permanently revoked;

7.9) The quarry operator shall be responsible for all reclamation activities and the reclamation plan shall so provide;

7.10) The quarry operator shall be responsible for all costs associated with reclamation and the certification that the reclamation process has been completed and is successful;

7.11) The quarry operator shall be responsible for showing, to the satisfaction of the township Ordinance Enforcement Office, that all permits of any kind have been complied with before reclamation may be certified as complete; and

7.12) Reclamation will not be considered complete unless and until so certified by the Township Ordinance Enforcement Office.

Section 8. STANDARDS FOR APPROVAL OF PERMITS

8.1) A permit shall not be issued unless it is found that the issuance of the permit will not detrimentally affect the health, safety and/or general welfare of the public, the quarry operator has shown that the requirements of this ordinance have been met,

a complete application has been submitted, all plans required by this ordinance have been submitted and approved, all other applicable laws have been complied with and all other necessary permits and/or approvals have been obtained by the quarry operator.

8.2) A permit will not be issued unless and until it is recommend by the Township Ordinance Enforcement Officer and/or approved by the Township Board of Supervisors.

8.3) The following factors shall be considered before a permit approved:

(A) The impact of the proposed quarry operations on the surrounding areas, nearby residents, water quality, land and/or air quality including any pollution that may result;

(B) The need to extract and/or remove the natural materials identified in the permit application and any alternate solutions not requiring removal;

(C) The nature of, extent and amount of valuable topsoil to be removed;

(D) The extent to which the proposed quarry operations may destroy, lessen and/or effect the use of the land including land surrounding the proposed quarry site;

(E) The extent to which the proposed reclamation may create different, additional and/or desirable use(s) of the land;

(F) The extent to which the proposed quarry operations may create safety hazards and/or attract children to the quarry site at the risk of injury or death;

(G) The effect of noise created by proposed quarry operations and the willingness and ability of the quarry operator to keep noise to a minimum;

(H) Whether the proposed quarry operations and/or plans required by this ordinance comply with existing laws including, but not limited to, Chippewa County and/or State of Michigan soil erosion and/or waste management plans and/or standards; and

(I) Whether the purpose(s), intent, requirements and/or objectives of this ordinance would be served by awarding the permit.

8.4) A permit shall be issued in the name of the quarry operator.

Section 9. PERMITS

9.1) Permits shall be awarded for a period not to exceed one (1) year which shall expire on December 31 unless renewed by December 31.

9.2) A renewal permit application shall be submitted in the same form pursuant to the same requirements as the original, no later than September 30. Upon sworn certification by the quarry operator that all information contained in, and submitted with, the original permit application remains true, accurate and complete in every respect, that application may be re-submitted as a renewal application.

9.3) Any and all permits, after approved by the Township Board of Supervisors, shall be signed by the Township Zoning Administrator and the Chairman of the Township Planning Commission.

Section 10. PERMIT FEES

10.1) A fee, depending on size and scope of the proposed operations, as established by the Township Board of Supervisor, to defray the cost of engineering services, investigations, publication and other miscellaneous administrative expenses shall accompany each application for a quarrying permit and/or renewal permit.

10.2) An annual inspection fee as may be established by the Township Board of Supervisors shall also accompany each application for a renewal permit.

Section 11. RENEWAL STANDARDS

11.1) The following factors shall be considered before a renewal permit is awarded:

(A) Whether the quarry operator is, and has been, in compliance with all provisions of this ordinance, the most current permit application, all plans submitted and any and all conditions of previous permits issued pursuant to this ordinance;

(B) Whether the quarry operator is, and has been, in compliance with all applicable laws, rules and/or regulations and other permits;

(C) Whether the quarry operator is, and has been, complying and cooperating with the Township Ordinance Enforcement Officer by providing all requested information in truthful, accurate, timely and complete manner;

(D) Whether the quarry operator is, and has been, allowing open, unfettered onsite inspections with or without prior notice; and

(E) The nature and extent of any complaints received in any way arising out of quarry operations.

11.2) A copy of the original site and reclamation plan with any changes clearly noted including any required approval(s) and/or signature(s) shall be submitted with any permit renewal application.

11.3) A Site Plan and Reclamation review shall be conducted no later than May 1st of the first year of quarry operations and least once every five (5) years thereafter by the Township Ordinance Enforcement Officer and Township Planning Commission who shall report to the Township Board of supervisors.

Section 12. PERMIT SUSPENSION, HEARING AND REVOCATION

12.1) The Township Ordinance Enforcement Officer shall have the power to suspend a permit for violation(s) of any of the provisions of and/or duty(s) imposed by this ordinance.

12.2) Before a permit issued pursuant to this ordinance is suspended, a written warning shall be provided by the Township Ordinance Enforcement Officer to the quarry operator describing the violation(s) and demanding the at the violation(s) be corrected within fourteen (14) days. A copy of the warning shall be forwarded to the Chairman of the Township Planning Commission and the Township Supervisor. If the violation(s) has not been corrected within fourteen (14) days, the Township Ordinance Enforcement Officer shall suspend the quarrying permit, notify the quarry operator in writing that the permit has been suspended, that all quarrying operations shall cease, that all quarry gates shall be closed and locked and that a special meeting of the Township Board of Supervisors will be convened within twenty-one (21) days when the quarry operator shall appear before the Board to show cause why the quarry permit should not be revoked.

12.3) Notwithstanding the above, the Township Ordinance Enforcement Officer may, under circumstances that impose an immediate threat to the health and/or safety of the public, suspend a quarrying permit and immediately notify the quarry operator and Township Supervisor of the suspension who shall convene a special meeting of the Township Board of Supervisors to address the facts and/or circumstances leading to the suspension.

12.4) Failure to cease all quarrying operations upon notice that the quarrying permit has been suspended shall constitute grounds for immediate and permanent revocation of the quarrying permit.

12.5) If a permit issued pursuant to this ordinance is suspended, the suspension will remain in effect until a special meeting of the Township Board of Supervisors is convened, within twenty-one (21) days, when the quarry operator shall appear and show cause as to why the quarrying permit should not be revoked. The Board

12.6) shall consider the facts and circumstances leading to the violation(s), the history of any violation(s), the seriousness of the violation(s), the nature of any threat to the health, safety and general well-being of the public imposed by the violation(s), the history of any violation(s) by the quarry operator, whether the quarry operator appeared at the special meeting and the explanation(s) offered by the quarry operator to determine appropriate action to be taken including, but not limited to, further suspension of the permit while further information is developed, revocation of the permit, lifting the suspension, lifting the suspension with restrictions it deems appropriate, requiring a performance bond on conditions it deems appropriate, assessment of costs incurred to further investigate the violation(s) and/or test and/or monitor quarry operations and any other action it deems appropriate under the circumstances.

Section 13. PENALTY

13.1) Any person, firm and/or corporation found to have operated a quarry without a valid permit required by this ordinance shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars ($500.00) or imprisonment in the county jail for a period not to exceed ninety (90) days, or both fine and imprisonment. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

13.2) The Township Ordinance Enforcement Officer, pursuant to the authority grated herein shall take all action necessary to enforce the terms of this ordinance and to protect the health, safety and general well-being of the public including, with approval of the Township Board of Supervisors, seeking injunctive relief in a court of competent jurisdiction.

Section 14. SEVERABILITY

14.1) The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, section or provision is declared void and/or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in full force and effect.

Section 15. ORDINANCE REPEAL

15.1) Kinross Charter Township Ordinance No. 47A adopted on June 18, 2001 is hereby repealed.

Section 16. EFFECTIVE DATE

16.1) This Ordinance shall become effective 30 days after adoption and publication.

Marvin Besteman Jr., Clerk	Jason Oberle, Supervisor

KINROSS CHARTER TOWNSHIP
QUARRYING ORDINANCE

ORDINANCE NO. 47A

CHARTER TOWNSHIP OF KINROSS

COUNTY OF CHIPPEWA, STATE OF MICHIGAN

An ordinance to adopt provisions to regulate the quarrying of sand, gravel, and similar materials within the Charter Township of Kinross and to repeal Kinross Charter Township Quarrying Ordinance No. 47.

Adopted: June 18, 2001
Effective: July 21, 2001

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

TITLE: This Ordinance shall be known and cited as the Kinross Charter Township Quarrying Ordinance, Ordinance No. 47A

PURPOSE: To provide standards for the granting of a permit and regulations for the removal of sand, gravel, and similar materials within the Charter Township of Kinross.

DEFINITIONS

QUARRY: An open excavation from which any topsoil, and/or, gravel, soil, peat, clay or similar materials are extracted.

EXCAVATION SITE: Any excavation exceeding five (5) feet in depth, also including but not limited to the stockpiling and processing thereof, and all tanks, buildings, and equipment, except those excavations specifically excluded in this ordinance and except those areas successfully reclaimed as approved by the Planning Commission pursuant to this ordinance and the reclamation plan submitted.

FENCE: As defined in this ordinance, "fence" shall mean a properly maintained structure or natural barrier, which is sufficient to impede intruders.

Section 1. **EXCEPTIONS**

1.1) It shall be unlawful to operate a quarry, as defined herein without first obtaining a permit from the Township or designated township official, as

well as all applicable State and County Permits governing such operations, however, the following excavation activities are not included within the definition of quarrying and are exempt from the requirements of this ordinance:

(1) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.

(2) Excavation, which by its nature is of limited scope and duration and which is undertaken solely for the immediate use and development of the land excavated, such as for the purpose of construction or installation of a building, septic tank, swimming pool and similar limited excavations.

(3) Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drains, roads or other improvements where the excavation is limited to the site of the public utility or improvement.

The Zoning Administrator shall determine whether any other excavation is or is not exempt from the requirements of this ordinance, however, the determination shall remain subject to the appeals provisions of this ordinance.

Section 2. **PERMIT APPLICATION**

A permit application, pursuant to this ordinance and the Kinross Charter Township Zoning Ordinance, shall be submitted upon request for a special use public hearing for first time applicants or expansion of quarry sites.

A permit application, pursuant to this ordinance, shall be submitted annually for renewal.

2.1) Shall identify the quarry and operator.

2.2) Shall identify the proposed work hours, workdays, work months, work seasons and/or years, and the expected life duration the quarry operations are to take place.

2.3) Shall identify the steps the operator intends to use/undertake to secure the quarry site during both work operations and dormant periods, such as, but not limited to fencing, berms, signs, etc.

2.4) Shall indicate the proposed quarry operations to take place and the expected types of materials to be extracted.

2.5) Shall include a site plan in accordance with this ordinance.

2.6) Shall include a reclamation plan for the quarry site in accordance with this ordinance.

Section 3. **SITE PLAN**

The site plan shall require the following information:

3.1) Proposal as to method of operation, and the estimated period of time such operation will cover if the excavation site is within three hundred (300) feet of an occupied structure.

3.2) A statement as to exactly what type of deposit(s) is proposed to be extracted.

3.3) Such other information as may reasonably be required by the Planning Commission, governing body or designated official.

3.4) North point, scale, and date.

3.5) A written legal description or record of survey of the property and extent of area to be excavated.

3.6) Location, width and grade of all utility and road easements or right of ways on or abutting the property and means of dust control for all ingress and egress roads abutting paved roads with occupied structures within three hundred (300) feet.

3.7) A map showing all intended access routes to the nearest arterial road.

3.8) Location of all structures on the property and within three hundred (300) feet of the excavation site.

3.9) Proposed fencing, gates, berms, screening, parking, and signs as deemed necessary by the appropriate officials and this ordinance.

3.10) Processing and storage areas.

3.11) Shall include copies of permits from Department of Environmental Quality, MSHA, the Department of Natural Resources, and the Chippewa County Soil Erosion Control Officer.

Section 4. **PIT OPERATIONS**

The following requirements shall be mandatory when operating within three hundred (300) feet of an occupied structure, however, special considerations may be given to existing quarries when pre-existing conditions warrant and would be cost prohibitive to correct in the opinion of the Planning Commission.

4.1) Where an excavation in excess of five (5) feet will result from operations and excavation site is less than three hundred (300) feet from an occupied structure, the applicant shall create a berm to adequately protect the portion of the site where the excavation extends, said berm to be not less than five (5) feet in height, including gates at all access points, which shall be kept locked when operations are not in progress. Where an excavation site is within three hundred (300) feet of an occupied structure, the governing body or designated official shall also require the erection of a fence, no less than four (4) feet in height, complete with gates which shall remain locked when operations are not in progress, however, excavation sites with abutting excavation site lines are exempt from the requirements of section 4.1 along the abutting portion of the property line.

4.2) Any roads used for the purpose of ingress and egress to said excavation sites that abut a paved road and which are located within three hundred (300) feet of occupied structures, shall be kept free of dust by hard topping with cement, bituminous substance, or chemical treatment.

4.3) Within three hundred (300) feet of an occupied structure, the slopes of the banks of the excavation shall not, exceed three (3) feet horizontal to one (1) foot vertical where a fence has not been erected and shall, in no event, exceed one (1) foot horizontal to one (1) foot vertical, and where ponding water results from operations, the slopes of the banks shall not exceed three (3) feet horizontal to one (1) foot vertical, this slope must be maintained and extended into the water to a depth of five (5) feet. A wire woven fence may also be required when operations are within three hundred (300) feet from an occupied structure, or when exceeding the (3) feet horizontal to one (1) foot vertical slope except along property lines where the adjoining property is owned by a licensed quarry owner.

4.4) No cut or excavation shall be made closer than fifty (50) feet from any property line, right-of-way line, or easement, provided, however, that the governing body or designated official may prescribe stricter requirements in order to give sub lateral support to surrounding property where soil or geographic conditions warrant.

4.5) Sound generated at the quarry property will not exceed eighty-five (85) decibels at any site along the boundary line of the subject property.

4.6) The governing body or designated official shall require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well being of the inhabitants of the Township.

Section 5. **REGULATIONS FOR ALL OPERATIONS**

5.1) No soil, sand, clay, gravel or similar materials shall be removed in such a manner as to cause water to collect except as prescribed by the soil erosion control officer, or to result in a place of danger or a menace to the public health.

5.2) Soil shall be stockpiled on said site. When stripping operations are completed, the entire site shall be covered with sufficient soil to maintain plant life after reclamation, excepting areas intended to be permanently submerged under a body of water.

5.3) The governing body or designated official shall require such other provisions as is deemed necessary in the interest of the public health, safety, morals, and general welfare of the inhabitants of the Township of Kinross.

5.4) Where quarry operations result in a body of water or the slopes exceed three (3) feet horizontal to one (1) foot vertical, the owner or operator shall place appropriate "KEEP OUT DANGER" signs around said premises not more than two hundred (200) feet apart.

Section 6. **RECLAMATION PLAN**

The reclamation plan shall require the following information:

6.1) A statement of planning reclamation, including methods of accomplishment, phasing, timing, and itemized cost. It shall also include the name, address, and signature of the property owners and applicant.

6.2) The final grade of the excavation not to exceed four (4) feet intervals, any water features included in the reclamation, and methods planned to prevent stagnation and pollution, as well as landscaping or vegetation to be planted, and areas of cut or fill, showing where sufficient soil shall be placed so that the entire site, when stripping operations are completed, may be covered with sufficient soil and the replacement of such soil shall be made within one (1) year following termination of the stripping operations and the slopes of the banks of the excavation shall be returned to a three (3) feet horizontal to one (1) foot vertical, except within the waterways which shall extend into the water to a depth of five (5) feet, at

three (3) feet horizontal to one (1) foot vertical. Sufficient plant life shall be established within two (2) years of reclamation. The failure to establish plant life shall require the reclamation process to be repeated over the effected areas as many times as necessary to establish plant life before the reclamation process may be considered successful.

6.3) A phasing plan, if the excavation of the site is to be accomplished in phases throughout the life of the quarry. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

6.4) The method of disposing of any equipment or structures used in the operation of excavation upon completion of the excavation.

6.5) A written legal description or record of survey of the property.

6.6) All applicable State, County, and local approvals and/or permits.

Section 7. **PERMITS**

7.1) The governing body or designated official shall determine whether or not a permit will be issued based upon finding that the issuance of the permit, would not detrimentally affect the public health, safety, morals and general welfare of the inhabitants of the Charter Township of Kinross and the requirements of this Ordinance and the Kinross Charter Township Zoning Ordinance have been met.

Section 8. **REVIEW STANDARDS FOR APPROVAL**

The Planning Commission shall consider the following factors in their review of the quarrying permit application.

8.1) The need for the removal and alternate solutions not requiring removal.

8.2) The impact of the removal process and methods of removal on adjoining areas.

8.3) The extent and amount of removal of valuable topsoil and the destruction of land uses by the removal as well as additional uses created, if any, from the reclamation process.

8.4) The increased hazards to neighbors, water, land and/or air.

8.5) The proposed plan complies with existing applicable County and State soil erosion and waste management plans and standards.

8.6) Whether the spirit and intent of the objectives of this ordinance would be preserved or promoted.

Section 9. **RENEWAL STANDARDS**

9.1) Past and present compliance with all provisions of this ordinance as well as any conditions of previous permits.

9.2) Compliance with all applicable State, County, and local regulations and permits.

9.3) A copy of the original site and reclamation plan with any changes clearly noted including approval and signatures by the appropriate official(s).

9.4) Compliance and co-operation with Zoning Administrator during regular, unscheduled, site visits.

9.5) Permit for license renewal shall be submitted no later than June 30th of each year of operation.

9.6) License renewal may be approved by the Zoning Administrator if changes are not necessary to the site or reclamation plan and the quarry has followed strict adherence to this ordinance over the previous license period.

9.7) Site Plan and Reclamation review shall be submitted no later than January 1st of the first year of operation and every five (5) years thereafter through the Zoning Administrator for review by the Planning Commission.

Section 10. **LICENSE REVOCATION**

10.1) The Zoning Administrator shall have the power to suspend any license for non-compliance with this ordinance. The Zoning Administrator shall submit a written warning to the licensee and an order of correction of the violation(s) and forward a copy to the Chairman of the Planning Commission. If the corrections have not made within the fourteen (14) days the Zoning Administrator shall suspend the operator's license to quarry. However, the sound, dust, and time provisions in this ordinance shall not require fourteen (14) days notice. The suspension shall remain in effect until the Planning Commission has held a show cause hearing to consider whether or not the license should be permanently revoked.

Section 11. **PERMIT FEES**

11.1) A fee, depending on size and scope of the operations, as established by the Township Board, to defray the cost of engineering services, investigations,

publication and other miscellaneous administrative expenses shall accompany application for quarrying permit.

11.2) Permits issued by the Planning Commission or designated official shall be for a period of one (1) year, ending June 30th of each year, and such permit may be renewed pending review and compliance standards set forth in this Ordinance, as well as by the payment of an annual inspection fee as may be established by the Township Board by resolution.

Section 12. **PENALTY**

12.1) Any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars ($500.00) or imprisonment in the county jail for a period not to exceed ninety (90) days or both, such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

Section 13. **SEVERABILITY**

13.1) The provisions of this Ordinance are hereby declared to be severable and if in any clause, sentence, work section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

Section 14. **ORDINANCE REPEAL**

14.1) Kinross Charter Township Ordinance No. 47 adopted on February 15, 1988 is hereby repealed.

Section 15. **EFFECTIVE DATE**

15.1) This Ordinance shall become effective 30 days after adoption and publication.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 55

BUSINESS REGISTRSTION ORDINANCE

Adopted May 21, 1990.
Published May 30, 1990.
Effective June 29, 1990.

SECTION I - TITLE

This Ordinance shall be known as the Kinross Charter Township Business Registration Ordinance.

SECTION II – PURPOSE

The purpose of this Ordinance is to establish a Township Business Registration Program, which will be used as demographic source material for future planning and documentation of growth.

SECTION III – DEFINITION

A business shall be defined as any and all operations in Kinross Charter Township in which commodities or services are produced or sold on public or private property, on a part-time, seasonal, temporary or full time basis, and in which earnings are realized by any individual, or the potential for earnings exists, or wages are paid to any individual or group and shall include all commercial, industrial and home-based operations (cottage industries).

SECTION IV – REGISTATION, RENEWAL

A. REGISTRATION

Every business desiring to operate within the boundaries of Kinross Charter Township shall register same with the Clerk of the Township on a registration form supplied by the Clerk. The registration shall include the following:

1. The name of the applicant and the name of any partners or co-owners.
2. The DBA as registered with Chippewa County.
3. The street address of the premises on which said person or persons intends to conduct said operation.
4. The phone number.
5. The type of business.
6. The number of full-time employees.
7. The number of part-time employees.

B. RENEWL – EXPIRATION

The business registration originally secured for your operation shall remain in effect as long as there are no changes in any of the items in *Section IV-A.* If the business is discontinued or if there are any changes in any item listed in Section IV- A, you must notify the office of the Clerk of Kinross Charter Township within thirty (30) days of such changes.

SECTION V – CONFORMANCE TO ZONING

All new business operations will be required to submit a site plan that has been approved by the Planning Commission with the business Registration application. Site plan shall conform to the Zoning Ordinance of Kinross Charter Township.

SECTION VI – VALIDITY/SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, section, or provision is declared to be void or unenforceable, for any reason by a court or competent jurisdiction, the remaining portions of said Ordinance shall remain in force and valid.

SECTION VII – CURRENT BUSINESS OPERATION

All businesses who are currently operating in Kinross Charter Township will be given sixty (60) days from the effective date of this Ordinance to comply with the provisions if this Ordinance.

This Ordinance will become effective thirty (30) days after date of publication.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 57

DEFERRED COMPENSATION PLAN

Adopted May 6, 1991
Published May 13, 1991.
Effective May 13, 1991.

THE CHARTER TOWNSHIP OF KINROSS HEREBY ORDAINS:

Pursuant to the authority granted by law, the Charter Township of Kinross hereby establishes a Deferred Compensation Plan under Section 457 of the internal Revenue Code of 1954, as amended, whereby a Township Board Member or employee of the Township may he eligible to defer that individual's compensation or a portion thereof for the purpose of providing for the payment of said compensation in a different manner and at a different time thereby more effectively providing for said Township Board member's or employee's retirement or death, and to defer Federal and State income tax liability on said deferred compensation to the time of receipt by said Township Board member or employee or said individual's beneficiary.

SECTION I - TITLE

This Ordinance shall be known and cited as the "Kinross Charter Township Deferred Compensation Ordinance."

SECTION II - ELIGIBLE INDIVIDUALS

All Township Board members shall be eligible and all employees who perform services for the Township for 2080 hours annually on a regular basis shall be eligible to participate in the Deferred Compensation Plan established pursuant to this Ordinance and may elect to participate in the plan by entering into a written deferred compensation agreement in such form as the Township Board shall establish.

SECTION III - IMPLEMENTATION, ADMINISTRATION AND INTERPRETATION OF THE PLAN

In order to implement the Deferred Compensation Plan, the Township Board may enter into a contract(s) with an insurance company authorized to do business in the State of Michigan to provide for the administration of the Deferred Compensation Plan. The Township Board shall have full power and authority to adopt rules and regulations for the administration of the Deferred Compensation Plan and may, in its discretion, adopt the provisions of a contract entered into pursuant to this Section as said rules and regulations. However, to the extent that any rules and regulations adopted, interpreted, altered,

amended or revoked by the Township Board shall be inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall supercede said rules and regulations.

SECTION IV - TAX RAMIFICATIONS

The Deferred Compensation Plan and agreements provided for by this Ordinance are intended to comply with Section 457 of the Internal Revenue Code of 1954, as amended, pertaining to Deferred Compensation Plans of State and local governments. Any provision contained in this Ordinance which causes deferred compensation to be taxed prior to receipt thereof shall be deemed null and void. However, no guarantee is given to any Township Board member or employee of the Charter Township of Kinross or to beneficiaries of such individuals, as to the taxable status of any amounts of compensation deferred under the Deferred Compensation Plan established pursuant to this Ordinance and Kinross Charter Township assumes no responsibility to any Township Board member or employee of the Township or to any beneficiary of such individual in the event of any adverse tax determination. Any provision of the Deferred Compensation Plan, or agreements made hereunder, or any Township rules or regulations adopted pursuant to this Ordinance which are contrary to the Internal Revenue Code of 1954, as amended, or regulations adopted there under, shall be deemed to be superceded by such Internal Revenue Code of 1954, as amended, or regulations adopted there under.

SECTION V - SEVERABILITY

This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid it is declared that the remainder of this Ordinance shall not be affected thereby.

SECTION VI - EFFECTIVE DATE AND REPEAL OF INCONSISTENT ORDINANCES

This Ordinance shall become effective immediately upon publication. Any Ordinances or parts of Ordinances inconsistent herewith shall be deemed to be repealed by this Ordinance and shall be of no further force and effect.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 58

GROUP INSURANCE COVERAGE ORDINANCE

Adopted May 20, 1991
Published May 14, 1991.
Effective May 14, 1991.

THE CHARTER TOWNSHIP OF KINROSS HEREBY ORDAINS:

An Ordinance to create and establish a township group insurance plan covering life and health insurance for Township Board members and employees and to authorize the township supervisor and the township clerk to contract, in the name of the township, for such plan; to define those Township Board members and employees who shall be covered by such group insurance plan; to set forth the respective per centum share which Kinross Charter Township may contribute to the premium or charges arising under such group insurance plans; to ratify and confirm the validity of any group insurance plan in existence on the effective date of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I

This Ordinance shall be known and cited as the "Kinross Charter Township Group Insurance Plan Ordinance."

SECTION II

Pursuant to Public Act 27 of 1960, as amended, the Charter Township of Kinross hereby creates and establishes a group insurance plan covering life and health insurance of its Township Board members and employees enumerated herein, and for such purposes, also hereby authorizes the township supervisor and the township clerk to contract, in the name of the Township Board, subject to approval of the Township Board, with any company authorized to transact such business within the State of Michigan for such group insurance policies.

SECTION III

The group insurance plan created, established and contracted for under this Ordinance shall cover the following persons:

All Township Board members

All regular, full-time township employees who are employed for 2080 hours on an annual basis.

SECTION IV

The Charter Township of Kinross may annually contribute up to One hundred (100%) per cent of the premium or charges arising under such life insurance contract for each person within the class of persons enumerated in Section III hereof. Additionally, the Charter Township of Kinross may annually contribute up to 100 per cent of that portion of the premium or charges under the health insurance contract for each person within the class of persons enumerated in Section III hereof. Such township contribution shall be secured from the general fund of the township for the Township Board members. The contribution for the employees shall be secured from the department in which the individual employee works. Any person desiring not to be so covered shall give written notice to the township clerk that he desires not to be insured or covered, and if the notice is received before the person has become insured or covered under the contract, he shall not be covered there under. If the notice is received after the individual has become insured or covered, his coverage under the contract shall cease as provided for in the contract.

SECTION V

The Charter Township of Kinross hereby ratifies and confirms the validity of any life and health insurance or any one or more of such forms of insurance in existence on the effective date of this Ordinance.

SECTION VI

This Ordinance shall take effect on the date of its publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

KINROSS CHARTER TOWNSHIP
ORDINANCE NO. 62

CABLE TV ORDINANCE

Adopted September 20, 1993.
Published September 16, 1993.
Effective September 17, 1993.

AN ORDINANCE TO ADOPT REGULATIONS AND PROCEDURES FOR BASIC CABLE TV RATE REGULATION

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

SECTION 1 - DEFINITIONS:

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

SECTION 2 - PURPOSE; INTERPRETATION:

The purpose of this Ordinance is to:

(1) Adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation.

(2) Prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the Township. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

SECTION 3 - RATE REGULATIONS PROMULGATED BY FCC:

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

SECTION 4 - FILING; ADDITIONAL INFORMATION; BURDEN OF PROOF:

(a) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall file ten (10) copies of the schedule or proposed increase with the Township clerk. For purposes of this Ordinance, the filing of the cable operator shall be deemed to have been made when at least ten (10) copies have been received by the Township Clerk. The Township Board may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(b) In addition to information and data required by rules and regulations of the Township pursuant to *Section 4(a)* above, a cable operator shall provide all information requested by the Township Supervisor in connection with the Township's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The Township Supervisor may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.

(c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923.

SECTION 5 - PROPRIETARY INFORMATION:

(a) If this Ordinance, any rules or regulations adopted by the Township pursuant to *Section 4(a)*, or any request for information pursuant to *Section 4(b)* requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portion of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons.

The request for confidentiality will be granted if the Township determines that the preponderance of the evidence shows that nondisclosure is consistent with the provisions of the Freedom of Information Act 5 U.S.C. 552. The Township shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied,

(1) Where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it: or

(2) The cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(b) Any interested party may file a request to inspect material withheld as proprietary with the Township. The Township shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum.

Disclosure will be stayed pending resolution of any appeal.

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

SECTION 6 - PUBLIC NOTICE: INITIAL REVIEW OF RATES:

Upon the filing of ten (10) copies of the schedule of rates or the proposed increase in rates pursuant to *Section 4(a)* above, the Township Clerk shall publish a public notice in a newspaper of general circulation in the Township which shall state that:

(1) The filing has been received by the Township Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and

(2) Interested parties are encouraged to submit written comments on the filing to the Township Clerk not later than seven (7) days after the public notice is published. The Township Clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three (3) days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the Township Board, then the Township Clerk shall mail a copy of the report by first class mail to the cable operator at least three (3) days before the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase.

SECTION 7 - TOLLING ORDER:

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after thirty (30) days from the date of filing under *Section 4(a)* above unless the Township Board (or other properly authorized body or official) tolls the thirty (30) day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The Township Board may toll the thirty (30) day deadline for an additional ninety (90) days in cases not involving cost of service showings and for an additional one hundred and fifty (150) days in cases involving cost of service showings.

SECTION 8 - PUBLIC NOTICE; HEARING ON BASIC CABLE SERVICE RATES FOLLOWING TOLLING OF 30-DAY DEADLINE:

If a written order has been issued pursuant to Section 7 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the Township any additional information required or requested pursuant to *Section 4* of this Ordinance. In addition, the Township Board shall hold a public hearing to consider the comments of interested parties within the additional ninety (90) days or one hundred and fifty (150) day period, as the case may be. The Township Clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the Township which shall state:

(1) The date, time, and place at which the hearing shall be held, and

(2) Interested parties may appear in person, by agent or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and

(3) Copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than fifteen (15) days before the hearing. In addition, the Township Clerk shall mail by first class mail a copy of the public notice to the cable operator not less than fifteen (15) days before the hearing.

SECTION 9 - STAFF OR CONSULTANT REPORT: WRITTEN RESPONSE:

Following the public hearing, the Township Supervisor shall cause a report to be prepared for the Township Board which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the Township Board pursuant to *Section 10*. The Township Clerk shall mail a copy of the report to the cable operator by first class mail not less than twenty (20) days before the Township Board acts under *Section 10*. The cable operator may file a written response to the report with the Township Clerk. If at least ten (10) copies of the response are filed by the cable operator with the Township clerk within ten (10) days after the report is mailed to the cable operator, the Township Clerk shall forward it to the Township Board.

SECTION 10 - RATE DECISIONS AND ORDERS:

The Township Board shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the Township Board issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the Cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this Section shall be issued within ninety (90) days of the tolling order under *Section 7* in all cases not involving a cost of service showing.

The order shall be issued within one hundred fifty (150) days after the tolling order under *Section 7* in all cases involving a cost of service showing. The order shall be issued within one hundred and fifty (150) days after the tolling order under *Section 7* in all cases involving a cost of service showing.

SECTION 11 - REFUNDS; NOTICE.

The Township Board may order a refund to subscribers as provided in 47 CFR 76.942. Before the Township Board orders any refund to subscribers, the Township Clerk shall give at least seven (7) days written notice to the cable operator by first class mail of the date, time, and place at which the Township Board shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the Township Board.

SECTION 12 – WRITTEN DECISIONS; PUBLIC NOTICE.

Any order of the Township Board pursuant to *Section 10* or *Section 11* shall be in writing, shall be effective upon adoption by the Township Board, and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the Township, which shall:

(1) Summarize the written decision, and

(2) State that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the Township Clerk shall mail a copy of the text of the written decision to the cable operator by first class mail.

SECTION 13 - RULES AND REGULATIONS:

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

SECTION 14 - FAILURE TO GIVE NOTICE:

The failure of the Township Clerk to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decisions or proceedings of the Township Board.

SECTION 15 - ADDITIONAL HEARINGS:

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

SECTION 16 - ADDITIONAL POWERS:

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

SECTION 17 - FAILURE TO COMPLY; REMEDIES:

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

SECTION 18 - SEVERABILITY:

The various parts, sections, and clauses of this Ordinance are hereby 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 thereby.

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

This Ordinance shall take effect one day after its publication in a newspaper of general circulation in the Charter Township of Kinross.

KINROSS TOWNSHIP
ORDINANCE 7A

An ordinance to regulate the operation of motor vehicles on the public highways and streets within the Township of Kinross and to provide penalties for the violation thereof.

Adopted July 11, 1972.
Effective August 10, 1972.

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, STATE OF MICHIGAN ORDAINS

Section 1. Parking

It shall be unlawful to park a motor vehicle at any time, except for loading or unloading of goods or passengers on either side of Kinross Park Road, so called, between Cemetery Road and the private road leading to Parker Beach.

Section 2. Speed

It shall be unlawful for any motor vehicle to be operated at a speed in excess of thirty-five (35) miles per hour on Kinross Park Road, so called, between the west gate of Kincheloe Air Force Base and U. S. Highway I-75.

Section 3. Repeal

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.

Section 4. Misdemeanor

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by law or by both fine and imprisonment in the discretion of the Court.

Section 5. Effective Date

This ordinance shall take effect 30 days after publication as provided by law.

KINROSS TOWNSHIP
ORDINANCE NUMBER 9

An ordinance to regulate the operation of watercraft on the waters of Kinross Lake, Township of Kinross and to provide penalties for the violation thereof.

Adopted: October 16, 1973
Effective: November 15, 1973

THE TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, STATE OF MICHIGAN ORDAINS:

Section 1. No Wake

On the waters of Kinross Lake, Section twenty-five (25) town forty-five (45) north, range two (2) west, Kinross Township, Chippewa County, it is unlawful for the operator of a vessel to exceed a slow no wake speed.

Section 2. Misdemeanor

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by fine or imprisonment in the discretion of the Court.

Section 3. Effective Date

This ordinance shall take effect 30 days after publication as provided by law.