

# Kinross Charter Township Ordinance No. 1.100

## ZONING ORDINANCE

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## Table of Contents

ARTICLE I PREAMBLE.....	6
Section 1.01 Short Title.....	6
Section 1.02 Purposes.....	6
Section 1.03 General Procedure .....	7
ARTICLE II DEFINITIONS.....	7
Section 2.01 Usage.....	7
Section 2.02 Definitions.....	8
ARTICLE III GENERAL PROVISIONS .....	15
Section 3.01 Scope .....	15
Section 3.02 Unlisted Property Uses.....	15
Section 3.03 Conflicting Laws, Ordinances, Regulations, and Restrictions .....	15
Section 3.04 Non-conformities .....	16
Section 3.05 Repair, Alteration and Completion of Non-conforming Buildings and Structures .....	16
Section 3.06 General Yard and Area Requirements .....	16
Section 3.07 Limitations of Dwellings Per Lot.....	16
Section 3.08 Vehicular Parking Space, Access, and Lighting.....	16
Vehicular Parking Standards .....	17
Section 3.09 Temporary Dwelling Structures .....	18
Section 3.10 Mobile Homes on Individual Lots.....	18
Section 3.11 Mobile Home Parks and Manufactured Housing Developments .....	19
Section 3.12 Accessory Buildings .....	19
Section 3.13 Home Occupations.....	19
Section 3.14 Water Supply and Sewage Disposal Facilities .....	20
Section 3.15 Essential Services .....	20

Section 3.16 Temporary Business .....	20
Section 3.17 Special Approval Use Permit Procedures and Review Standards .....	20
Procedures .....	20
Standards For Review .....	21
Section 3.18 Supplemental Site Development Requirements.....	22
Section 3.19 Site Plan Review (All Districts).....	26
Section 3.20 Temporary Use of Recreational Vehicles as Dwellings .....	29
Section 3.21 Greenbelt .....	29
Section 3.22 Fences, Walls, and Hedges.....	30
Section 3.23 Hazardous Substances .....	30
Section 3.24 Groundwater Protection .....	30
Section 3.25 Bed and Breakfast and Homestay Facilities .....	31
Section 3.26 Garage or Yard Sales .....	31
Section 3.27 Wellhead Protection .....	31
ARTICLE IV DISTRICTS .....	32
Section 4.01 Classification of Zoning Districts .....	32
Section 4.02 Zoning Districts Map .....	32
Section 4.03 Boundaries of Districts .....	32
Section 4.04 Determinations by Township Zoning Board of Appeals.....	32
ARTICLE V SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) .....	32
Section 5.01 Intent.....	32
Section 5.02 Permitted Uses and Structures .....	33
Section 5.03 Uses Subject to Special Approval .....	33
ARTICLE VI MIXED RESIDENTIAL DISTRICT (R - 2).....	33
Section 6.01 Intent.....	33
Section 6.02 Permitted Uses and Structures .....	33
Section 6.03 Uses Subject to Special Approval .....	34
ARTICLE VII AGRICULTURAL DISTRICT (A) .....	34
Section 7.01 Intent.....	34
Section 7.02 Permitted Uses and Structures .....	35
Section 7.03 Uses Subject to Special Approval .....	35
ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR) .....	36
Section 8.01 Intent.....	36



Section 8.02 Permitted Uses and Structures .....	36
Section 8.03 Uses Subject to Special Approval .....	36
ARTICLE IX INSTITUTIONAL DISTRICT (Inst) .....	37
Section 9.01 Intent .....	37
Section 9.02 Permitted Uses and Structures .....	37
Section 9.03 Uses Subject to Special Approval .....	37
ARTICLE X RECREATIONAL-COMMERCIAL (Rec. Com.) .....	37
Section 10.01 Intent .....	37
Section 10.02 Permitted Uses and Structures .....	37
Section 10.03 Uses Subject to Special Approval .....	38
ARTICLE XI RESIDENTIAL-COMMERCIAL DISTRICT (Res. Com.) .....	38
Section 11.01 Intent .....	38
Section 11.02 Permitted Uses and Structures .....	38
Section 11.03 Uses Subject to Special Approval .....	39
Section 11.04 Special Provision for M-80 .....	39
ARTICLE XII COMMERCIAL DISTRICT (C) .....	39
Section 12.01 Intent .....	39
Section 12.02 Permitted Uses .....	39
Section 12.03 Uses Subject to Special Approval .....	40
ARTICLE XIII AVIATION DISTRICT (AV) .....	41
Section 13.01 Intent .....	41
Section 13.02 Permitted Uses .....	41
Section 13.03 Uses Subject to Special Approval .....	41
ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I -1) .....	42
Section 14.01 Intent .....	42
Section 14.02 Permitted Uses .....	42
Section 14.03 Uses Subject to Special Approval .....	42
Section 14.04 Performance Standards .....	43
ARTICLE XV HEAVY INDUSTRIAL DISTRICT (I-2) .....	43
Section 15.01 Intent .....	43
Section 15.02 Permitted Uses .....	44
Section 15.03 Uses Subject to Special Approval .....	44
Section 15.04 Performance Standards .....	44

ARTICLE XVI SCHEDULE OF REGULATIONS.....	44
Section 16.01 Principal and Accessory Building Requirements .....	44
Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels ..	44
Section 16.03 Dwelling Lots .....	44
Section 16.04 Corner Lots .....	44
Section 16.05 Double Frontage Lots .....	45
Section 16.06 Water Frontage Lots .....	45
Section 16.07 Supplementary Yard Provisions .....	45
ARTICLE XVII PLANNED UNIT DEVELOPMENT .....	46
Section 17.01 Purpose .....	46
Section 17.02 Procedures for Application and Approval .....	46
Section 17.03 Preliminary Development Plan Requirements.....	46
Section 17.04 Final Plan Requirements .....	46
Section 17.05 Approval of the Final Plan .....	47
Section 17.06 Design Requirements .....	47
Section 17.07 General Standards.....	50
EXHIBIT A.....	51
EXHIBIT B.....	52
ARTICLE XVIII ADMINISTRATION AND ENFORCEMENT .....	52
Section 18 .01 Zoning Administrator .....	52
Section 18.02 Duties and Powers of the Zoning Administrator.....	52
Section 18.03 Record of Non-Conforming Uses .....	53
Section 18.04 Zoning Permits .....	53
Section 18.05 Certification of Compliance.....	54
Section 18.06 Violations .....	54
Section 18.07 Corrections.....	55
Section 18.08 Enforcement and Penalties.....	55
Section 18.09 Proceedings.....	55
ARTICLE XIX BOARD OF APPEALS .....	56
Section 19.01 Board of Appeals.....	56
Section 19.02 Establishment and Membership .....	56
Section 19.03 Terms of Office .....	56
Section 19.04 Quorum .....	56

Section 19.05 Meetings of Board of Appeals.....	56
Section 19.06 Jurisdiction and Appeals .....	57
Section 19.07 Interpret .....	57
Section 19.08 Variance .....	57
ARTICLE XX VALIDITY.....	58
ARTICLE XXI AMENDMENTS.....	58
Section 21.01 Initiation .....	59
Section 21.02 Action by Planning Commission.....	59
Section 21.03 Action by Township Board .....	59
ARTICLE XXII REPEAL OF PRIOR ORDINANCE, ENACTMENT OF NEW ORDINANCE, EFFECTIVE DATE.....	60
Section 22.01 Repeal of 1978 Zoning Ordinance.....	60
Section 22.02 Enactment of 1999 Zoning Ordinance .....	60
Section 22.03 Effective Date of Amendment adopted March 17, 2014.....	60

# 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 promoted the public health, safety, morals, and general welfare as provided by the Michigan Zoning Enabling Act 125.3285 and the Michigan Right to Farm Act.

The provisions are intended to:

- encourage the use of lands and natural resources in the township in accordance with their character and adaptability
- limit the improper use of land
- reduce hazards to life and property
- provide for the orderly development of the township
- avoid overcrowding the population
- provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered
- lessen congestion on the public roads and streets
- 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
- conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land, resources, and properties
- 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 as provided by the Michigan Zoning Enabling Act and the Michigan Right to Farm Act. Regulations have been adopted for each district. Due consideration has been given for the character of each district, its peculiar suitability for particular purposes, the conservation or preservation of property values and natural resources, and the general trend and character of land, building, 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, provisions, or events may apply single 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:** See Farm

**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, 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 is 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 used and maintained for recreational lodging; 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. 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. Specific exemption may be provided by other sections of this ordinance.

**Single-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.

**Multiple-Family:** A building containing two (2) or more independent units designed for residential use and conforming in all other respects to the standards set forth for dwellings. (i.e. duplex, apartments, condominiums, etc.)

**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 construction or maintenance of: underground, surface, or overhead gas, electrical or water distribution systems; collection, communication supply or disposal systems; and all other equipment and accessories. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

**Family:** Any number of individuals living together on the premises as a single non-profit housekeeping unit.

**Farm:** All of the unplatted contiguous neighboring or associated land, of not less than five (5) acres, operated as a single unit on which bona fide farming is carried out by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of their household or hired employees. Greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farm, and similar specialized agricultural enterprises may be considered as farms.

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

**Farm Dwelling:** Any dwelling 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 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 auto body repair.

**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.

**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.

**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.

**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/Motel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms. Principally used for overnight accommodations for compensation.

**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, building, and construction materials.

**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.

**Lot, Corner:** A lot located at the intersection of any two streets which form an angle of one hundred thirty-five (135) degrees or less. The front lot lines shall be the lines separating said lot from both streets.

**Lot, Double Frontage:** A lot having frontage on two (2) streets. One street shall be designated as the front street for all lots in the plat and in the request for zoning permit.

**Lot, Interior:** A 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 open as a unit.

**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 Line:** The property lines bounding the lot.

**Lot Line, Double Frontage:** 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 a 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.

**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 lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.

**Lot Line, Front, Corner Lot:** In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets.

**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 including its accessory structures together with such open spaces, minimum area, and width.

**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 built 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.

**Motor Home:** See "Recreational Vehicle".

**Non-conforming Structure and/or Land:** A structure or land that does not meet the standards 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:** Defined in the Michigan Inland Lakes and Steam Act. (MCL #324.320101)

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

**Parking Lot:** An exterior area where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

**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.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed.

**Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof.

**Principal Use:** The main use of land or structures.

**Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, etc.

**Public Utility:** Any entity authorized to furnish, under current regulations, electricity, gas, steam, communications, transportation, water services, or sewage disposal.

**Quarry:** An open excavation from which topsoil, gravel, sand, soil, peat, clay, or similar materials are extracted.

**Quarry Plant:** A plant for the production of building materials (e.g., asphalt, brick, concrete, or cement blocks/bricks) from earthen materials (e.g., topsoil, gravel, sand, soil, peat, clay, or similar materials) that have been extracted from a quarry.

**Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including but not limited to: snowmobiles, ATV/off-road vehicles, self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers. A unit may include temporary sleeping quarters and/or cooking facilities, or be designed to be attached to a vehicle and used for recreational purposes. However, 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 where meals are habitually prepared for consumption on or off the premises.

**Retail Commercial Establishment:** A store, market, or shop in which commodities or services are sold. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

**Roadside Stand:** A temporary farm structure used for the sale of the seasonal farm products.

**School:** A public or private educational institution offering students an academic curriculum.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**Special Approval:** Approval by the Township Planning Commission of a use of land in a district that is compatible to other land uses in the district when such use is specified within that district.

**Stable, Commercial:** 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 of the roof above it.

**Story, Half:** A loft area or living space between the ceiling and roofline of the first floor.

**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 alcoholic beverages are sold for consumption on the premises.

**Telecommunication Towers and Facilities:** All structures and accessory facilities, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. 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 pre-empt municipal regulatory authority.

**Temporary Building and Tent Use:** A structure or use permitted to exist during periods of construction of the main building or for special events.

**Temporary Business:** A business performing operations at a location within Kinross Charter Township for not more than one (1) year.

**Theater, Facility:** Any building used primarily for the exhibition of entertainment or informative presentations.

**Tourist Home:** See "Bed and Breakfast Facility".

**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 property, or a building thereon, is designed, arranged, or intended.

**Variance:** A modification of literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant.

**Yard:** A space between a building and the lot lines of the parcel of land on which the building is located. 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; no existing building or structure shall be enlarged, rebuilt, or altered; 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 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. Written 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 necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If 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 or interfere with:

- existing provisions of the law or ordinances
- rules previously adopted relating to the erection or use of buildings or land
- existing easements, covenants, or other agreements between parties.

Where any provisions of this ordinance impose more stringent requirements upon the erection or use of land or buildings, 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

**Non-conforming Lots of Record:** Structures may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance.

**Non-conforming Uses:** Any non-conforming use of property 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 only be changed to a conforming use.

Under no circumstances shall the footprint of a non-conforming use be changed.

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

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

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.

### Section 3.06 General Yard and Area Requirements

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.

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 prescribe 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

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.

- The parking area shall be provided with safe entrance and exit the public thoroughfare, but not less than one (1) entrance and one (1) exit, which 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.

- A parking space shall consist of a minimum of two hundred (200) square feet.
- All public parking shall be provided with adequate artificial lighting between dusk and dawn.
- Loading and unloading space: Every 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 use of public highway.
- Computation of usable floor area: Usable floor area of buildings shall not include areas used for storage or utilities. In the case of a single story structure, the total floor area may be calculated using the outside perimeter of the building, reduced by ten percent (10%), to accommodate storage or utilities.
- Adequate area must (1) provide for snow piling, (2) provide handicap parking as required by state and federal regulations.
- In public areas where storm sewer is provided, parking lots shall be paved.
- The Township Planning Commission shall determine the required parking space for uses not specified in the following table.

## VEHICULAR PARKING STANDARDS

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, civic 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 establishments.	One (1) for each sleeping room; plus one (1) for each 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 one (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 substandard structure or recreational vehicle shall not be erected, altered, or moved upon any premises and used for dwelling purpose except under all the following applicable limitations:

1. Shall not be adverse to health, safety, or the public welfare.
2. Shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which it is situated.
3. Shall be for the sole purpose of providing dwelling facilities for the owner of premises during the period in which a dwelling conforming to the provisions of this ordinance is in the 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, or recreational vehicle, shall be removed upon completion of construction of a dwelling complying with the requirements of this ordinance.
4. Application for permit shall be made to the Zoning Administrator as provided by Section 18.04 of this ordinance. On approval of the permit, the applicant shall certify in a space allotted for that purpose that he has knowledge of the limitations. 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:



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.

Mobile homes shall be installed according to the 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.

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.

Mobile homes shall not be used as an accessory building.

### Section 3.11 Mobile Home Parks and Manufactured Housing Developments

No mobile home parks shall be established after June 1, 2021. Manufactured housing developments for the location of three (3) or more 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

Where any accessory building 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.

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 recognizes 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.

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.

The home occupation is conducted by the person or person 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.

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.

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.

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.

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

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.

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 erected, altered or moved shall be subject to compliance with County Health Department sanitary code requirements.

### Section 3.15 Essential Services

Essential services shall be permitted as authorized and regulated by law.

### Section 3.16 Temporary Business

A temporary business setting up in the Township must obtain a permit from the Zoning Administrator, and meet conditions for the zoning district in which it is located.

### Section 3.17 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 possess characteristics or locational qualities which require individual review. Special Approval Uses are listed in this ordinance under each zoning district.

#### PROCEDURES

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission and shall include the following:

- Name and address of owner and applicant, if different, of the premises.
- Legal description of the premises.
- Description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- Site plan drawn to scale showing the development plan of the total property, and proposed structures, types of buildings and their uses.
- Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- Use of existing premises and zoning district designation of all adjacent properties.
- An application fee, established by the Township Board, shall accompany the application.

The Zoning Administrator shall file his/her recommendation of the proposed development with the Planning Commission. If required, a special meeting may be requested.

In the event of an application for a use not listed in the ordinance, the Planning Commission 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, if available; as well as social media outlets.
- Notice will be sent by mail, or personal delivery, to the property owners for which approval is being considered, and to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to 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.

After the public hearing and review, the Planning Commission shall:

- Approve the special use application and site plan. The Zoning Administrator shall then be directed to allow the special use permit, or;
- Approve the special use application and site plan subject to conditions, which are imposed in order to ensure the special use complies with standards stated in this ordinance. The Zoning Administrator shall then be directed to allow the special use, or;
- Disapprove the special use application and site plan.

If the Zoning Administrator finds that the conditions and stipulations of a special use permit are not being met, 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, signed by the Planning Commission Chair, sent not less than 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 the thirty (30) day notification period of his/her intent to rectify the violation, the Planning Commission may defer the revocation.

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 shall 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:

- 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.
- The site size shall accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).
- 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.
- 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.
- 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.
- Access to the site is suitable, and limits use of residential streets.
- Allowance is made for vehicle to enter and exit the site safely and provides no visibility impediments to drivers.

### Section 3.18 Supplemental Site Development Requirements

Permitted uses allowed by special approval in any zoning district, shall be subject to the following conditions and requirements:

#### **Commercial Energy Producing and Transmitting Towers and Antennas – television, radio, cellular, public utility microwave, wind farms, etc.**

- Towers and/or antennas shall be located centrally on a continuous parcel of not less than two (2) times the height of the tower measured from the base of said tower to all points on each property line.
- Any tower or antenna 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.
- The approval for any of the above-mentioned towers or antennas shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- The applicant shall be responsible for the maintenance of any permitted tower or antenna, in a safe condition for as long as the tower or antenna remains in operation, and shall dismantle the tower within nine (9) months after operations cease.
- The multiple-use of each tower or antenna shall be encouraged to limit the number of towers or antennas within the Township. The Township reserves the right to deny a permit for a new tower or antenna if any existing tower or antenna can be adapted to serve the expressed need.

**Wind Turbines**

- Wind Turbines shall be located on a continuous parcel of not less than two (2) times the height of the turbine measured from the base of said turbine to all points on each property line.
- Any turbine 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.
- The approval for any turbine shall cease when the turbine is no longer used for the purpose for which the permit was initially granted.
- The applicant shall be responsible for the maintenance of any permitted turbine, in a safe condition as long as the turbine remains in operation, and shall dismantle the turbine within nine (9) months after operations cease.

**Race Track (including midget auto and carting tracks)**

Race tracks shall be permitted only in the Recreational and Commercial Districts, and are subject to the following conditions:

- All parking shall be provided off-street parking within the boundaries of the development.
- All access to the parking areas shall be provided from major traveled roads.
- 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.

**Riding Academies or Public Stables**

- Commercial facilities for horseback riding or horse boarding may be allowed in the Agricultural and Forest Recreation Districts.
- Animal housing facilities shall be located at least three hundred (300) feet from any off-premises residential structure.

**Recreation Camps, Recreation Lodges, Cabin Camps and Resorts**

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

- The use is established on a minimum site area of forty (40) acres.
- 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 setback shall be maintained as a buffer area. Planting greenbelts may be required by the Planning Commission as deemed necessary.

**Hospitals and Nursing Homes**

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.

**Pets and Other Animals**

- 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.
- In the R-1 and R-2 Residential Districts, domestic household pets, including dogs, cats, and birds, but specifically excluding poisonous or dangerous reptiles, or wild or dangerous animals, may be kept on any premises without a permit, provided not more than three (3) adult animals of any one species 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.

**Soil, Sand, Clay, Gravel, Stone or Similar Materials**

Please refer to Michigan Zoning Enabling Act.

**Sanitary Landfills**

All sanitary landfill operations shall be approved by the Planning Commission and shall comply with standards prescribed by applicable State and County Health regulations provided:

1. No such operations shall be permitted in any residential district;
2. Shall be conducted on sites located not less than one thousand (1,000) feet from any public street; and
3. Shall be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.

**Quarry Plants**

Permitted Districts:

1. Except as provided below in subsection 2), a quarry plant may be permitted by special approval of the Planning Commission only in the "I-1" Light Industrial and "I-2" Heavy Industrial District.
2. A quarry plant may also be permitted by special approval of the Planning Commission in the "A" Agricultural District, but only if the quarry plant will be in operated in conjunction with a quarry that is in active operation on the same lot or parcel. A quarry plant shall be considered to be operated in conjunction with an actively operating quarry located on the same lot or parcel only if at least 35%, by weight, of the sand, gravel and other raw materials used at the quarry plant, in any consecutive 12- month period, shall have been extracted from the quarry located on the

same lot or parcel. The Planning Commission may, however, as a condition of special approval, permit a lesser percentage of sand, gravel and other raw materials to originate from the active quarry on the same lot or parcel, if a lower percentage is necessary because of the type of building material produced at the quarry plant, and if the lower percentage is determined to be consistent with the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel.

3. All equipment and other facilities associated with a quarry plant located in the "A" Agricultural District shall be completely removed from the property on which it is located, within six (6) months after operations have ceased.
4. The Planning Commission may impose reasonable conditions on a special approval for a quarry plant in the "A" Agricultural District which are necessary or convenient toward achieving the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel, and is otherwise operated in compliance with subsections 2) and 3) above.

#### General Regulations:

1. Best management practices shall be employed for the control of odor from a quarry plant. For asphalt manufacturing plants, the use of anti-oxidizing compounds shall be used for the control of odor, unless the applicant demonstrates, to the Planning Commission's satisfaction, that another odor control measure will be used that is equally or more effective. In addition, all quarry plant operations shall be conducted in accordance with the applicable air quality permit issued by the Department of Environmental Quality, and in accordance with all other requirements of state and federal law.
2. All quarry plant operations must comply with the requirements of Kinross Township Anti-noise Ordinance #1.109, as it may be amended.
3. All interior roads, trails or other areas used by motor vehicles in connection with the transportation to or from a quarry plant and any dust arising therefrom shall be controlled by best management practices, in compliance with the United States Mine Safety and Health Administration's regulations.
4. In granting special approval for a quarry plant, the Planning Commission may impose reasonable conditions designed to protect the safety and integrity of public roads within the Township, including, without limitation, by requiring that: (a) all vehicular traffic traveling to and from the quarry plant carrying mineral materials and/or raw building materials use only designated haul routes within the Township; and (b) the applicant for special approval post with the Township a suitable performance bond, in a form approved by the Township attorney, that can be drawn upon by the Township for the purpose of repairing roads within the Township that are damaged by the quarry plant operations. The amount of the performance bond, if one is required, shall be determined by the Planning Commission, taking into account the anticipated cost of road repairs that might result from the quarry plant operations, plus a reasonable contingency.

5. The Planning Commission may limit the hours or days of operation if the Planning Commission determines that such limitation is required in order to avoid adverse effects upon adjoining or nearby lands.
6. The operations of a quarry plant, including the stockpiling, processing, and transport of mineral materials, shall not be located closer than three hundred (300) feet from the nearest occupied dwelling, measured in straight-line distance; provided, however, that the Planning Commission may approve a shorter distance based on a finding that the reduced separation distance would be adequately protective of the health, safety and welfare of surrounding residents and land uses.
7. Drainage on a quarry plant site shall be maintained in a manner that most closely approximates the natural drainage patterns to avoid or mitigate run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion, or other effects.
8. The site for a quarry plant shall provide sufficient off-street parking, loading, and queuing areas for trucks that are delivering materials to or from the site, so as to ensure that truck traffic will not back-up onto public streets or otherwise interfere with safe traffic circulation either on or off the plant site.
9. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this ordinance.

### Section 3.19 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 ensures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.

#### Circumstances Requiring a Site Plan:

- All new uses except one-family and two-family residential units.
- 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%).
- Changes of use for an existing structure.

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.

1. 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.
2. The boundary lines of the property, to include all dimensions and legal description.



3. 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.
4. The location and width of all abutting rights-of-way.
5. The location of existing environmental features, such as: streams, wetlands, shorelines, mature specimen trees, wooded areas, or any other unusual environmental features.
6. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
7. The name and address of the property owner.
8. 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.
9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. A locational sketch of the proposed use or structure.
11. The type, location, and size of all existing and proposed utilities.
12. The location, size, and slope of all surface and subsurface drainage facilities.
13. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - a. The number of units proposed, by type, including a typical floor plan for each type of unit.
  - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - c. Typical elevation drawings of the front and rear of each building.
14. 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.
15. 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.

Submittal and Approval Procedures: Two (2) 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 designated agent at least ten (10) days prior for the Planning Commission meeting where the site plan will be considered. The Planning Commission shall approve, disapprove, or approve with modifications of the Site Plan. Evaluation criteria:

1. The location and design of driveways providing ingress and egress in relation to streets giving access to the site, and pedestrian traffic.
2. The traffic circulation features and parking, meet parking area and street access requirements.
3. Whether the sewage disposal facilities, water supply, storm water drainage, fire protection, and other utility provisions will be safe and adequate.
4. Whether the location, use and the nature of the operation will be in conflict with the primary permitted uses of the district or neighborhood.
5. 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.
6. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.
7. 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 designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

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 "Submittal and Approval Procedures" as set forth above shall be followed.

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.

Revocation: If the Zoning Administrator finds the construction of a building or creation of a use to be in nonconformance with the approved Site Plan, 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, signed by the Planning Commission Chair, and sent to the applicant not less than thirty (30) days prior to the stated date of revocation, and shall contain the reasons for revoking Site Plan approval.

If the applicant notifies the Planning Commission within the thirty (30) day notification period of his/her intent to rectify the nonconforming issue, the Planning Commission may defer the revocation.

**Appeal of Revocation:** The decision of the Planning Commission may be appealed by the property owner or designated agent to the Zoning Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Zoning Board of Appeals within thirty (30) days of disapproval or revocation of site plan by the Planning Commission

### Section 3.20 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 period exceeding thirty (30) days 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 two hundred fifteen (215) days during the period May 1<sup>st</sup> through December 1<sup>st</sup>. Permits for temporary use shall be obtained from the Zoning Administrator, as provided in Section 18.04 hereof, excepting those set up in an established RV park. These requirements apply except for the provisions of Section 3.09 Temporary Dwelling Structures.

### Section 3.21 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 hard 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 at least sixty (60%) percent 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 3.22 Fences, Walls, and Hedges

Notwithstanding the 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 exceeds 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.

Fences are to be erected with the finished side out, and maintaining a minimum of 4" setback from all lot lines. Adjoining property owners may jointly request that the Zoning Administrator waive setback requirements.

### Section 3.23 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 3.24 Groundwater Protection

These provisions apply to uses and/or generation or storage of hazardous substances as described in Section 3.24:

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 above-ground 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 (5) year intervals.

### Section 3.25 Bed and Breakfast and Homestay Facilities

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

- a. Shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- b. 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.
- c. Two (2) off-street paved or graded parking spaces shall be provided for the operator, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.
- d. 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 the sign be in conformance with the requirements of this ordinance.
- e. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations.
- f. Any number of dwelling residents may assist with the operation, but not more than two (2) non-resident employees may be hired.
- g. The operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.
- h. Persons operating a 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 (3) year intervals thereafter. Facilities are subject to inspection by the Zoning Administrator.

### Section 3.26 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. Garage or yard sales shall not exceed three (3) days duration. Temporary signs for the sale shall be removed within forty-eight (48) hours of the end of the sale.

### Section 3.27 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 a prescribed radius of 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:

- Single-Family Residential (R-1)
- Mixed Residential (R-2)
- Agricultural (A)
- Forest Recreational (FR)
- Institutional (Inst)
- Recreational-Commercial (Rec. Com.)
- Residential-Commercial (Res. Com.)
- Commercial (C)
- Aviation (AV)
- Light Industrial (I-1)
- 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 lines 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 motion.

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

### Section 5.01 Intent

It is the intent of the R -1 district to reserve areas principally for single-family residential use and to maintain safe and desirable conditions for year-round family living. Also to promote the proper use, enjoyment, and conservation of the water, land topography 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:

- Detached single-family dwellings
- 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.
- Public parks, recreation areas and playgrounds, with customary service buildings and structures
- Community clubs, civic or social organizations when not operated for profit
- Planned Unit Developments subject to the provisions of Section 17.01
- Home occupations subject to the provisions of Section 3.13
- Bed and breakfast facilities subject to the provisions of Section 3.26
- Churches and other places of worship
- Publicly owned buildings
- Public utility buildings, telephone exchanges and substation without service or storage yards
- 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
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

## Section 5.03 Uses Subject to Special Approval

- Schools - preschool and K-12
- Privately owned country clubs, golf courses and similar recreational facilities
- Quarries - gravel or sand pits
- Day care
- Accessory uses, buildings, and structures customarily incidental to special approval uses

# ARTICLE VI MIXED RESIDENTIAL DISTRICT (R - 2)

## Section 6.01 Intent

It is the intent of the Mixed Residential (R - 2) district to provide for the widest variety of housing types in a single district.

## Section 6.02 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:

- Single-family dwellings
- Two-family dwellings
- Multiple-family dwellings
- Public parks
- Manufactured housing developments
- Mobile home parks (established prior to June 1, 2021), subject to the provisions 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.
- Home occupations subject to the provisions of Section 3.13
- Bed and breakfast facilities subject to the provisions of Section 3.26
- Planned Unit Developments subject to the provisions of Section 17.01
- Churches and other places of worship and facilities customarily incidental thereto, but not including tents and other temporary structures
- Schools - preschool and K - 12
- Community clubs, civic or social organizations when not operated for profit
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 6.03 Uses Subject to Special Approval

- Publicly owned buildings
- Boarding and rooming houses
- Quarries - gravel or sand pits
- Campgrounds/recreational vehicle parks
- Accessory uses, buildings, and structures customarily incidental to special approval uses

### ARTICLE VII AGRICULTURAL DISTRICT (A)

#### Section 7.01 Intent

It is the intent of the Agricultural District (A) to conserve and promote the agricultural uses and rural character of this district, in accordance with the Michigan Right to Farm Act.

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.



## Section 7.02 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:

- Farm dwellings, farm buildings and structures, including roadside stands
- Home occupations subject to the provisions of Section 3.13
- Portable sawmills not to exceed one (1) year
- Farms, including both general and specialized farms and similar agricultural enterprises
- Tourist homes, boarding houses, lodging houses and bed and breakfast facilities when situated in farm dwellings
- Fire control structures
- Churches and other places of worship
- Schools
- Publicly-owned buildings
- Telephone exchanges and substations
- Community clubs, country clubs and civic or social organizations
- Land for parks, picnic groves, golf courses, and similar facility for outdoor recreation
- Commercial riding stables and academies
- Raising of fur bearing animals
- 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
- A single-family dwelling may be erected on a parcel of land of less than five (5) acres in size, provided that said dwelling shall be erected under the requirements of Single-Family Residential District (R-1)
- Accessory uses, buildings, and structures customarily incidental to permitted uses

## Section 7.03 Uses Subject to Special Approval

- Airfield and airports
- Animal sales yards
- Energy producing facilities (i.e.: wind turbines)
- Communications and electrical transmission towers and lines
- Cemeteries, including columbarium, mausoleums, and crematories

- Circus and carnival lots
- Radio, TV stations, and studios
- Rifle ranges
- Sawmills, when the use exceeds one (1) year
- Commercial kennels and veterinary hospitals
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR)

### Section 8.01 Intent

It is the intent of the Forest Recreational District (FR) to promote use, enjoyment and conservation of the water, land topographic and natural resources of the recreational and forest areas within the township.

### Section 8.02 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:

- Single - family dwellings following the requirements of the R - 1 District
- 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
- Legal harvesting of forestry products and native crops
- Seasonal hunting and recreational cabins or cottages not meeting the minimum floor requirements for single-family dwellings
- Accessory uses, buildings, and structures customarily incidental to permitted uses

### Section 8.03 Uses Subject to Special Approval

- Forest products processing and sales
- Gun or archery clubs
- Commercial hunting resorts or clubs, recreation camps, recreation lodges or cabin camps
- Quarries - gravel or sand pits
- Commercial riding academies or stables
- Energy producing facilities (i.e.: wind turbines)

- Communications and electrical transmission towers and lines
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE IX INSTITUTIONAL DISTRICT (Inst)

### Section 9.01 Intent

It is the intent of the Institutional District (Inst) 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:

- Correctional facilities
- Hospitals, nursing homes, medical care facilities and similar uses
- Trade schools
- Community colleges
- Educational facilities
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 9.03 Uses Subject to Special Approval

- Any other institutional uses not provided for under Section 9.02 Permitted Uses
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE X RECREATIONAL-COMMERCIAL (Rec. Com.)

### Section 10.01 Intent

It is the intent of the Recreational-Commercial (Rec. Com.) District to reserve specific areas for recreational use, whether privately or publicly owned, and 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:

- Golf courses and related uses, such as club house, restaurant, and other accessory uses and structures
- Fairgrounds
- Museums

- Fitness center
- Theatre
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 10.03 Uses Subject to Special Approval

- Any other recreational use not provided for under Section 10.02 Permitted Uses
- Quarries - gravel or sand pits
- Race tracks
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

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

#### Section 11.01 Intent

It is the intent of the Residential-Commercial (Res. Com.) District to reserve areas for mixed residential uses as well as retail and service-related businesses to accommodate Township residents.

#### Section 11.02 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. 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).

- Single-family dwellings
- Two-family dwellings
- Retail sales
- Personal services businesses
- Restaurants and bars
- Churches and other places of worship
- Community facilities
- Campgrounds/recreational vehicle park
- Community clubs, country clubs, civic or social organizations
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 11.03 Uses Subject to Special Approval

- Multiple-family dwellings
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the 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.

## ARTICLE XII COMMERCIAL DISTRICT (C)

### Section 12.01 Intent

It is the intent of the Commercial District (C) to provide for the continuation of and enhancement of 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 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:

- Antique shop
- Appliance sales and service
- Art galleries
- Bakeries
- Banks and similar financial institutions
- Bowling Alleys
- Business and professional offices
- Carpentry, plumbing, electrical sales, service and contracting offices
- Community clubs, country clubs and civic or social organizations
- Curio stores
- Florist shops
- Furniture stores
- Golf driving range and miniature golf
- Grocery stores

- Hardware stores
- Jewelry stores
- Boarding and rooming houses
- Libraries and museums
- Motels and hotels
- Music shops
- Nurseries, garden supply, greenhouse, fruit, and vegetable stands
- Parking lots
- Pet sales and veterinary clinics, not including kennels
- Printing, publishing, and office supply shops
- Public buildings
- Electronics sales and service
- Real estate offices
- Restaurants
- Second-hand stores not including outside sales or displays
- Sign shops
- Swimming pools - public
- Taverns and bars
- Rental storage units
- Upholstering, interior design
- Sporting goods shop
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 12.03 Uses Subject to Special Approval

- Automotive sales and service, including body repair
- Boat sales and service
- Building material/home improvement sales
- Farm machinery sales and service
- Laundromats, laundries, and dry-cleaning establishments

- Manufactured and mobile home and travel trailer sales and service
- Service stations
- Recreational vehicle sales and service
- Quarries - gravel or sand pits
- The manufacture, compounding, processing, assembling, packaging, or treatment of products, including but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys, novelties, household, and electronic appliances
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE XIII AVIATION DISTRICT (AV)

### Section 13.01 Intent

It is the intent of the Aviation District (AV) to provide an area apart from other uses specifically for Chippewa County International Airport uses, buildings and associated activities.

### Section 13.02 Permitted Uses

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

- Airport terminal
- Commercial airlines facilities
- Commercial freight carrier facilities
- Aircraft hangars
- Aviation offices
- Control tower
- Fuel storage and dispensing
- Accessory uses, buildings, and structures customarily incidental to permitted uses

### Section 13.03 Uses Subject to Special Approval

- Any other aviation related uses not provided for under Section 13.02 Permitted Uses
- Space launch related uses
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I -1)

### Section 14.01 Intent

It is the intent of the Light Industrial District (I-1) 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. It is also to accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to prevent detriment to the surrounding districts.

### 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 of the following uses:

- Warehousing and wholesale establishments
- Trucking facilities
- The manufacture, compounding, processing, assembling, packaging, or treatment of products, including 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
- Bulk dry-cleaning plants or laundries
- Laboratories for research and testing excluding explosive or radioactive materials
- Public utility facilities and related structures
- Heating and electric power generating plants
- Lumber yards and contractor storage yards
- Warehousing and rental storage facilities
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 14.03 Uses Subject to Special Approval

- Junkyards
- Gas and oil bulk storage and distribution facilities
- Petroleum and other flammable materials storage tanks when not closer than three hundred (300) feet from any residential district and one hundred (100) feet from any other district
- Manufacture of homes, mobile homes, and travel trailers
- Metal plating, buffing, polishing, painting, varnishing and undercoating shops when setback is at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building



- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the 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.

- a. 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 municipal water supply.
- b. 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.
- c. Glare and Radioactive Materials - Glare from any process (such as 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.
- d. 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:
  1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls.
  2. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
  3. 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)

#### Section 15.01 Intent

It is the intent of the Heavy Industrial District (I-2) to permit the manufacturing, processing, and compounding of semi-finished and finished products from raw materials in an Industrial Park. It is also to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized

industrial operations, whose external physical effects will be noticed to some degree in surrounding districts.

#### 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 of the following uses:

- Any permitted use or use subject to special approval in the I-1 Light Industrial District
- 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 Uses Subject to Special Approval

- Processing of gas, oil, petroleum, and other flammable materials
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

#### Section 15.04 Performance Standards

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

### ARTICLE XVI SCHEDULE OF REGULATIONS

The following provisions shall apply to all buildings erected after June 1, 2021.

#### 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 June 1, 2021 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 Exhibit "A" chart.

#### 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, landing ramps, or docks shall be erected less than thirty-five (35) feet from the ordinary high-water mark, PROVIDED, that no landing ramp or dock shall be erected less than ten (10) feet from any side lot lines.

### Section 16.07 Supplementary Yard Provisions

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.
2. Commercial Buildings - No open side yard shall be required in the Commercial District (C) when walls abutting a side lot line are fireproof and constructed of solid masonry and wholly without openings PROVIDED
  - a. 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, and
  - b. 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 (i.e. evergreens, neatly finished wooden fence, or masonry wall) not less than six (6) feet in height shall be provided.
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.
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 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; excepting open fences through which there is clear vision.
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.
6. Supplementary Height Provisions - Height limitations shall apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulk heads, fire towers, scenery lofts, water tanks, water towers, wind turbines, and transmission towers/antennas, as approved by the Planning Commission.

## ARTICLE XVII PLANNED UNIT DEVELOPMENT

### Section 17.01 Purpose

It is the intent of a Planned Unit Development (PUD) is to permit and encourage design flexibility and efficient use of land for circulation, open space, and utilities.

### 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, during which the Zoning Administrator may seek guidance from county and township agencies; and the applicant filing a preliminary development plan with the Zoning Administrator. The application and preliminary development plan 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 Preliminary Development Plan Requirements

The applicant's preliminary development plan shall include: 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; and commercial areas. Also, 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 for analysis for approval or denial of a special use permit.

The preliminary plan shall contain the following:

1. Written documentation 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 lease 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 shall 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 17.04 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 development 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 17.05 Approval of the 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 sixty (60) days of such submittal.

The final plan shall 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 (10%) percent; (3) land reserved for open space (common and usable) has not been reduced by more than ten (10%) percent; and (4) the total building coverage has not increased by more than five (5%) percent.

The final plan shall include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans 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. 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, if any, 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, beyond the public hearing on the preliminary development plan (reference Section 17.02). 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 17.06 Design Requirements

The design standards incorporated into a PUD ordinance may 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 PUDs.

**Density:** Density increases can be allowed for Planned Unit Development over and above those set forth through Exhibit "A". 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:

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

**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.

**Open Space:** 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:

- a. Easily accessible to all residents of the PUD
- b. Shall comprise at least forty (40%) percent of the total gross area
- c. Not less than fifty (50%) percent of the net area of the property. 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
- d. Common open space shall comprise at least twenty-five (25%) percent of the gross area of the Planned Unit Development
- e. Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area.
- f. Any portions of the PUD site, if deemed environmentally significant by the Planning Commission or other local or state agency shall be preserved in their natural state.

**Homeowners Association:** In the event the developer institutes 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. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property
- e. The association must be able to adjust the assessment to meet changed needs

The developer must file a restrictive covenant with the Chippewa 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.

**Environment 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 (20%) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

**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. Vehicular circulation systems in PUDs should not be connected with external streets to discourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and overall design of the PUD.

**Private Streets:** Private streets, particularly in PUDs must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowner's associations may maintain private streets within the development through agreements of indenture. All private streets may deviate from existing public street standards if, upon review and recommendation by local or state agencies and the Planning Commission authorizes such modifications.

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:

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

**Parking 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 be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
- h. All parking areas must meet state and local agency standards.

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 shall be adequately screened or landscaped.

### Section 17.07 General Standards

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.

Building Spacing: Residences having no windows or windows at higher levels, and have light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards may be eligible for reduced separation between houses. Where building configuration incorporates the above criteria, and have unusual shapes, the spacing of structures may be reduced.

Front Yard Requirements: Front yard requirements may be reduced if 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 use of the front yard is minimized.

Lot Width Requirements: See Exhibit "A"



## EXHIBIT A

Zoning District	Minimum Lot or Parcel Area	Average Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Dwelling Minimum Floor Area	Maximum Height of Structures <sup>3</sup>
Residential (R1)	15,000 sq. ft.	100'	30'	10'	20'	720 sq. ft.	30'
Residential (R2)	15,000 sq. ft.	100' <sub>1</sub>	54' <sub>1</sub>	4' <sub>5</sub>	15'	600 sq. ft.	30'
	6,000 sq. ft. <sub>2</sub>	60' <sub>2</sub>	54' <sub>2 6</sub>	4' <sub>5</sub>	15'	600 sq. ft.	30'
Agricultural (A)	5 acres <sub>4</sub>	100'	40'	10'	20'	600 sq. ft.	35'
Forest Recreational (FR)	10 acres <sub>4</sub>	100'	40'	10'	20'	600 sq. ft.	35'
Institutional (Inst)	1 acre	100'	50'	30'	30'	NA	35'
Recreational Commercial (RecCom)	5 acres	200'	40'	25'	25'	NA	35'
Residential Commercial (ResCom)	15,000 sq. ft.	100'	40'	10'	20'	600 sq. ft.	35'
	6,000 sq. ft. <sub>2</sub>	100'	40'	10'	20'	600 sq. ft.	35'
Commercial (C)	20,000 sq. ft.	100'	30'	10'	20'	NA	35'
	7,500 sq. ft. <sub>2</sub>	100'	30'	10'	20'	NA	35'
Aviation (AV)	NA	NA	NA	NA	NA	NA	Determined by FAA
Light Industrial (I-1)	S.I. 1 acre	100'	75'	50'	50'	NA	35'
Light Industrial (I-2)	I.P. 20 acres	500'	100'	75'	75'	NA	35'

Abbreviations: sq. ft. = square feet; NA = not applicable; S.I. = single industry; I.P. = industrial park

## Footnotes:

<sup>1</sup>For each lot without public water and sewer

<sup>2</sup>For each lot with public water and sewer (Amended June 16, 2003)

<sup>3</sup>For certain properties adjacent to or near the airport, height limitations may be specified in deed restrictions.

<sup>4</sup>Single family dwellings may be erected on a parcel of land less than required following the requirements of the R-1 District

<sup>5</sup>For reconstruction of damaged duplex units in Cedar Grove Estates #1, #2, and #3, the side yard setback shall not apply

<sup>6</sup>The front yard setbacks shall be measured from a point at the edge of the pavement in Cedar Grove Estates #1, #2, & #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.

#### EXHIBIT B

##### Family Dwelling – Minimum Floor Area

<b>Dwelling Type</b>	<b>Minimum Floor Area Per Unit</b>
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 Two-Family	600 sq. ft.

## 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. The Zoning Administrator 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, 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 the office.

### Section 18.02 Duties and Powers of the Zoning Administrator

The Zoning Administrator shall enforce this ordinance, and shall:

- a. Approve all zoning permits and certificates of compliance.
- b. Conduct inspections of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
- c. 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 the same to the Township Board annually.
- d. Provide and maintain a public information office relative to all matters arising out of the administration of the ordinance.
- e. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Zoning Board of Appeals, and report findings to said Commission and Board.
- f. 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. A record of all instances of uses, location, size and construction of buildings, structures, premises, lots, and lands which are not in conformity with the provisions of this ordinance shall be annually reviewed by the Zoning Administrator. Such record shall contain the legal description of the property and the nature and extent of all non-conformities, and be deposited with the Zoning Administrator's permanent records.
2. 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 records shall be permanently filed 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.
3. It shall be the duty of the Supervisor to observe these non-conformances when making 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 filed 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.
2. Such permit shall be non-transferable and must be granted before any work of excavation, construction, alteration, enlargement, or movement is begun.
3. All applications for permits shall be submitted in duplicate to the Zoning Administrator not less than fifteen (15) 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:
  - a. The location and actual dimension of the land to which the permit is to apply
  - b. The kind of building to be erected
  - c. The width of all abutting streets and highways, easements, and public open spaces
  - d. The area, size and location of all dwelling or buildings erected or to be erected, altered, or moved upon the premises
  - e. Required yard setbacks
  - f. The front yard dimensions for the nearest building on both sides of the proposed dwelling or building

The application shall also show:

1. The location, dimensions, and description of the water supply

2. The location, dimensions, and description of 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
3. The location of existing wells on the premises adjoining the premises to be built upon
4. The location of existing sewage disposal facilities on such adjoining premises

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 an application where facts are not pertinent to the purpose of this ordinance.

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 zoning permit issued, a fee set by the Township Board shall be paid to the Treasurer who shall place the same in the Township General Fund, which shall be used for the administration of this ordinance, as directed by the Township Board. No permit shall be valid until the required fee has been paid.

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, the Zoning Administrator shall state such refusal in writing with cause. The Zoning Administrator shall file one (1) copy of the application with proper notations thereon, or attached thereto, relative to 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.

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.

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 owner's 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 a Certificate of Compliance has been obtained by the owner, or owner's duly authorized agent. Within five (5) days after notification that the dwelling or building is ready for occupancy, the Zoning Administrator shall make final inspection thereof, to assure conformity with the provisions of this ordinance. Zoning Administrator shall also record this 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. 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 Enforcement and Penalties

The Township may enforce any violation of this Ordinance by resorting 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 \$1,000.00, or shall be imprisoned in the Chippewa County jail for not more than ninety (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. 1.132, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine 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 \$100.00 nor more than \$1,000.00 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. 1.132. 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 Police Department by admitting responsibility and paying the scheduled fine. The Kinross Charter Township District Police Department shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

### 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. No elected officer of the Township shall serve as chair of the Board of Appeals. No employee of the Township Board may serve simultaneously as a member of the Board of Appeals. 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 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 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.

### 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

Meeting of the Board of Appeals shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. The chair, or in his absence the acting chair, 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

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. Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State. The grounds of every determination shall be stated.

Appeals shall be taken within thirty (30) days and specify the grounds thereof.

Any appeal stays all proceedings in furtherance of the action appealed, unless the stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court.

The Board of Appeals shall fix a time for the hearing of the appeal and give due notice thereof to the parties and decide the same within thirty (30) days of receipt of the appeal. Upon the hearing any party may appear in person, by their 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, and may issue or direct the issuance of a permit. 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.

### 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 hereafter can be satisfied.

BASIC CONDITIONS - any variance granted from this ordinance:

1. Will not be contrary to the public interest or to the intent and purpose of this ordinance.
2. 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.
3. 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.

4. Will relate only to property that is under control of the applicant.

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 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.

Rules - the following rules shall be applied in the granting of variances:

1. 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.
2. 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.
3. 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, if available, as well as social media outlets, 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 person 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 hearing if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township, if available, as well as social media outlets 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 if available, as well as social media outlets, 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 1999 Zoning Ordinance

The 1999 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.

The 1999 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 September 7, 1999.

## Section 22.02 Enactment of 2021 Zoning Ordinance

Public Hearing was held on the sixteenth (16th) day of February, 2021, for this 2021 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 February, 2021.

Notice of Adoption shall be published in a newspaper having general circulation in Kinross Charter Township within fifteen (15) days after adoption.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on February 16, 2021, and approved by me on February 16, 2021.

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James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

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Sheila M. Gaines, Clerk  
Charter Township of Kinross

## 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 March 17, 2014, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time 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.

---

Sheila M. Gaines, Township Clerk

# Kinross Charter Township Ordinance No. 1.101

## AN ORDINANCE TO PROHIBIT TRESPASSING ON THE CHIPPEWA COUNTY INTERNATIONAL AIRPORT

UPDATED 3/8/2021

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN,  
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.

# Kinross Charter Township Ordinance No. 1.102

AN ORDINANCE TO PROHIBIT TRESPASSING ON THE OAKS AT KINCHELOE GOLF  
COURSE

UPDATED 3/8/21

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

## Section 1

It shall be unlawful for any person to enter, to operate any motor vehicle, or to otherwise trespass upon the area or property within the boundaries of the Oaks at Kincheloe Golf Course. Persons and employees engaged in the administration and maintenance of the premises are excepted, as well as persons and patrons having permission to use the facilities of the golf course. 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.

# Kinross Charter 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

UPDATED 3/8/21

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

## Section 1

It shall be unlawful for any person to engage in, 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 by gesture, or otherwise disturb any inmate, prisoner, or person in the custody or under the control of any correctional facility;
- d) Harass, annoy, alarm, or otherwise disturb any corrections officer, peace officer or any other person within the confines of any correctional facility;
- 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.

### 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 under 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 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.

# Kinross Charter Township Ordinance No. 1.104

## UNIFORM TRAFFIC CODE ORDINANCE

UPDATED 3/8/21

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, 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.



# Kinross Charter Township Ordinance No. 1.105

## CURFEW ORDINANCE

UPDATED 3/8/21

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, 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 on Friday and Saturday between 11:00 p.m. and 5:00 a.m. 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.

## **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 title 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 CHARTER TOWNSHIP ORDINANCE NO. 1.109

## 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, noxious weeds and unkempt yards 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 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  $2 \times 10^{-5}$  N/m<sup>2</sup> (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 of 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 s1.4-1971.

**C. Noxious Weeds** include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.), is regarded as a common nuisance.

**D. Unkempt Yard** means any yard area (front, back or side) located within the Special Assessment District of Kinross Charter Township and seventy (70%) percent of ground cover is allowed to grow to a height not to exceed ten (10") inches, or that in the opinion of the Township Board is regarded as a common nuisance.



### 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 unreasonably 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 that 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 therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity.

**C. Anti-Noise 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.

**D. 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.

**1) Regulations for Decibel Measurement of Noise Originating from Private Properties**

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

<b>ZONING DISTRICT</b>	<b>LIMITATION</b>	<b>LIMITATION</b>
Residential; Any area within 500 feet of a hospital regardless of zoning district; and Agricultural districts within 500 feet of any dwelling under separate ownership	7:00 AM – 10:00 PM 55 dB (A)	10:00 PM – 7:00 AM 50 dB (A)
Agricultural, where at least 500 feet any dwelling under separate ownership and commercial	7:00 AM – 10:00 PM 65 dB (A)	10:00 PM – 7:00 AM 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 3, subsection D 1):

- a) Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
- b) All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
- c) Noises occurring between 7:00 AM and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitation specified in Section 3 subsection D 1) by more than 20 dB (A).
- d) Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
- e) Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
  - e1) 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.
  - e2) The limitations contained herein based upon such use being located in the highest zoning district (either commercial, agricultural or industrial) where such a use is specifically allowed as a permissible use.

## **2) Regulations for Decibel Measurement of Motor Driven Vehicles on Public Roads**

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 (7 ½ 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.

<b><u>VEHICLE</u></b>	<b><u>WEIGHT</u></b>	<b><u>dB (A) MAXIMUM LIMITATION</u></b>
Trucks & Buses	Over 10,000 lbs Gross weight	82 dB (A)
Trucks & Buses	Under 10,000 lbs 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)

### **3) Measurement of Noise**

All measurements of dB (A) according to Section 3, subsection D, subparagraphs 1) and 2) above shall be made by using a sound level meter of standard design and operated on the “A” weight scale, with “slow” meter response.

## **SECTION 4: NOXIOUS WEEDS AND UNKEMPT YARD REGULATIONS**

Regulations to secure the public health, safety and welfare of resident and property owners, by the control and regulation of certain weeds and grass growth in subdivided lands and upon lands along improved streets located within the Special Assessment District of Kinross Charter Township and to repeal all ordinances or parts of ordinance in conflict therewith. Said Notice shall be considered sufficient for the Township to cut/mow as many times as necessary throughout the year at Owner's expense.

A. These regulations shall be contained in and made a part of Kinross Charter Township's Public Nuisance Ordinance.

B. Regulations – It shall be the duty of all owners of land upon which weeds, as defined in this ordinance, or grass is growing, within platted subdivisions and on land parcels along improved streets in common usage within the Township, to:

To destroy said weeds before they reach a seed-bearing stage, and to mow grass before it reaches a height not to exceed Ten (10”) Inches, over Seventy (70%) percent of the yard area (front, back & side yard) to prevent becoming a detriment to public health and public enjoyment.

C. Enforcement – As a means of enforcing this Ordinance the Township will publish in a newspaper of general circulation and on the Township's website annually a NOTICE establishing the first cutting/ mowing date. This Notice shall appear weekly for two weeks

prior to the first cutting/mowing date. Thereafter, any yards wherein growth exceeds the limits set forth paragraph B above, will be cut/mowed by the Township at Owner's expense of ONE HUNDRED (\$100.00) DOLLARS per cutting/ mowing.

D. Tax Lien – All cutting and/or mowing expenses which are not paid when due shall become a lien against the property, and are enforced as a tax lien.

E. Exemption – An exemption to this Ordinance shall be made for decorative grasses which are a part of a landscaping theme.

## SECTION 5: FIREWORKS REGULATIONS

For purposes of this Ordinance Section, the following definitions shall apply:

1. Articles pyrotechnic: pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
2. APA: American Pyrotechnics Association
3. Consumer fireworks: fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5 Consumer fireworks does not include low-impact fireworks.
4. Department: Department of Licensing and Regulatory Affairs (LARA), State of Michigan.
5. Display fireworks: large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.
6. Firework or fireworks: any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.
7. Low-impact fireworks means ground and handheld sparkling devices at that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. Minor: individual who is less than 18 years old.
9. National holiday:
  - a. 11:00 a.m. on December 31 - 1:00 a.m. on January 1
  - b. 11:00 a.m. -11 :45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
  - c. 11:00 a.m. -11:45 p.m. on June 29 and 30 and July 1, 2, 3, and 4
  - d. 11:00 a.m. - 11:45 p.m. on July 5, if that date is a Friday or Saturday
  - e. 11:00 a.m. - 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day
10. NFPA: National Fire Protection Association.
11. Novelties: as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5. and all of the following:
  - a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.
  - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph are use, that are constructed so that the firing mechanism cannot come in contact with the cap when in place for the

explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

- c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- 12. Person: individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.
- 13. Special effects: a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as in integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

## **SECTION 5.1 - CONSUMER FIREWORKS**

1. Consumer fireworks may be used in Kinross Charter Township on the day proceeding, the day of and the day after a national holiday with the exception of between the hours of 1:00 a.m. and 7:00 a.m.
2. At any time other than the day proceeding, the day of and/or the day after a national holiday consumer fireworks may be used in Kinross Charter Township subject to the following requirements and restrictions:
  - a. Consumer fireworks may be used up to 10 p.m.
  - b. Any discharge must be contained within the user's property boundaries.
  - c. Consumer fireworks shall not be used if a burn ban is in effect.
  - d. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.
  - e. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.
  - f. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

## **SECTION 5.2 - ARTICLES PYROTECHNIC AND DISPLAY FIREWORKS**

The Township Board may permit articles pyrotechnic, display fireworks and special effect fireworks in Kinross Charter Township, pursuant to the provisions of MCL 28.451, *et seq*, approval of the Fire Chief, proof of liability insurance, and this Ordinance.

## **SECTION 6: 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 7: 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.

# Kinross Charter Township Ordinance No. 1.110

## REGULATION AND CONTROL OF GARBAGE, RUBBISH AND LITTER ORDINANCE REVIEWED 4/12/21

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

**Ashes:** The residue from fires used for cooking and for heating buildings, and from any burning.

**Frequency of Collection:** The time elapsing between two (2) successive collections as established herein.

**Garbage:** 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.

**Rubbish:** 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.

**Litter:** Any 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.

**Person:** 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.

**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:

- Galvanized metal with tight-fitting galvanized covers.
- Molded plastic receptacles with tight-fitting lid.
- 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 are also acceptable.

Receptacles must be placed at curbside no earlier than 7:00 pm on the day before 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

1. 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.
2. In the R2 Zoning District fires are restricted to either a metal fire ring on the ground or freestanding fire pit no larger than 4' in diameter and 18" deep. Only firewood or charcoal may be burned. No garbage, rubbish, or litter may be burned. No burning, of any kind, is allowed without a 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 Penalties

- **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.
- **Civil Infraction:**  
Any violation of any provision of this Ordinance, or any violation beyond the time limit 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.
- **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.

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

### 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.

# Kinross Charter Township Ordinance No. 1.111

## DISORDERLY PERSONS ORDINANCE REVIEWED 4/12/21

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

A person is a disorderly person if the person is, or does any of the following:

1. Window peeping.
2. Prostitution.
3. Being intoxication 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 passerby, 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 or interfering in a law enforcement or emergency situation.
8. Acting in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of one's life or well-being.
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 their 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.
14. 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 Charter Township Ordinance No. 1.112

## NUISANCE PARTY ORDINANCE UPDATED 5/10/21

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN,  
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; or 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 other of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allowed to continue a social gathering or party which 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 Charter Township Ordinance No. 1.114

## REGULATION OF THE DISCHARGE OF FIREARMS UPON TOWNSHIP PROPERTY ORDINANCE UPDATED 5/10/21

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN,  
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.

### Section 2

- 1.1. 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 posted by means of a sign expressly stating that the discharge of firearms or possession thereof is prohibited upon such property.
- 1.2. **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 members 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.

# Kinross Charter Township Ordinance No. 1.115

## PUBLIC ENTERTAINMENT ORDINANCE UPDATED 5/10/21

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

### Section 1 Title

This Ordinance shall be known and cited as the Kinross Charter Township Public Entertainment Ordinance.

### Section 2 Definitions

As used in this ordinance, unless the context clearly indicates a different meaning:

- a) **Adult Bookstore:** an establishment wherein more than twenty percent (20%) of its stock in trash 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:** a facility 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:** 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:** the presentation of acts which are presented live for the enjoyment of the audience.
- e) **Specified Anatomical Areas:**
  - 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:**
  - 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:** an individual or individuals, co-partnership, firm, corporation, society, club, association, or other business or private entity.

### Section 3 Prohibition

- a) No person shall own, operate, or maintain, or permit to be owned, operated, or maintained an adult bookstore or adult theater as defined in this ordinance in the Township.
- 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 emphases on matters depicting, describing, or relating to specific sexual activities or specified anatomical areas herein defined.
- c) 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.
- d) 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.
- e) 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 4 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 5 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 of enforceability of any other sections, subsections, or provisions.

### Section 6 Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Repeals 1.106.

### Section 7 Effective Date

This ordinance will become effective thirty (30) days after this date of publication.



**KINROSS TOWNSHIP  
ORDINANCE NO. 1.116**

Adopted: July 15, 1996

Effective: September 13, 1996

Amended: Nov. 18, 1996, Nov. 15, 1999, *June 25, 2010 (Ordinance 1.133)*, March 2016

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

THAT THIS ORDINANCE REPLACES 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 *June 13, 2003*, amended May, 2007, and as further amended

**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 hereby adopts by reference the public health findings and determinations set forth in the Solid Waste Plan.* 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. *Bids shall be accepted from both out-of-state and in-state waste haulers.* 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. All solid waste containers must be removed from the collection location promptly after collection takes place, and relocated/stored in accordance with Section 503 above. In no case shall solid waste containers, of any description, remain at the collection location later than midnight on the day of collection.

**SECTION 505: Frequency of Collection.**

Solid Waste shall be collected one (1) 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.

**SECTION 511: Recycling.**

*The Township has established policies and procedures for a voluntary recycling program, which provides for curbside pick-up of the following:*

- (1) Newspapers*
- (2) Magazines*
- (3) Plastic Containers*
- (4) Aluminum*

*The following are excluded from the recycling program and shall not be included for pick-up with recyclable materials of the type summarized above: 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.*

## ARTICLE VI

### RATES AND CHARGES

#### SECTION 601: Collection Fee.

*Collection Fee for the services provided by the routine collection of Solid Waste by the Solid Waste Collection System. Each Customer shall pay a Collection Fee in the amount established by resolution of the Township Board. The Collection Fee shall include a component for bi-monthly recycling.*

*The routine collection of Solid Waste shall include for each Customer up to six (6) bags or four (4) 20 to 30 gallon trash cans each week.*

#### SECTION 602: Miscellaneous Customer Charge.

The Township shall, from time to time, by resolution of the Township Board, 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.

- (1) Bills for Collection Fees and Miscellaneous Customer Charges shall be billed in arrears on a monthly basis.*
- (2) The Township shall endeavor to mail bills on or before the seventh (7<sup>th</sup>) day of each month. Failure to mail or receive a bill shall not excuse payment. The bill shall separately itemize the Collection Fees and Miscellaneous Customer Charges payable.*
- (3) Monthly bills shall be due and payable at the business office of the Township on or before the 20<sup>th</sup> day of the month. If not paid by the due date, a penalty of \$1.50 per month shall be charges on the unpaid balance.*
- (4) To the extent practicable, the monthly bill shall be combined with the Township's monthly billing for water and sewer services in accordance with the Township Water and Sewer Ordinance.*

#### 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.**

- (1) 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 1 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.
- (2) *Unless the landlord satisfies, and maintains compliance with, the provisions of (3) 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 Collection Fees and Miscellaneous Customer Charges.*
- (3) *A lien shall not attach for Collection Fees and Miscellaneous Customer Charges to a Premises which is subject to a legally executed lease that expressly provides that expressly provides that the tenant (and not the landlord) of the Premises of a dwelling unit thereon shall be liable for payment of Collection Fees and Miscellaneous Customer 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 Section 801 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. Upon the failure of the tenant to pay the Collection Fees and Miscellaneous Customer Charge 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 702 and 703(1) shall be applicable with respect to unpaid Collection Fees and Miscellaneous Customer 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 Collection Fees and Miscellaneous Customer Charges.*



- (4) *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 703(3) denies an authorized representative of the Township access to the Premises for the purposes and under the circumstances set forth in Section 801 of this Ordinance, the Affidavit shall be void, a lien shall attach for Collection Fees and Miscellaneous Customer Charges, including interest and penalties, regardless of whether said Collection Fees and Miscellaneous Customer 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.*
- (5) *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 703(3), the landlord must comply with all requirements of Section 703(3) with respect to the new tenant for each rental unit in question. Furthermore, as a condition of continuing service, all unpaid Collection Fees and Miscellaneous Customer Charges pertaining to that rental unit must be paid in full.*

**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 PREMISES**

#### **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 504, 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 or a summary of the regulatory effect of this ordinance/amendment(s) shall be published in appropriate media within thirty (30) days after the adoption of the Ordinance/amendment by the Township.

**SECTION 1102: 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. 1.117 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  
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 its 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  
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**

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.

An employee may retire prior to their normal retirement date subject to the conditions set forth in *Section 6*.

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 November 25, 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: January 22, 2013  
Published: February 1, 2013  
Effective Date: February 22, 2013

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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**PERIODIC CHANGE SIGN:** A sign where the wording, image, description, display or illustration changes at regular intervals of time.

**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.

**PREMISES:** Any lot or parcel of land as otherwise used in this Ordinance.

**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.

**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.

**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.

**ROOF SIGN:** A sign that extends more than twenty-four (24) inches above the roof line.

**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.

**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.

### **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** Community special event signs in which the event was approved by the Township Board.

**4.4** 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.

**4.5** 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.

**4.6** 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.

**4.7** Political signs eight (8) square feet in the residential districts and 32 square feet in the commercial, industrial, or agricultural districts 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.

**4.8** Model homes within a subdivision shall be permitted one (1) sign per model, which shall not exceed two (2) square feet in area or 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.

**4.9** Garage sale signs not exceeding five (5) square feet in area and not displayed in excess of seven (7) days.

**4.10** 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.

**4.11** 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.

**4.12** 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** 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.

**5.2** 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.

**5.3** 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.

**5.4** 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.

**5.5** 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.

**5.6** 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.

**5.7** 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.

**5.8** 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.

**5.9** 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.

**5.10** 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** 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** 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 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.

### **9.3 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 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.

**9.4 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.

**9.5 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*.

**9.6 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.

**9.7 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.

## 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.

## 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**

Businesses and/or organizations may utilize a portable sign for the purpose of advertising. Such sign may not exceed 32 square feet in area or four (4) feet in total height. The sign shall not exceed eight (8) 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. The portable sign utilized 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.

## **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.

## **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 penalized in accordance with Kinross Charter Township Civil Infractions Ordinance #1.132.

## **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 affect 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 in a newspaper in general circulation within Kinross Charter Township.

ADOPTED BY THE TOWNSHIP BOARD January 22, 2013

---

James R. Moore  
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 22<sup>nd</sup> day of January, 2013, and that notice of such ordinance was duly published in the Soo Evening News on the 1st day of February, 2013.

---

Sheila M. Gaines  
Kinross Charter Township Clerk

**KINROSS CHARTER TOWNSHIP  
EMERGENCY SERVICES  
COST RECOVERY ORDINANCE  
ORDINANCE NO. 1.129**

Adopted: November 1, 2004  
Published: September 16 & November 11, 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. West Thompson Road                  | E. Bound Road                                      | F. Tilson Rd           |
| G. W Curtis Street                     | H. South Watertower Drive                          | I. South Riley Street  |
| J. All roads in the industrial complex | K. South Johnson Road                              | L. Fair Rd             |
| M. South Wilson Rd                     | N. Ploegstra Road                                  |                        |
| O. Kincheloe Drive from Tone Road      | P. South Hugginin Street to South Watertower Drive |                        |

### **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. 1.132, 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. 1.132. 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, 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 7th day of December, 2009, and that such ordinance was duly published in the Soo Evening News on the 18th day of December, 2009.

Marvin Besteman  
Kinross Charter Township Clerk



**KINROSS CHARTER TOWNSHIP  
WATER AND SEWER ORDINANCE  
ORDINANCE NO. 1.131**

Adopted: December 7, 2009  
Published: December 18, 2009  
Effective Date: December 18, 2009

**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:

{00398967 2 }

## TABLE OF CONTENTS

### Page

ARTICLE I TITLE, OBJECTIVES AND FINDINGS .....	1 Section 101.
Short Title .....	1 Section 102. Objectives Re:
Water System .....	1 Section 103. Objectives Re: Sewer System.
.....	1 Section 104. Findings Re: Public Health, Safety and Welfare
.....	2 Section 105. Findings Re: Useful Life of Sewer System and Water System
.....	2 Section 106. Finding Re: Measure of Sewer and Water Use by Metering.....
ARTICLE II DEFINITIONS .....	2 ARTICLE
III PUBLIC SEWER SYSTEM; PRIVATE SEWAGE DISPOSAL .....	12 Section 301. Unlawful
Discharge. ....	12 Section 302. Sewage Disposal Facilities
Regulated. ....	12 Section 303. Required Connection.
.....	12 Section 304. Time for Connection; Civil
Penalty.....	12 Section 305. Enforcement in the Event of a Failure to
Connect.....	13 Section 306. Incidentally Available
Sewer.....	13 Section 307. Private Sewage
Disposal.....	13 Section 308.
Abandonment.....	13 Section 309.
Maintenance.....	13 Section 310. Additional
Standards.....	13 Section 311. Permit
Application.....	14 Section 312. Approval of Permit.
.....	14 Section 313. Contractor Requirements.
.....	14 Section 314. Installation of Sewer
Lateral.....	14 Section 315. Sewer
Laterals.....	15 Section 316.
Connections.....	16 Section 317.
Excavations.....	16 Section 318. Maintenance of
Building Drain and Sewer Lateral. ....	16 Section 319. Township Control.
.....	17 Section 320. Abatement of
Nuisance.....	17 Section 321. No Connection of Drains.
.....	17 Section 322.
Stormwater.....	17 Section 323. Prohibited
Discharge.....	17 Section 324. Additional Prohibited
Discharge.....	18 Section 325. Grease, Oil and Sand Interceptors.
.....	20 Section 326.
Metering.....	20 Section 327. Unusual Strength
Sewage. ....	20 Section 328. Industrial Customers;
Filings.....	21 Section 329. Maintenance of Pretreatment Works.
.....	21 Section 330. Control Manhole.
.....	21 Section 331. Measurements; Standards.
.....	22 Section 332. No Agreement Implied.
.....	22 Section 333. Industrial Cooling Waters Prohibited.
.....	22 Section 334. Entry by Agents.
.....	22

Section 335. Limitation of Liability.....	22	Section 336.
Responsibility. ....	23	Section 337.
Plans.....	23	Section 338.
Concentrates.....	23	Section 339. Secondary
Containment. ....	23	Section 340.
Costs.....	23	Section 341. Notice and
Claim Procedures Applicable to Overflow or Backup of the Sewer System. 23		
ARTICLE IV PUBLIC WATER SYSTEM .....	26	Section 401.
Mandatory Connection to Water System.....	26	Section 402. Connection of
New Construction to Water System.....	26	Section 403. Connection of Existing
Improved Properties to Water System. ....	26	Section 404. Water System Connection Deadline;
Civil Penalty.....	27	Section 405. Enforcement in the Event of a Failure to Connect to
Water System. ....	27	Section 406.
Permit.....	27	Section 407. Installation of
Service Connection.....	27	Section 408. Individual Service
Connection/Shutoff Required.....	28	Section 409. Service
Lines.....	28	Section 410. Service Line;
Specifications. ....	28	Section 411.
Installation.....	28	Section 412. Location.
.....	28	Section 413. NonObstruction.
.....	28	Section 414. Protecting Service Lines or Service
Connections.....	29	Section 415. Discontinuance of Service.
.....	29	Section 416.
Excavations.....	29	Section 417. Preexisting
Service Connections and Service Lines.....	29	Section 418. Meters/Installation.
.....	29	Section 419.
Size.....	29	Section 420. Location.
.....	29	Section 421. Access.
.....	29	Section 422. Damage.
.....	30	Section 423. Meter Bypass.
.....	30	Section 424. Existing
Meter.....	30	Section 425. Accuracy.
.....	30	Section 426. Irrigation and Other
Meters. ....	30	Section 427. Turn Off/On.
.....	30	Section 428. Unlawful Actions.
.....	31	Section 429. Interruption of Service.
.....	31	Section 430. Tampering Prohibited.
.....	31	Section 431. State Rules.
.....	31	Section 432. Control
Program.....	31	Section 433. CrossConnection
Prohibited.....	32	Section 434. Approved
Devices.....	32	Section 435. Corrective
Action.....	32	Section 436. Identification of Secondary
Water Source.....	32	Section 437. Private Water Storage
Tank.....	32	Section 438. Maintenance of
Devices.....	32	

Section 439. Testing.....	32	Section 440.
Discontinuance of Service. ....	33	Section 441. Imminent Health Hazard.....
		33 Section 442.
Operation/Maintenance.....	33	Section 443. Maintenance of Plumbing System, Service Line and Service Connection...
	33	Section 444. Other Water Sources Prohibited.
		33 Section 445. Right to Limit Use.
		33 Section 446. Limitation of Liability.....
	34	Section 447. No Limitation on Powers.....
	34	Section 448. Tampering; Permit to Use.....
		34 Section 449. Private Hydrants.....
	34	Section 450. Obstruction Prohibited.....
	34	ARTICLE V SYSTEM EXTENSIONS
		34 Section 501. By Township.....
	34	Section 502. Voluntary Extension.
	35	Section 503. Required Extensions of System to Service New Development. ....
	35	ARTICLE VI SYSTEM RATES AND CHARGES.....
	35	Section 601. Public Utility.....
	35	Section 602. No Free Service.....
	36	Section 603. Rates Established by Resolution.....
	36	Section 604. Inspection Fee.
	36	Section 605. Fees for Connection to the Sewer System. ....
	36	
a. Sewer Availability Fee.....	36	
b. Sewer Trunkage Fee. ....	37	
c. Sewer Availability Fee and Sewer Trunkage Fee.....	37	
		d. Sewer Lateral Fee. ....
	37	Section 606. Sewer Readiness to Serve Charge.....
	37	Section 607. Sewer Commodity Charge.....
	37	Section 608. Customer Surcharge Fee.
	38	Section 609. Miscellaneous Customer Fees.....
	38	Section 610. Inspection Fee.
	39	Section 611. Fees for Connection to the Water System.....
	39	
a. Water Availability Fee.....	39	
b. Water Trunkage Fee.....	39	
c. Water Availability Fee and Water Trunkage Fee. ....	39	
d. Service Connection Fee. ....	40	
		e. Meter Fee. ....
	40	Section 612. Water Readiness to Serve Charge.....
	40	Section 613. Water Commodity Charge. ....
	40	Section 614. Unmetered Fire Protection Fee.
	41	Section 615. Miscellaneous Customer Fees.....
	41	Section 616. Collection of Rates and Charges.....
	41	Section 617. Accrual Date.
	41	Section 618. Billing.
	41	Section 619. Payment of Connection Fees. ....
	42	Section 620. Special Assessment District (SAD).
	42	Section 621. Person Responsible.
	42	

Section 622. Unpaid Rates and Charges. ....	43	Section 623. Lien. ....	43
Section 624. Rental Properties.....	44	Section 625. Cancellation of Permits; Disconnection of Service. ....	45
Section 626. Security Deposit.....	45	Section 627. Revenues, Depository. ....	45
a. Public Works Enterprise Fund. ....	46		
(1) Operation and Maintenance Account.....	46		
(2) Debt Service Account. ....	46		
(3) Payment Account. ....	46		
(4) Improvement Account. ....	46		
(5) System Extension Account. ....	46		
(6) Surplus Account.....	46		
b. Bank Accounts. ....	47	Section 628. Transfer of Funds.....	47
Section 629. Investment of Funds.....	47	ARTICLE VII APPEALS; VARIANCES.....	47
Section 701. Appeals; Variances. ....	47	Section 702. Informal Hearing Committee.....	47
Section 703. Appeals from Informal Hearing Committee to Board of Appeals.....	48	Section 704. Effect of Administrative Action; Payment of Amounts Outstanding During Appeal Process. ....	48
Section 705. Refunds; Variances. ....	48	Section 706. Appeal from Board of Appeals. ....	49
ARTICLE VIII POWER AND AUTHORITY OF TOWNSHIP EMPLOYEES OR REPRESENTATIVES.....	49	Section 801. Entry on Premises and Inspection by Township.....	49
Section 802. Compliance with Safety Rules.....	49	ARTICLE IX ENFORCEMENT.....	49
Section 901. Damage to System. ....	49	Section 902. Notice to Cease and Desist. ....	49
Section 903. Civil Infraction.....	49	Section 904. Nuisance; Abatement. ....	50
Section 905. Liability for Expenses. ....	50	Section 906. Remedies.....	50
ARTICLE X VALIDITY.....	50	Section 1001. Conflicting Ordinances/Repeal.....	50
Section 1002. Severability. ....	50	Section 1003. Higher Standards.....	50
ARTICLE XI PUBLICATION AND EFFECTIVE DATE ....	51	Section 1101. Publication. ....	51
Section 1102. Effective Date. ....	51	ARTICLE XII AMENDMENT	
Section 1201. Right to Amend.....	51		

**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 200foot requirement, at the time of such division.

**“Available Water System”** means a public water system to which connection can be made located in a rightofway, 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 200foot 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 multifamily 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 multifamily 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 daytoday 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 wellbeing 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 threeperson 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, watertreating or waterusing 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 onehalf 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 singlefamily 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.

**“Subsurface 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 watermain 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 longterm 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 newlyconstructed 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 rightof-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.

**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:

<b>Offense (Violation)</b>	<b>Fine</b>
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
Any violation of Michigan Fireworks Safety Act	\$1,000.00

- 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: August 9, 2010  
Effective: August 9, 2010

(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. 1.135**

An Ordinance to Regulate the Growth of Medical Marihuana  
In the Charter Township of Kinross  
Adopted: July 1, 2013  
Published: June 28, 2013  
Effective: July 1, 2013

**THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:**  
that this ordinance shall be known as the Medical Marihuana Ordinance.

### **Section 1: Scope, Purpose and Intent**

An ordinance to regulate the growing of Medical Marihuana within the Charter Township of Kinross in a manner that promotes public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marihuana Act, MCL 333.26421, et seq. (herein called the Act). The Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.

### **Section 2: Definitions**

The following definitions shall apply in this ordinance:

- a. Patient – (or registered patient) a person registered with the State of Michigan in accordance with the Act to grow and use Medical Marihuana
- b. Caregiver - a person registered with the State of Michigan in accordance with the Act to grow Medical Marihuana for designated patients
- c. Growing Facility – a facility established and maintained in accordance with the Act, by a caregiver, to produce Medical Marihuana for registered patients of the caregiver

### **Section 3: Restrictions on Patients**

Registered patients shall be allowed to assert an affirmative defense for violations of the Zoning Ordinance (#1.100) within the residentially zoned districts (R-1 and R-2) within the Charter Township of Kinross.

### **Section 4: Restrictions on Caregivers**

Caregivers shall not maintain growing facilities inside the residentially zoned districts (R-1 and R-2) within the Charter Township of Kinross. Caregivers operating growing facilities in Commercial, Industrial, or Agriculturally zoned areas of the Charter Township of Kinross shall

be allowed to assert an affirmative defense for violations of the Zoning Ordinance (#1.100) insomuch as they are in compliance with the policies and requirements of the Michigan Medical Marihuana Act.

## **Section 5: Restrictions on Growing Facilities**

While the growth/manufacture of marihuana is prohibited by Federal law and the Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, insomuch as property owners, patients and caregivers are in compliance with the Act, and the following conditions are met, an affirmative defense may be asserted to violations of the Zoning Ordinance (#1.100)

1. Separation of 1,000 feet must be maintained between growing facilities and schools, churches, child care facilities, and residential areas.
2. There shall be no other accessory uses permitted within the same building that violate state of federal statutes.

## **Section 6: 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 7: Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **Section 8: Penalty**

Violation of any provision of this ordinance will be subject to penalty as provided in Kinross Charter Township's Municipal Civil Infractions Ordinance #1.132, or criminal prosecution as provided in Michigan or United States statutes.

## **Section 9: Existing Facilities**

Growing facilities that can document existence prior to August 2, 2010, the date that the Township Board of the Charter Township of Kinross first imposed a moratorium upon the establishment of new growing facilities, will be allowed to assert an affirmative defense to zoning ordinance (#1.100) violations referenced in this ordinance insomuch as they are in

compliance with the policies and requirements of the Michigan Medical Marihuana Act. Any growing facility established after August 2, 2010, and before the effective date of this ordinance will be considered in violation of the current zoning ordinance (#1.100) and will be required to conform with all provisions of this ordinance before the establishment will be able to assert an affirmative defense to any zoning ordinance (#1.100) violations.

## **Section 10: 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 July 1, 2013, by roll call vote with all present voting yea, and that copies of the ordinance were transmitted and published as directed.

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Sheila M. Gaines, Township Clerk

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James R. Moore, Township Supervisor

# **KINROSS CHARTER TOWNSHIP QUARRYING ORDINANCE**

**ORDINANCE NO. 1.137**

**Adopted: March 17, 2014**

**Effective: April 1, 2014**

**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. 47A.

**THE CHARTER TOWNSHIP OF KINROSS ORDAINS:**

**TITLE:**

This Ordinance shall be known and cited as the Kinross Charter Township Quarrying Ordinance, Ordinance No. 1.137.

**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.

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.

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.

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.

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.

Sound generated at the quarry property will not exceed eighty-five (85) decibels at any site along the boundary line of the subject property. 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.
- 5.5) A “quarry plant,” as that term is defined under the Kinross Charter Township Zoning Ordinance, shall not be constructed or operated on the same site as a quarry, unless the quarry plant has been granted special approval by the Planning Commission under the terms of the Kinross Charter Township Zoning Ordinance. The construction or operation of a quarry plant in violation of this provision shall be grounds for permit suspension and revocation under Section 10 of this Ordinance.

## 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 30<sup>th</sup> 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 1<sup>st</sup> 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 authority to suspend any permit for non-compliance with this ordinance. The Zoning Administrator shall submit a written warning to the permittee 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 been made within the fourteen (14) days, the Zoning Administrator shall suspend the operator's permit 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 permit 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 30<sup>th</sup> 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.  
repealed.

**Section 15. EFFECTIVE DATE**

A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective upon such publication.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on March 17, 2014, and approved by me on March 17, 2014.

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James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

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Sheila M. Gaines, Clerk  
Charter Township of Kinross

**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 March 17, 2014, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time 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.



## **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.

#### **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.

#### **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

### TABLE OF CONTENTS

#### Article I - General Provisions

Section 1.1 Title  
Section 1.2 Purpose  
Section 1.3 Scope  
Section 1.4 Administration  
Section 1.5 Determination of Fees

#### Article II - Definitions

Section 2.1 Rules applying to the Text  
Section 2.2 Definitions

#### Article III - Platting Procedure and Date Required

##### Section 3.1 Pre-Application Contact and sketch Plan

3.11 Purpose  
3.12 Requirements  
3.13 Procedure

##### Section 3.2 Preliminary Plat Preparation and Submittal

3.21 Application by the Subdivider  
3.22 Review and action by the Township Planning Commission  
3.23 Review and action by the Township Board  
3.24 Conditions and duration of approval

##### Section 3.3 Final Plats

3.31 Requirements  
3.32 Procedures  
3.33 Actions

## **Article IV - Subdivision Standards**

### **Section 4.1 Traffic ways - Streets and Roads**

- 4.11 General
- 4.12 Location
- 4.13 Specifications
- 4.14 Street names

### **Section 4.2 Intersections**

- 4.21 Angle of intersection
- 4.22 Sight triangles
- 4.23 Sight distance
- 4.24 Number of streets
- 4.25 “T” intersections
- 4.26 Centerline offsets
- 4.27 Vertical Alignment of intersection

### **Section 4.3 Pedestrian ways**

- 4.31 Crosswalks
- 4.32 Sidewalks

### **Section 4.4 Easements**

- 4.41 Location
- 4.42 Drainage way
- 4.43 Major easements

### **Section 4.5 Blocks**

- 4.51 Arrangements
- 4.52 Minimum length
- 4.53 Maximum length

### **Section 4.6 Lots**

- 4.61 Conform to zoning
- 4.62 Lot lines
- 4.63 Width related to length
- 4.64 Corner lots
- 4.65 Uninhabitable areas
- 4.66 Backup lots
- 4.67 Lot frontage
- 4.68 Future arrangements
- 4.69a Division of platted lots
- 4.69b Division of an unplatted parcel

## **Section 4.7 Planting Strips and Reserve Strips**

4.71 Planting strips

4.72 Reserve strips

## **Section 4.8 Public Sites and Open Spaces**

4.81 Public uses

4.82 Natural features

## **Section 4.9 Large Scale Developments**

4.91 Modification

4.92 Neighborhood characteristics

## **Section 4.10 Commercial and Industrial Developments**

4.101 Modifications

## **Article V - Subdivision Improvements**

### **Section 5.1 Purpose**

### **Section 5.2 Responsibility for Plans**

### **Section 5.3 Procedure**

5.31 Submittal

### **Section 5.4 Required public improvements**

5.41 Monuments:

5.42 Streets, Roads, and Alleys:

5.43 Curbs and Gutters:

5.44 Installation of Public Utilities:

5.45 Telephone and Electric Utility Lines:

5.46 Storm drainage:

5.47 Water Supply System:

5.48 Sanitary sewer System:

5.49a Street Name Signs:

5.49b Sidewalks and Bicycle Paths:

5.49c Crosswalks:

5.49d Recreational:

5.49e Greenbelts:

5.49f Street Trees:

5.49g Street Lighting:

5.49h Plans Required for the Control of Erosion and Sedimentation:

### **Section 5.5 Guarantee of Completion of Public Improvements**

5.51 Financial Guarantee Arrangements and Exceptions:

- [5.52 Conditional Approval of Final Plat:](#)
- [5.53 Special Agreements:](#)
- [5.54 Inspection of Public Improvements Under Construction:](#)
- [5.55 Penalty for Failure 'to complete the Construction of a Public Improvement:](#)

## **Article VI Variances**

### **Section 6.1 General Variances**

### **Section 6.2 Existing Groups of Principal Structures, Variances, etc.**

### **Section 6.3 Topographical - Physical Limitation Variances**

### **Section 6.4 Planned Unit Developments, Condominiums, Development and Special Use Variances**

### **Section 6.5 Variances from the Required Public Improvements or Utilities**

### **Section 6.6 Applications Required**

- [6.61 Required Improvement Variance or Topographical Variance:](#)
- [6.62 Planned Unit Development, Condominium Development and Special Use Variances:](#)

## **Article VII Enforcement for Compliance with this Ordinance**

### **Section 7.1 Enforcement**

## **Article VIII Amendments**

### **Section 8.1 Procedures**

## **Article IX Miscellaneous Provisions**

### **Section 9.1 Validity**

## **Appendix A Summary of Procedures for Processing a Subdivision Plat in Kinross Township**

### **Section 5.4 Required Public Improvements**

- 5.41 Monuments
- 5.42 Streets, roads and alleys
- 5.43 Curbs and gutters
- 5.44 Installation of public utilities

5.45 Telephone and electric utility lines

5.46 Storm drainage

5.47 Water supply systems

5.48 Sanitary sewer systems

5.49a Street name signs

5.49b Sidewalks and bicycle paths

5.49c Crosswalks

5.49d Recreational areas

5.49e Greenbelts

5.49f Street trees

5.49g Street lighting

5.49h Control of erosion and sedimentation

## **Section 5.5 Guarantee of Completion of Public Improvements**

5.51 Financial guarantee arrangements and exceptions

5.52 Conditional approval of final plat

5.53 Special agreements

5.54 Inspection of public improvements under construction

5.55 Penalty for failure to complete the construction of a public improvement

## **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 plat. 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 common 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 averting 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 and 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 move 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 more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more 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-foot 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) and 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, 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 structures, 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 improvements. 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 amended.

- 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 more, 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 Chippewa 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 common 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. Its 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 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.

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 site, 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 not LT agreed upon, the restrictions may 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 time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board 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 deems 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 ordinance 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 more, 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 same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## **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.

## **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 alleys 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 snowmobile 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, and 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, barbitol, or any derivative of barbitol.
- 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 good 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. 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.

# 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.

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.

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.

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.

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.

Sound generated at the quarry property will not exceed eighty-five (85) decibels at any site along the boundary line of the subject property. 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 30<sup>th</sup> 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 1<sup>st</sup> 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 *penalties as described in Kinross Charter Township Civil Infractions Ordinance #1.132* ~~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.  
repealed.

Section 15. **EFFECTIVE DATE**

15.1) This Ordinance shall become effective 30 days after adoption and publication.

Repealed March 17, 2014-See Ord. #1.137

# **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 CHARTER TOWNSHIP  
ORDINANCE NO. 55**

**BUSINESS REGISTRATION 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 – REGISTRATION, 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 of 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 be 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. 200.1  
REPEALING ORDINANCE NO. 7a and ORDINANCE NO. 9**

**Adopted: January 2, 2007  
Effective: February 10, 2007**

An ordinance to repeal ordinance #7a, that regulates the operations of motor vehicles on public highways and streets within the Charter Township of Kinross and provides penalties for the violation(s) thereof, AND ordinance #9, that regulates the operation of watercraft on the waters of Kinross Lake, Charter Township of Kinross and provides penalties for the violation(s) thereof.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY STATE OF MICHIGAN DOES HEREBY ORDAIN:

Section 1. Repeal

Charter Township of Kinross Ordinances #7a and #9 including any penalty(s) or remedy(s) for violation of same is hereby repealed by virtue of this ordinance.

Section 2. Effective Date

This ordinance shall take effect thirty (30) days after publication as provided by law.

Complete copies of Ordinance NO. 7a and Ordinance NO. 9 are on file at the Township Office, 4884 West Curtis, Kincheloe, MI 49788

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Marvin Besteman, Clerk

**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

**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 in the Kinross Township Hall located at 4884 W. Curtis Street, Kincheloe, Michigan, on Monday, July 20, 2015, at 7:00 p.m. Local Time.

PRESENT: Members: Moore, Gaines, Kooiman, Noel, Besteman, Sare, and Pierce.

ABSENT: Members 0

It was moved by Member James Moore, and seconded by Member Kathy Noel that the following Ordinance 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.

**ORDINANCE NO. 1.138**

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: Moore, Besteman, Sare, and Noel

NAYS: Members: Gaines, Kooiman, and Pierce

ABSTAIN: Members: 0

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 1.138 as adopted:



## CHARTER TOWNSHIP OF KINROSS

### ORDINANCE NO. 1.138

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

**Section 1. Definitions.** Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

a. "Act 34" means Act 34 of the Public Acts of Michigan of 2001, as amended.

b. "Act 94" means Act 94 of the Public Acts of Michigan of 1933, as amended.

c. "Additional Bonds" means any additional bonds of equal standing with the Project Bonds issued pursuant to Section 19 of this Ordinance.

d. "Adjusted Net Revenues" means for any operating year the excess of Revenues over expenses for the System determined in accordance with generally accepted accounting principles, to which may be made the following adjustments:

(1) Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of Additional Bonds or to be placed into effect before the time principal or interest on the Additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect;

(2) Revenues may be augmented by amounts which may be derived from rates and charges to be paid by new customers of the System.

The adjustment of Revenues and expenses by the factors set forth in (1) and (2) above shall be reported upon by a registered municipal advisor or other expert not in the regular employment of the Issuer.

e. "Board" or "Township Board" means the Township Board of the Township.

f. "Bond Registrar" means the Township Treasurer who shall initially act on behalf of the Township as paying, registration and bond registrar with respect to the Project Bonds, or a bank or trust company qualified to act as a paying agent and registrar in the State of Michigan and designated by resolution of the Board.

g. "Bond Reserve Account" means the separate Bond Reserve Account established in the Redemption Fund in accordance with Section 13b of this Ordinance.

h. "Bond Reserve Requirement" means generally an amount equal to the lesser of (i) 10% of the stated principal amount of the Bonds, after taking into account SRF Loan Program principal forgiveness, if any, (ii) an amount equal to the maximum annual principal and interest requirements on the Bonds, after taking into account SRF Loan Program principal forgiveness, if any, or (c) 125 percent (125%) of the average annual principal and interest requirements on the Bonds, after taking into account SRF Loan Program principal forgiveness, if any.

i. "Bonds" means the Project Bonds, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor and, when issued and delivered, any Additional Bonds.

j. "Code" means the Internal Revenue Code of 1986, as amended.

k. "Construction Fund" means the First Segment Bond Construction Fund established with the Depository in accordance with Section 16.

l. "Consulting Engineers" means the engineer or engineering firm or firms appointed from time to time, and having a favorable reputation for skill and experience in the design and operation of municipal sewage disposal systems, at the time retained by the Board to perform the acts and carry out the duties provided for such Consulting Engineers in the Ordinance, including initially Fleis & VandenBrink Engineering Inc. retained by the Board for the Project.

m. "Depository Bank" shall mean the Soo Co-op Credit Union, Sault Ste. Marie, Michigan or such other financial institution as shall be qualified under Section 15 of Act 94 and designated to act as depository pursuant to this Ordinance by resolution of the Board.

n. "First Segment Bonds" means the Township's Sewage Disposal System Revenue Bonds, Series 2015, as authorized by this Ordinance.

o. "Government Obligations" means direct obligations of (including obligations issued or held in book entry form on the books of) the United States of America.

p. "Investment Obligations" means the investments permitted by the Township investment policy.

q. "Net Revenues" means the Revenues remaining after deducting the reasonable expenses of administration, operation, and maintenance of the System, exclusive of depreciation.

r. "Operation and Maintenance Fund" means the Operation and Maintenance Fund established with the Depository in accordance with Section 13a.

s. "Ordinance" means this Ordinance and any other ordinance amendatory to or supplemental to this Ordinance and shall include any ordinance authorizing the issuance and sale of the Second Segment Bonds or any Additional Bonds.

t. "Outstanding Bonds" means Bonds authenticated and delivered under this Ordinance except:

(1) Bonds canceled by the Bond Registrar at or prior to such date;

(2) Bonds (or portions of Bonds) for the payment or redemption of which moneys or Government Obligations, equal to the principal amount or redemption price thereof, as the case may be, with interest to the date of maturity or redemption date, shall be held in trust under this Ordinance and set aside for such payment or redemption (whether at or prior to the maturity or redemption date), provided that if such Bonds (or portions of Bonds) are to be redeemed, notice of such redemption shall have been given as provided in this Ordinance or provision satisfactory to the Bond Registrar shall have been made for the giving of such notice; and

(3) Bonds in lieu of or in substitution for which other Bonds shall have been authenticated and delivered hereunder.

u. "Project" means improvements to the System to be undertaken in two segments and generally consisting of improvements and replacements to lift stations, including standby power systems, and the wastewater treatment plant, including components of the head works building, clarifier building, trickling filter pump house, chemical feed building and system, anaerobic digestion system improvements, a new food waste handling/feed system, combined heat and power improvements, and other energy efficiency improvements to the System, and related appurtenances, improvements and interests in land, as described in the plans and specifications prepared by the Consulting Engineer.

v. "Project Bonds" means the First Segment Bonds and the Second Segment Bonds.

w. "Receiving Fund" means the Sewage Disposal System Receiving Fund established with the Depository in accordance with Section 13 of this Ordinance.

x. "Redemption Fund" means the Bond and Interest Redemption Fund established in accordance with Section 13b of this Ordinance, with separate subaccounts for each series of Bonds.

y. "Registered Owner" means the owner of a Bond as shown by the registration records kept by the Bond Registrar.

z. "Repair, Replacement and Improvement Fund" means the Repair, Replacement and Improvement Fund established with the Depository in accordance with Section 13c of this Ordinance.

aa. "Revenues" means the income derived from the rates charged for the services, facilities, and commodities furnished by the System, including income derived by

reason of future improvements, enlargements, extensions or repairs to the System. Revenues shall include earnings on investment of funds and accounts of the System required to be deposited in the Receiving Fund pursuant to this Ordinance and other revenues derived from or pledged to operation of the System.

bb. "Second Segment Bonds" means the Project Bonds to be authorized by a supplement to the Ordinance to fund the cost of acquiring and constructing that portion of the Project not funded with proceeds of the First Segment Bonds.

cc. "SRF Loan Program" means the State of Michigan Water Pollution Control Revolving Fund a.k.a. State Revolving Fund Loan Program.

dd. "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal of and interest on which are fully guaranteed by the United States of America, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the Bond Registrar.

ee. "System" means the complete sanitary sewage disposal system of the Township intended to serve the Township, including the trunk and lateral sanitary sewers, pumping stations, force main and the sewage treatment facility together with all plants, works, instrumentalities, properties and appurtenances, used or useful in connection with the collection, treatment and disposal of sanitary sewage and all additions, extensions and improvements existing or hereafter acquired, including the Project.

ff. "Township" and "Issuer" mean the Charter Township of Kinross, Chippewa County, Michigan.

**Section 2. Necessity; Approval of Plans and Specification.** It is hereby determined to be a necessary public purpose of the Township to acquire and construct the Project in accordance with the plans and specifications presented to the Board by the Consulting Engineers, which plans and specifications are hereby approved.

**Section 3. Cost and Period of Usefulness of Project.** The total pre-design cost of the Project estimated by the Consulting Engineers to be Nine Million Six Hundred Forty Thousand Dollars (\$9,640,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, is hereby approved and confirmed, and the period of usefulness of the portion of the Project to be defrayed by the First Segment Bonds is estimated to be not less than twenty-five (25) years.

**Section 4. Payment of Cost of Project; Bonds Authorized.** To pay the cost of acquiring and constructing the Project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Project Bonds, the Township shall borrow the not-to-exceed sum of Nine Million Six Hundred Forty Thousand Dollars (\$9,640,000) and issue therefor its First Segment Bonds in the current estimated amount

of \$7,155,000 and Second Segment Bonds in the current estimated amount of \$2,485,000 in one or more series pursuant to the provisions of Act 94 to evidence one or more loans from the SRF Loan Program. The remaining cost of the Project shall be defrayed from investment earnings on bond proceeds and Issuer funds on hand and legally available for such use.

## **Section 5. Project Bond Details, Registration and Execution.**

a. **Details of First Segment Bonds.** The First Segment Bonds shall be issued in the amount of \$7,155,000 and shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2015, substantially in the form attached to this Ordinance as Exhibit A. The First Segment Bonds shall be sold to the Michigan Finance Authority (the "Authority") in accordance with Section 24 pursuant to the terms of a Purchase Contract by and between the Authority and the Township (the "Purchase Contract"), the form of which has been approved by the Board, and a Supplemental Agreement by and between the Township, the Authority and the State of Michigan acting through the Department of Environmental Quality (the "Supplemental Agreement"), the form of which has been approved by the Board. The First Segment Bonds shall be dated as of the date of delivery to the Authority; shall bear interest at the rate of 2.50% per annum, payable on April 1, 2016, and semi-annually thereafter on each April 1 and October 1 until payment of the principal of the First Segment Bonds has been made or duly provided for. The First Segment Bonds shall be issued in one or more certificates in \$1.00 denominations or any integral multiple thereof up to the aggregate principal amount of the First Segment Bonds, shall be numbered from R-1 upwards in order of authentication, shall be fully registered and shall be designated Series 2015. The First Segment Bonds shall mature serially on October 1 in each year in the amounts as follows:

<u>Date</u>	<u>Principal Maturity</u>	<u>Date</u>	<u>Principal Maturity</u>
2017	\$280,000	2027	\$360,000
2018	\$290,000	2028	\$370,000
2019	\$295,000	2029	\$375,000
2020	\$300,000	2030	\$385,000
2021	\$310,000	2031	\$395,000
2022	\$315,000	2032	\$405,000
2023	\$325,000	2033	\$415,000
2024	\$335,000	2034	\$425,000
2025	\$340,000	2035	\$435,000
2026	\$350,000	2036	\$450,000

The First Segment Bonds shall not be sold for less than 100% of par value.

Interest on the First Segment Bonds shall be payable by check or draft mailed to each Registered Owner at the registered address, as shown on the registration books of the Township maintained by the Bond Registrar. Interest shall be payable to the Registered Owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The principal of the First Segment Bonds shall be payable by the Bond Registrar at the principal office of the Bond Registrar upon presentation and surrender thereof.

Principal of and interest on the First Segment Bonds shall be payable in lawful money of the United States.



The First Segment Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding the foregoing or any other provision of this Ordinance:

(1) The Supervisor and Clerk are hereby authorized and directed to approve the final terms of the sale of the First Segment Bonds as evidenced by the Purchase Contract or otherwise, including the date of delivery, the purchase price, the aggregate principal amount, which shall in no event exceed \$9,640,000, the principal amount and annual maturity dates of individual maturities, the rate or rates of interest payable on the First Segment Bonds, which shall not exceed 2.50% per annum, minimum principal denominations, the series designation and the date of the first interest payment, the commencement dates of the required set asides in the Redemption Fund and the Bond Reserve Account and other matters necessary to issue the First Segment Bonds, subject in all respects to the limitations of Act 94.

(2) The First Segment Bonds may be delivered in one or more installments of principal in accordance with the Purchase Contract and the Supplemental Agreement.

(3) The Township promises to pay to the Authority the principal amount of the First Segment Bonds or so much thereof as shall have been advanced to the Township pursuant to the Purchase Contract and the Supplemental Agreement, after taking into account SRF Loan Program principal forgiveness, if any.

(4) So long as the Authority is the owner of the First Segment Bonds, (i) the First Segment Bonds shall be payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (ii) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the First Segment Bonds in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (iii) written notice of any redemption of the First Segment Bonds shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

(5) In the event of a default in the payment of principal or interest on the First Segment Bonds when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase the First Segment Bonds but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the

default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase the First Segment Bonds fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on the First Segment Bonds.

(6) It is understood and agreed by the Township that during the time funds are being drawn down by the Township in accordance with the Purchase Contract and the Supplemental Agreement, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the First Segment Bonds. The Township acknowledges that in the event the principal amount of the loan evidenced by the First Segment Bonds is reduced by the Authority in accordance with Schedule I to the form of the First Segment Bonds attached hereto as Exhibit A or the Supplemental Agreement, the Authority will prepare a revised Schedule I to the First Segment Bonds that is calculated so that the principal payments are rounded to the nearest dollar and such revised Schedule I shall be effective upon receipt by the Township.

(7) The Township acknowledges that, to the best of its understanding, the Township is eligible for forgiveness by the SRF Loan Program of a portion of the principal amount of the First Segment Bonds based on the eligibility of the Project for Green Project Reserve funds and the Township agrees to accept such principal forgiveness provided by the SRF Loan Program.

b. **Details of Second Segment Bonds.** The details of the Second Segment Bonds shall be determined in accordance with the terms of a supplement to this Ordinance adopted by the Township Board.

c. **Registration and Execution of Bonds.** The Bonds shall be signed by the original or facsimile signature of the Supervisor and countersigned by the original or facsimile signature of the Township Clerk. The Bonds shall have the corporate seal of the Township affixed thereto or printed thereon in facsimile form. No Bond shall be valid until authenticated by the Bond Registrar. Executed blank Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Bond Registrar for safekeeping.

Any Bond, upon surrender of the Bond to the Bond Registrar by the Registered Owner thereof, accompanied by delivery of a duly executed written instrument of transfer satisfactory to the Bond Registrar, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount, maturity date and interest rate as the surrendered Bond.

Any Bond may be transferred upon the books of the Township maintained by the Bond Registrar by the Registered Owner thereof, in person or by his duly authorized attorney, upon

surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. Whenever any Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount, maturity, interest rate and series. The Bond Registrar shall require the payment by the Registered Owner requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

The Township shall have the right to designate a successor to the Bond Registrar and, in such event, a notice shall be mailed to the Registered Owners by the Bond Registrar not less than sixty (60) days prior to the change in Bond Registrar.

**Section 6. Replacement of Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Township may authorize the Bond Registrar to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the Township in connection therewith. Any bond delivered pursuant to the provisions of this Section 6 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.

**Section 7. Payment of Bonds; Creation and Priority of Lien; Defeasance.** The Bonds and the interest thereon shall be payable solely from the Net Revenues and to secure such payment, there is hereby created a first priority statutory lien upon the Net Revenues. Pursuant to provisions of Act 94, the Township hereby pledges the Net Revenues to the repayment of the principal of, redemption premium, if any, and interest on the Bonds. The lien and pledge provided by this Ordinance shall continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all principal and interest on Bonds of a series then outstanding to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the preceding sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the funds so deposited, and the Bonds of that series shall be considered to be defeased and shall no longer be considered to be outstanding under this Ordinance.

The Project Bonds shall have equal standing with any Additional Bonds, as defined in this Ordinance, issued in accordance with this Ordinance.

**Section 8. Management.** The operation, repair and management of the System and the acquisition and construction of the Project shall be under the supervision and control of the Township Board. The Township may employ such person or persons in such capacity or



capacities as it deems advisable to carry on the efficient administration of the System. The Township may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

**Section 9. Rates.** The rates to be charged for service furnished by the System and the methods of collection and enforcement of the collection of the rates including late payment fees and penalties applicable to users of the System who fail to pay, in a timely fashion, the rates and charges that have been billed for the use of the System, shall be those permitted by law and established by the Board on or before the date of adoption of this Ordinance and thereafter as established by the Board. In the event that a user of the System does not timely pay the rates and charges that have been billed to such user, the Township Board shall take the necessary action to add such delinquent rates and charges to the user's ad valorem property tax bills.

**Section 10. No Free Service.** No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Township.

**Section 11. Rate Covenant.** The rates charged in accordance with Section 9 of this Ordinance are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, and when taken together with Net Revenues, to provide for (i) an amount equal to the annual principal and interest requirements on all of the Bonds and any other indebtedness payable from Net Revenues, as the same become due and payable, (ii) the maintenance of the Bond Reserve Account, as required by this Ordinance, and (iii) all other obligations, expenditures and funds for the System required by law or this Ordinance. In addition, the Township covenants that the rates shall be set from time to time so that there shall be produced, in each fiscal year of the Township, Net Revenues, based upon the Township's reasonable expectations and historical operating trends, in an amount equal to 100% of the principal of and interest coming due in each fiscal year on the Bonds, and all other indebtedness payable from Net Revenues. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and the Township hereby covenants and agrees to fix and maintain rates in accordance with Act 94 for services furnished by the System at all times sufficient to provide for the foregoing.

**Section 12. Operating Year.** The System shall be operated on the basis of an operating year which corresponds to the fiscal year of the Township which currently commences on April 1 and ends on the last day of the following March.

**Section 13. Funds and Accounts, Flow of Funds.** All Revenues of the System shall be set aside as collected and credited to the Receiving Fund which is hereby established as a separate depository account with the Depository. The Revenues so credited shall be transferred within or from the Receiving Fund periodically in the manner and at the times hereinafter specified:

a. **OPERATION AND MAINTENANCE FUND:** Quarterly out of the Revenues credited to the Receiving Fund there shall be first set aside in, or credited to, the Operation and Maintenance Fund, which shall be established and maintained with the Depository, a sum sufficient to provide for the payment of the ensuing quarter's expenses of

administration and operation of the System including such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

The Township Board, prior to the commencement of each operating year, shall adopt a budget covering the foregoing expenses for such year. During the course of the operating year, the total of such expenses shall not exceed the total amount specified in the budget, except by a majority vote of the members elect of the Township Board.

b. **BOND AND INTEREST REDEMPTION FUND.** The Redemption Fund shall be established and maintained as a separate depository account, and the moneys on deposit from time to time therein shall, consistent with the pledge set forth in Section 7 above, be used solely for the purpose of paying the principal of, redemption premium, if any, and interest on the Bonds. A Series 2015 Subaccount shall be established in the Redemption Fund for the First Segment Bonds and separate subaccounts shall be maintained in the Redemption Fund for each additional series of Bonds.

Out of the Net Revenues remaining in the Receiving Fund, after provision for the credit or deposit to the Operation and Maintenance Fund, there shall next be set aside, quarterly on the first day of each March, June, September and December, commencing December 1, 2015, and deposited in the Series 2015 Subaccount, for payment of interest on the First Segment Bonds, a sum equal to at least one-half of the amount of the interest due on the next ensuing interest payment date plus commencing December 1, 2016 for payment of principal on the First Segment Bonds a sum equal to not less than one-quarter of the principal maturing on the next ensuing principal payment date in each year, subject to any credit therefore from investment earnings transferred from the Bond Reserve Account. If there shall be any deficiency in the amount previously required to be set aside, then the amount of such deficiency shall be added to the next succeeding quarterly requirement.

The Bond Reserve Account is hereby established as a separate account in the Redemption Fund. The Bond Reserve Account shall be funded by the Township commencing September 1, 2016 by the deposit of surplus monies in the Receiving Fund or Net Revenues remaining, if any, after the set aside into the Redemption Fund of a sufficient sum for current principal and interest payments on the Bonds as provided in the preceding paragraph. The Bond Reserve Account shall be funded, to the extent of such available monies, in the amount of one-third of the Bond Reserve Requirement annually until an amount equal to the Bond Reserve Requirement has been accumulated. All investment earnings in the Bond Reserve Account shall be transferred to the Redemption Fund and allocably set aside in each subaccount maintained for the payment of current principal and interest on the Bonds. If at any time it shall be necessary to use moneys credited to the Bond Reserve Account for the payment of principal and interest on any of the Bonds, then the moneys so used shall be replaced over a period of not more than 5 years from the Net Revenues first received thereafter which are not required for current principal and interest requirements on the Bonds. If at any time there is any excess in the Bond Reserve Account over the Bond Reserve Requirement, such excess may be transferred to such fund or account as the Township Board shall direct. No proceeds of the First Segment Bonds shall be used to fund the Bond Reserve Account.

No further payments need be made into the Redemption Fund subaccount for a particular series of Bonds after enough principal on said series of Bonds has been paid so that the amount

then held in the Redemption Fund subaccount together with the amount then held in the Bond Reserve Account for said series of Bonds is equal to the entire amount of principal and interest which will be payable at the time of maturity of said series of Bonds and the monies so held shall be used solely to pay the principal of and interest on said series of Bonds, including redemption premium, if any, as the series of Bonds become due.

c. **REPAIR, REPLACEMENT AND IMPROVEMENT FUND:** The Repair, Replacement and Improvement Fund shall be established and maintained with the Depository for the purpose of making repairs, replacements, additions, improvements, extensions and enlargements to the System. There shall be set aside in or credited to the Repair, Replacement and Improvement Fund, after provision is made for the requirements of the foregoing funds and accounts, such amounts as shall be determined by the Township Board.

d. **SURPLUS MONEYS:** Any Revenues in the Receiving Fund at the end of any quarter of any operating year after satisfying all requirements of the Operation and Maintenance Fund, the Redemption Fund, including the subaccounts established for each series of Bonds, and the Bond Reserve Account, and the Repair, Replacement and Improvement Fund shall be deemed to be surplus moneys, and may, at the option of the Township Board be used for any of the following purposes:

- (1) Transfer to the Repair, Replacement and Improvement Fund;
- (2) Transfer to the Redemption Fund and used for the prepayment, payment, or purchase of Bonds; or
- (3) Used for such purpose or purposes related to the System as the Township Board may determine to be for the best interests of the Township.

If there should be any deficit in the Operation and Maintenance Fund, Redemption Fund, including the Bond Reserve Account, or the Repair, Replacement and Improvement Fund on account of defaults in setting aside required amounts therein, then transfers shall be made from the moneys remaining in the Receiving Fund at the end of any operating year to those funds in the priority and order specified herein, to the extent of any deficit, before any other disposition is made of the monies in the Receiving Fund at the end of any operating year.

**Section 14. Depository Bank.** Moneys in the several funds and accounts established pursuant to this Ordinance, except moneys in the Redemption Fund, including the Bond Reserve Account, and moneys derived from the proceeds of sale of the Bonds and deposited to a construction fund, including in the case of the proceeds of the First Segment Bonds which shall be deposited to the Construction Fund in accordance with Section 16, may be kept in one bank account with the Depository Bank, in which event the moneys in the bank account shall be allocated on the books and records of the Township and deposited to the funds and accounts herein established in this Ordinance, in the manner and at the times provided in this Ordinance and law.

**Section 15. Priority of Funds.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Redemption Fund or the Bond Reserve Account, any moneys or securities in other funds of the

System, except the proceeds of sale of the Bonds deposited to a construction fund, including in the case of the proceeds of the First Segment Bonds on deposit in the Construction Fund in accordance with Section 16, shall be credited or transferred, first, to the Operation and Maintenance Fund and second, to the Redemption Fund, to the extent of any deficit therein.

**Section 16. Bond Proceeds.** The proceeds of the sale of the First Segment Bonds shall be deposited in the Construction Fund as a separate depository account at the Depository. Proceeds of the First Segment Bonds shall be advanced to the Township in installments of principal in accordance with the terms of the Purchase Contract and Supplemental Agreement.

Money in the Construction Fund shall be applied solely in payment of the cost of the Project, including any engineering, legal and other expenses incident thereto and to the financing thereof. No proceeds of the First Segment Bonds shall be used to pay capitalized interest. Payment for construction, either on account or otherwise, shall not be made unless the Consulting Engineer shall file with the Township Board a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor, that the work was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance in the Construction Fund of the proceeds of the sale of the First Segment Bonds remaining after completion of that portion of the Project financed by the First Segment Bonds may, at the discretion of the Township, be used for additional costs of the Project or for such further improvements, enlargements and extensions of the System, if, at the time of such expenditures, such use is approved by the SRF Loan Program or the Michigan Department of Treasury, if such permission is then required by the SRF Loan Program or by law. Any remaining balance after such expenditure shall be paid to the Redemption Fund and may be used for the purpose of purchasing Bonds on the open market at not more than the fair market value thereof, redeeming Bonds or paying principal of the Bonds upon maturity. The foregoing is subject to the terms and conditions of the Purchase Contract and the Supplemental Agreement.

After completion of that portion of the Project financed by the First Segment Bonds and disposition of remaining proceeds, if any, of the First Segment Bonds pursuant to the provisions of this Section, the Construction Fund shall be closed.

**Section 17. Investments.** Moneys in the funds and accounts established herein may be invested by the Township Treasurer on behalf of the Township in Investment Obligations. Investment of moneys in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment on the Bonds shall be limited to Government Obligations bearing maturity dates prior to the date of the next maturing principal or interest payment respectively on the Bonds or a money market fund with daily liquidity invested exclusively in Government Obligations and which maintains a net asset value of \$1.00 per share. Investments of moneys in any other funds or accounts, including moneys derived from the proceeds of sale of the Bonds, shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than the time estimated by the Township when the moneys represented by such investments will be required. Earnings or profits on any investment of funds in any fund or account established in this Ordinance shall be deposited in or credited to the fund or account to which the investment belongs unless otherwise provided in this Ordinance.



**Section 18. Covenants.** The Township covenants and agrees with the Registered Owners of the Bonds that so long as any of the Bonds are Outstanding Bonds and unpaid as to either principal or interest:

a. The Township will maintain the System in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan and this Ordinance.

b. The Township will keep proper books of record and account separate from all other records and accounts of the Township, in which shall be made full and correct entries of all transactions relating to the System. The Township shall have an annual audit of the books of record and account of the System for the preceding operating year made each year by an independent certified public accountant. The audit shall be completed and made available not later than six (6) months after the close of each operating year.

c. The Township will maintain and carry, for the benefit of the holders of the Bonds, insurance on all insurable physical properties of the System and liability insurance, of the kinds and in the amounts normally carried by municipalities engaged in the operation of sanitary sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of redeeming or purchasing Bonds, payable from Net Revenues.

d. The Township will not sell, lease or dispose of the System, or any substantial part, until all of the Bonds have been paid in full, both as to principal and interest, or provision made therefor, as herein provided. The Township will operate the System as economically as possible, will make all repairs and replacements necessary to keep the System in good repair and working order, and will not do or suffer to be done any act which would affect the System in such a way as to have a material adverse effect on the security for the Bonds.

e. The Township will not grant any franchise or other rights to any person, firm or corporation to operate a sewage disposal system that will compete with the System and the Township will not operate a sewage disposal system that will compete with the System.

f. The Township will cause the Project to be acquired and constructed promptly and in accordance with the plans and specifications therefor.

g. With respect to the First Segment Bonds, the Township shall comply with all terms and conditions of the Purchase Contract and the Supplemental Agreement.

**Section 19. Additional Bonds.** The Township shall not issue Additional Bonds payable from Net Revenues of the System that have equal standing and priority of lien on the Net Revenues of the System with the Project Bonds except for the following purposes and under the following terms and conditions:

a. To complete the Project, in accordance with the plans and specifications therefor. Such Additional Bonds shall not be authorized unless the Consulting Engineers in charge of construction shall execute a certificate evidencing the fact that additional funds are

needed to complete the Project in accordance with the plans and specifications therefor and stating the amount that will be required to complete the Project.

b. For subsequent repairs, extensions, enlargements and improvements to the System or for the purpose of refunding all or any portion of the then outstanding Bonds and paying costs of issuing such Additional Bonds, including deposits, if any, which may be required to be made to the Bond Reserve Account. Bonds for such purposes shall not be issued pursuant to this subparagraph (b) unless the lesser of (1) the Adjusted Net Revenues of the System for the last preceding twelve-month operating year or (2) the average of the Adjusted Net Revenues for the last two (2) preceding twelve-month operating years shall be equal to at least one hundred twenty percent (120%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds, and on the Additional Bonds then being issued. If the Additional Bonds are to be issued in whole or in part for refunding outstanding Bonds the average annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for the fiscal years next following the annual principal and interest requirements of any bonds to be refunded from the proceeds of the Additional Bonds proposed to be issued. For purposes of this subparagraph (b), the Township may elect to use as the last preceding operating year any operating year ending not more than sixteen months prior to the date of delivery of the Additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the Additional Bonds. Determination by the Township as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive. No Additional Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the Township shall then be in default in making its required payments to the Operation and Maintenance Fund or the Redemption Fund.

Notwithstanding the foregoing, the Township may issue bonds secured by Net Revenues of the System which shall be junior and subordinate to the Bonds.

**Section 20. Appointment of Receiver and Statutory Rights.** In the event of a default in the punctual payment of principal of and interest on the Bonds when due, any Court having jurisdiction in any proper action may appoint a receiver of the System in accordance with the provisions of Act 94. The Registered Owners of Bonds representing in the aggregate principal amount not less than twenty percent (20%) of all Outstanding Bonds, may protect and enforce the statutory lien and pledge of the funds and accounts and Net Revenues created by Act 94, and enforce and compel the performance of all duties of the officials of the Township and the Board, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of Revenues, and the proper application of Revenues. In addition to the rights conferred to Registered Owners by the Ordinance, the Registered Owners shall have all the rights conferred by Act 94. The statutory lien upon the Net Revenues, however, shall not be construed to compel the sale of the System or any part thereof.

**Section 21. Remedies Not Exclusive.** No remedy by the terms of the Ordinance conferred upon or reserved to the Registered Owners is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Ordinance or existing at law or in equity or by statute on or after the date of the Ordinance.

**Section 22. Effect of Waiver and Other Circumstances.** No delay or omission of any Registered Owner to exercise any right or power arising upon the happening of an event of default shall impair any right or power or shall be construed to be a waiver of any such event of default or be an acquiescence therein and every power and remedy given by this Ordinance to the Registered Owners may be exercised from time to time and as often as may be deemed expedient by the Registered Owners.

**Section 23. Covenant Regarding Tax Exempt Status of the First Segment Bonds.**

a. The Township covenants to comply with all requirements of the Code necessary to assure that the interest on the First Segment Bonds, if any, will be and will remain excludable from gross income for federal income tax purposes (as opposed to alternative minimum or other indirect taxation). The Township hereby covenants that the Township will make no use of the proceeds of the First Segment Bonds, if any, which if such use had been reasonably expected on the date of issuance of the First Segment Bonds, would have caused the First Segment Bonds to be "arbitrage bonds", as defined in Section 148 of the Code. In addition, the Township covenants to comply with all applicable provisions of the Code that must be satisfied subsequent to the issuance of the First Segment Bonds, if any, in order that the interest on the First Segment Bonds be excluded (or continue to be excluded) from gross income within the meaning of Section 103(a) of the Code.

b. The Township hereby designates the First Segment Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b) (3) of the Code, it being reasonably anticipated that the aggregate amount of qualified tax exempt obligations which will be issued by the Township and all subordinate entities to the Township shall not exceed \$10,000,000 during calendar year 2015.

c. The First Segment Bonds and the interest, if any, on the First Segment Bonds shall be exempt from taxation by the State of Michigan or by any taxing authority within the State of Michigan.

**Section 24. Negotiated Sale of First Segment Bonds.** The Supervisor and Clerk are hereby authorized to sell the First Segment Bonds at a negotiated sale to the Authority, in accordance with the Purchase Contract, the Supplemental Agreement and applicable state law and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the First Segment Bonds in accordance with the provisions of this Ordinance. The First Segment Bonds shall be sold at a negotiated sale instead of a competitive sale to take advantage of the terms and conditions of the SRF Loan Program, including the fixed rate of interest of 2.50% per annum for all maturities of the First Segment Bonds, which is below prevailing open market interest rates, and SRF Loan Program principal forgiveness, if any.

**Section 25. Disclosure of Information.** The Township agrees to provide the Authority in a timely manner with all information and documents regarding the Township and the Project Bonds, including an official statement that the Authority or its bond underwriters need to meet any Securities and Exchange Commission regulation, any industry standard or other federal or state regulation which imposes a disclosure requirement or continuing disclosure requirement relating to any Authority bond issue which was used or is needed to provide monies to the fund used to purchase the Project Bonds or relating to any other Authority bond issue which was used by the Authority to purchase an obligation of the Township. In furtherance of

the above, the Township also agrees that upon the request of the Authority it will promptly execute and deliver a continuing disclosure undertaking in form and substance determined by the Authority to be necessary or desirable to assist the Authority or its underwriters in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission. If required, such continuing disclosure undertaking shall be executed by the Supervisor and the Clerk.

**Section 26. Michigan Department of Treasury.** The Township, acting with the assistance of Bond Counsel for the Project, shall obtain approval from the Michigan Department of Treasury for the issuance of the Project Bonds either by filing a municipal finance qualifying statement or submitting a prior approval application in accordance with Act 34, and the Township Supervisor is hereby authorized and directed to file any required documents.

**Section 27. Delivery of First Segment Bonds.** The First Segment Bonds shall be executed in the manner provided by Section 5 in substantially the form approved with such necessary variations, omissions, corrections and insertions as the Supervisor and Township Clerk deem appropriate and are required for and on behalf of the Township. Upon execution of the First Segment Bonds, the Township Treasurer is hereby authorized and directed to deliver or cause to be delivered the First Segment Bonds to the Bond Registrar for authentication and, in turn to the purchaser thereof, upon receipt of the purchase price therefor. The proceeds of the First Segment Bonds shall be deposited into the Construction Fund as provided in Section 16, above.

The Supervisor, Clerk and Treasurer are authorized and directed to execute and deliver on behalf of the Township such other certificates, affidavits, investment agreements or other documents or instruments as may be required by the purchaser of the First Segment Bonds or bond counsel or convenient to effectuate the execution and delivery of the First Segment Bonds.

The Township shall furnish the First Segment Bonds ready for execution without expense to the purchaser. The Township shall also furnish without expense to the purchaser at the time of delivery of the First Segment Bonds, the approving opinion of Mika, Meyers, Beckett & Jones, PLC, Attorneys, Grand Rapids, Michigan, approving the legality of the First Segment Bonds. The First Segment Bonds will be delivered at the expense of the Township in the manner and at the location as agreed upon with the purchaser thereof.

**Section 28. Absence or Disability.** In the absence or disability of the Township Supervisor, the Deputy Supervisor shall act hereunder in his stead. In the absence or disability of the Township Clerk, the Deputy Clerk shall act hereunder in her stead. In the absence or disability of the Township Treasurer, the Deputy Township Treasurer shall act hereunder in her stead.

**Section 29. Ordinance to Constitute Contract.** In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Township and the Registered Owners from time to time of the Bonds and the lien and pledge made in this Ordinance and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority



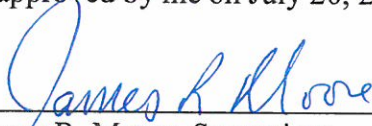
or distinction of any of the Bonds over any other thereof except as expressly provided in or permitted by this Ordinance.

**Section 30. Severability and Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.


**Section 31. Publication and Recordation.** This Ordinance shall be published in full in *The Sault Ste. Marie Evening News*, a newspaper of general circulation in the Township qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

**Section 32. Effective Date.** In accordance with Act 94, this Ordinance shall become effective immediately upon its adoption.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 20, 2015, and approved by me on July 20, 2015.

  
\_\_\_\_\_  
James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk

**EXHIBIT A**

REGISTERED

REGISTERED

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF CHIPPEWA

CHARTER TOWNSHIP OF KINROSS

SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2015

No. R-1

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT:

INTEREST RATE: Two and one-half percent (2.50%) per annum

DATE OF ORIGINAL ISSUE AND REGISTRATION: The date each installment portion of the Principal Amount was delivered to the Registered Owner in accordance with the Purchase Contract and Supplemental Agreement.

KNOW ALL MEN BY THESE PRESENTS, that the Charter Township of Kinross, County of Chippewa, State of Michigan (the "Township" or "Issuer"), acknowledges itself indebted and for value received, hereby promises to pay the Principal Amount shown above to the Registered Owner specified above or its registered assigns shown as the owner of record of this bond on the books of the Township Treasurer, Kincheloe, Michigan, as bond registrar (the "Bond Registrar") on the applicable date of record, in installments in the amounts and on the dates as set forth in Schedule I, attached hereto and made a part hereof, with interest thereon from the Date of Original Issue and Registration specified above until paid at the Interest Rate per annum specified above, first payable April 1, 2016 and semi-annually thereafter and principal is payable on the first day of October commencing October 1, 2017 (as identified in the Purchase Contract) and annually thereafter. Payment of principal and interest shall be paid to the Registered Owner hereof by the Bond Registrar by first class mail. The date of record shall be each March 15 and September 15 with respect to the payments due on each April 1 and October 1, respectively. Principal and interest are payable in lawful money of the United States of America.

The Township promises to pay to the Michigan Finance Authority (the "Authority") the principal amount of the Bond or so much thereof as shall have been advanced to the Township pursuant to a Purchase Contract between the Township and the Authority and a Supplemental Agreement by and among the Township, the Authority and the State of Michigan acting through

the Department of Environmental Quality, less the principal amount of such Bond, if any, that is subject to principal forgiveness.

During the time funds are being drawn down by the Township under this Bond, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Township acknowledges that in the event the principal amount of the loan evidenced by the Bonds is reduced by the Authority in accordance with Schedule I attached hereto or the Supplemental Agreement, the Authority will prepare a revised Schedule I to this Bond that is calculated so that the principal payments are rounded to the nearest dollar and which revised Schedule I shall be effective upon receipt by the Township.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (b) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any

redemption of this Bond shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

This bond is issued pursuant to Ordinance No. 1.138 (the "Ordinance"), duly adopted by the Township Board of the Township and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94 of the Public Acts of Michigan of 1933, as amended, for the purpose of paying a portion of the cost of improvements to the Charter Township of Kinross sanitary sewage disposal system (the "System").

The revenues of the System, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System, exclusive of depreciation (the "Net Revenues"), are irrevocably pledged for the prompt payment of principal and interest on this Bond on a parity basis with bonds of equal standing payable from Net Revenues of the System, and a first priority statutory lien thereon has been created. The principal of and interest on this Bond shall be payable in lawful money of the United States.

This bond is a self-liquidating bond and is not a general obligation of the Township and does not constitute an indebtedness of the Township within any constitutional, statutory or charter limitation, but is payable, both as to Principal Amount and interest, solely from the Net Revenues of the System, with the priority of lien summarized above.

The Township has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient, when taken together with Net Revenues, to provide for payment of the principal of and interest on the bonds of this issue and any other indebtedness payable from the Net Revenues as and when the same shall become due and payable, and to maintain a bond reserve for the bonds of this series, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance. In addition, the Township has covenanted in the Ordinance to operate the System so as to provide Net Revenues equal to at least 100% of debt service on all bonds and indebtedness payable from the Net Revenues of the System in each year.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, the rights and limitations on the owners of the bonds and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

This bond is transferable only upon the registration books of the Township kept by the Bond Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate



principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Certificate of Registration and Authentication on this bond has been executed by the Bond Registrar.

IN WITNESS WHEREOF, the Charter Township of Kinross, County of Chippewa, State of Michigan, by its Township Board, has caused this bond to be executed by its Supervisor and its Township Clerk and its corporate seal to be affixed on this bond all as of the Date of Original Issue.

CHARTER TOWNSHIP OF KINROSS

By James R. Moore  
James R. Moore  
Its Supervisor

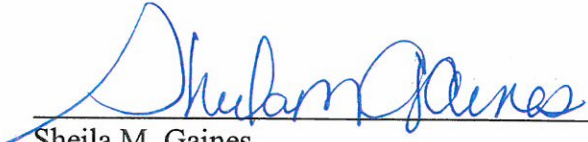
[SEAL]

By Sheila M. Gaines  
Sheila M. Gaines  
Its 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 July 20, 2015, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time 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.

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk

DEQ Project No. 5611-01  
DEQ Approved Amt: \$\_\_\_\_\_

### SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Due  
Date

Amount of Principal  
Installment Due

\_\_\_\_\_, \_\_\_\_\_

Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of 2.5% per annum, payable April, 2016, and semi-annually thereafter.

The Issuer agrees that it will deposit with The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

## CERTIFICATION OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Bond Authorizing Resolution and has been registered in the name of the payee designated on the face hereof in the Register maintained for the issuer thereof.

TREASURER, CHARTER TOWNSHIP OF  
KINROSS  
as Bond Registrar

Date of  
Authentication: 7-14-17

By Shanne Koorman  
Authorized Representative



## ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto \_\_\_\_\_,  
the within bond and all rights thereunder and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within bond on the books kept for registration  
thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

Signature(s) must be guaranteed by an eligible  
guarantor institution participating in a  
Securities Transfer Association recognized  
signature guarantee program

NOTICE: The signature(s) to this assignment  
must correspond with the name as it appears  
on the face of the within Bond in every  
particular, without alteration or enlargement or  
any change whatever.

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities  
Transfer Association recognized signature guarantee program

The Bond Registrar will not affect transfer of this Bond unless the information  
concerning the transferee requested below is provided.

Name and Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

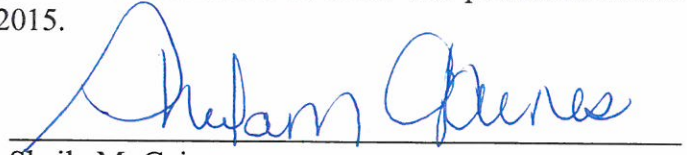
(Include information for all joint owners if this  
Bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OF  
OTHER IDENTIFYING NUMBER OF TRANSFEREE

\_\_\_\_\_  
(Insert number for first-named transferee if held by joint account)

## CERTIFICATE OF PUBLICATION

I, Sheila M. Gaines, Township Clerk of the Charter Township of Kinross, County of Chippewa, State of Michigan, hereby certify that the Ordinance No. 1.138 was published in *The Sault Ste. Marie Evening News* on June 12, 2015.



Sheila M. Gaines  
Township Clerk



**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 in the Kinross Township Hall located at 4884 W. Curtis Street, Kincheloe, Michigan, on Monday, July 17, 2017, at 7:00 p.m. Local Time.

PRESENT: Members: Moore, Noel, Sare, and Mills

ABSENT: Members: Gaines, Kooiman, and Besteman.

It was moved by Member James Moore, and seconded by Member Kathy Neol that the following Ordinance 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.

**ORDINANCE NO. 1.139**

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS OF EQUAL STANDING WITH THE SEWAGE DISPOSAL SYSTEM REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: Moore, Noel, Sare, and Mills.

NAYS: Members: 0

ABSTAIN: Members:

The Township Supervisor declared the Ordinance adopted.

The following is Ordinance No. 1.139 as adopted:

## CHARTER TOWNSHIP OF KINROSS

### ORDINANCE NO. 1.139

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS OF EQUAL STANDING WITH THE SEWAGE DISPOSAL SYSTEM REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

**Section 1. Definitions.** Terms not defined in this Ordinance, including, without limitation, “Additional Bonds,” “Bonds,” and “Outstanding Bonds,” shall have the meanings as defined in the Series 2015 Bond Ordinance for the issuance of the First Segment Bonds. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- a. “Act 34” means Act 34 of the Public Acts of Michigan of 2001, as amended.
- b. “Act 94” means Act 94 of the Public Acts of Michigan of 1933, as amended.
- c. “Board” or “Township Board” means the Township Board of the Township.
- d. “Bond Registrar” means the Township Treasurer who shall initially act on behalf of the Township as paying, registration and bond registrar with respect to the Project Bonds, or a bank or trust company qualified to act as a paying agent and registrar in the State of Michigan and designated by resolution of the Board.
- e. “Bonds” means the Project Bonds, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor and, when issued and delivered, any Additional Bonds.
- f. “Code” means the Internal Revenue Code of 1986, as amended.
- g. “Construction Fund” means the First Segment Bond Construction Fund established with the Depository in accordance with Section 15.
- h. “Consulting Engineers” means the engineer or engineering firm or firms appointed from time to time, and having a favorable reputation for skill and experience in the design and operation of municipal sewage disposal systems, at the time retained by the Board to perform the acts and carry out the duties provided for such Consulting Engineers in the

Ordinance, including initially Fleis & VandenBrink Engineering Inc. retained by the Board for the Project.

i. "Depository Bank" shall mean the Soo Co-op Credit Union, Sault Ste. Marie, Michigan or such other financial institution as shall be qualified under Section 15 of Act 94 and designated to act as depository pursuant to this Ordinance by resolution of the Board.

j. "First Segment Bonds" means the Township's Sewage Disposal System Revenue Bonds, Series 2015, as authorized by the First Segment Bond Ordinance.

k. "First Segment Bond Ordinance" means Township Ordinance No. 1.138, adopted by the Township Board on July 20, 2015, which authorized the issuance of the First Segment Bonds.

l. "Ordinance" means this Ordinance, which authorizes the issuance of the Second Segment Bonds and any other ordinance amendatory or supplemental to this Ordinance.

m. "Project" means improvements to the System to be undertaken in two or more segments and generally consisting of improvements and replacements to lift stations, including standby power systems, and the wastewater treatment plant, including components of the head works building, clarifier building, trickling filter pump house, chemical feed building and system, anaerobic digestion system improvements, a new food waste handling/feed system, combined heat and power improvements, and other energy efficiency improvements to the System, and related appurtenances, improvements and interests in land, as described in the plans and specifications prepared by the Consulting Engineer.

n. "Project Bonds" means the First Segment Bonds, the Second Segment Bonds, and any Additional Bonds issued by the Township to pay all or a portion of the costs of the Project.

o. "Second Segment Bonds" means the Township Sewage Disposal System Revenue Bonds, Series 2017, as authorized by this Ordinance, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor, to fund the cost of acquiring and constructing that portion of the Project not funded with proceeds of the First Segment Bonds.

p. "SRF Loan Program" means the State of Michigan Water Pollution Control Revolving Fund a.k.a. State Revolving Fund Loan Program.

q. "System" means the complete sanitary sewage disposal system of the Township intended to serve the Township, including the trunk and lateral sanitary sewers, pumping stations, force main and the sewage treatment facility together with all plants, works, instrumentalities, properties and appurtenances, used or useful in connection with the collection, treatment and disposal of sanitary sewage and all additions, extensions and improvements existing or hereafter acquired, including the Project.

r. "Township" and "Issuer" mean the Charter Township of Kinross, Chippewa County, Michigan.

**Section 2. Necessity; Approval of Plans and Specification.** It is hereby determined to be a necessary public purpose of the Township to acquire and construct the Project in accordance with the plans and specifications presented to the Board by the Consulting Engineers, which plans and specifications are hereby approved.

**Section 3. Cost and Period of Usefulness of Project.** The total cost of the Project to be funded by the Second Segment Bonds, estimated by the Consulting Engineers to be Six Million One Hundred Five Thousand Dollars (\$6,105,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, is hereby approved and confirmed, and the period of usefulness of the portion of the Project to be defrayed by the Second Segment Bonds is estimated to be not less than thirty (30) years.

**Section 4. Payment of Cost of Project; Second Segment Bonds Authorized as Additional Bonds.**

a. To pay the cost of acquiring and constructing the Project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Project Bonds, the Township shall borrow the not-to-exceed sum of Six Million One Hundred Five Thousand Dollars (\$6,105,000) and issue therefor its Second Segment Bonds in the current estimated amount of \$6,105,000 in one or more series pursuant to the provisions of Act 94 to evidence one or more loans from the SRF Loan Program. The remaining cost of the Project shall be defrayed from investment earnings on bond proceeds and Issuer funds on hand and legally available for such use.

b. The Second Segment Bonds shall be issued as Additional Bonds in accordance with Section 19(b) of the First Segment Bond Ordinance to finance the cost of improvements to the System and all conditions stated therein for the issuance of the Second Segment Bonds as Additional Bonds have been satisfied. Accordingly, the Second Segment Bonds shall have equal standing and priority of lien on the Net Revenues with the First Segment Bonds and any further Additional Bonds issued in accordance with the First Segment Bond Ordinance.

c. Except as provided by this Ordinance, all provisions of the First Segment Bond Ordinance shall apply to the Second Segment Bonds, including without limitation, the following sections of the First Segment Bond Ordinance: Section 12. Operating Year; Section 13. Funds and Accounts, Flow of Funds; Section 17. Investments; Section 18. Covenants; Section 19. Additional Bonds; Section 20. Appointment of Receiver and Statutory Rights; Section 21. Remedies not Exclusive; and Section 22. Effect of Waiver and Other Circumstances.

**Section 5. Project Bond Details, Registration and Execution.**

a. **Details of Second Segment Bonds.** The Second Segment Bonds shall be issued in the amount of \$6,105,000 and shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2017, substantially in the form attached to this Ordinance as Exhibit A. The Second Segment Bonds shall be sold to the Michigan Finance Authority (the "Authority") in accordance with Section 18 pursuant to the terms of a Purchase Contract by and between the Authority and the Township (the "Purchase Contract"), the form of which has been approved by the Board, and a Supplemental Agreement by and between the Township, the



Authority and the State of Michigan acting through the Department of Environmental Quality (the "Supplemental Agreement"), the form of which has been approved by the Board. The Second Segment Bonds shall be dated as of the date of delivery to the Authority; shall bear interest at the rate of 2.50% per annum, payable on April 1, 2018, and semi-annually thereafter on each April 1 and October 1 until payment of the principal of the Second Segment Bonds has been made or duly provided for. The Second Segment Bonds shall be issued in one or more certificates in \$1.00 denominations or any integral multiple thereof up to the aggregate principal amount of the Second Segment Bonds, shall be numbered from R-1 upwards in order of authentication, shall be fully registered and shall be designated Series 2017. The Second Segment Bonds shall mature serially on April 1 in each year in the amounts as follows:

<u>Date</u>	<u>Principal Maturity</u>	<u>Date</u>	<u>Principal Maturity</u>
2019	\$240,000	2029	\$305,000
2020	\$245,000	2030	\$315,000
2021	\$250,000	2031	\$320,000
2022	\$255,000	2032	\$330,000
2023	\$265,000	2033	\$340,000
2024	\$270,000	2034	\$345,000
2025	\$275,000	2035	\$355,000
2026	\$285,000	2036	\$365,000
2027	\$290,000	2037	\$375,000
2028	\$300,000	2038	\$380,000

The Second Segment Bonds shall not be sold for less than 100% of par value.

Interest on the Second Segment Bonds shall be payable by check or draft mailed to each Registered Owner at the registered address, as shown on the registration books of the Township maintained by the Bond Registrar. Interest shall be payable to the Registered Owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The principal of the Second Segment Bonds shall be payable by the Bond Registrar at the principal office of the Bond Registrar upon presentation and surrender thereof.

Principal of and interest on the Second Segment Bonds shall be payable in lawful money of the United States.

The Second Segment Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding the foregoing or any other provision of this Ordinance:

(1) The Supervisor and Clerk are hereby authorized and directed to approve the final terms of the sale of the Second Segment Bonds as evidenced by the Purchase Contract or otherwise, including the date of delivery, the purchase price, the aggregate principal amount, which shall in no event exceed \$6,105,000, the principal amount and annual maturity dates of individual maturities, the rate or rates of interest payable on the Second Segment Bonds, which shall not exceed 2.75% per annum, minimum principal denominations, the series designation, interest payment dates including the date of the first interest payment, the



commencement dates of the required set asides in the Redemption Fund and the Bond Reserve Account and other matters necessary to issue the Second Segment Bonds, subject in all respects to the limitations of Act 94.

(2) The Second Segment Bonds may be delivered in one or more installments of principal in accordance with the Purchase Contract and the Supplemental Agreement.

(3) The Township promises to pay to the Authority the principal amount of the Second Segment Bonds or so much thereof as shall have been advanced to the Township pursuant to the Purchase Contract and the Supplemental Agreement, after taking into account SRF Loan Program principal forgiveness, if any.

(4) So long as the Authority is the owner of the Second Segment Bonds, (i) the Second Segment Bonds shall be payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (ii) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the Second Segment Bonds in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (iii) written notice of any redemption of the Second Segment Bonds shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

(5) In the event of a default in the payment of principal or interest on the Second Segment Bonds when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase the Second Segment Bonds but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase the Second Segment Bonds fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on the Second Segment Bonds.

(6) It is understood and agreed by the Township that during the time funds are being drawn down by the Township in accordance with the Purchase Contract and the Supplemental Agreement, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Second Segment Bonds. The Township acknowledges that in the event the principal amount of the loan evidenced by the Second Segment Bonds is reduced by the Authority in accordance with Schedule I to the form of the Second Segment Bonds attached hereto as Exhibit A or the Supplemental Agreement, the Authority will prepare a revised Schedule I to the Second Segment Bonds that is calculated so that the principal payments are rounded to the nearest dollar and such revised Schedule I shall be effective upon receipt by the Township.

(7) In the event the Township is eligible for forgiveness by the SRF Loan Program of a portion of the principal amount of the Second Segment Bonds, the Township agrees to accept such principal forgiveness provided by the SRF Loan Program.

b. **Registration and Execution of Bonds.** The Second Segment Bonds shall be signed by the original or facsimile signature of the Supervisor and countersigned by the original or facsimile signature of the Township Clerk. The Second Segment Bonds shall have the corporate seal of the Township affixed thereto or printed thereon in facsimile form. No Second Segment Bond shall be valid until authenticated by the Bond Registrar. Executed blank Second Segment Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Bond Registrar for safekeeping.

Any Second Segment Bond, upon surrender of the bond to the Bond Registrar by the Registered Owner thereof, accompanied by delivery of a duly executed written instrument of transfer satisfactory to the Bond Registrar, may be exchanged for Second Segment Bonds of any other authorized denominations of the same aggregate principal amount, maturity date and interest rate as the surrendered Second Segment Bond.

Any Second Segment Bond may be transferred upon the books of the Township maintained by the Bond Registrar by the Registered Owner thereof, in person or by his duly authorized attorney, upon surrender of the Second Segment Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. Whenever any Second Segment Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new Second Segment Bond or Bonds, for like aggregate principal amount, maturity, interest rate and series. The Bond Registrar shall require the payment by the Registered Owner requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

The Township shall have the right to designate a successor to the Bond Registrar and, in such event, a notice shall be mailed to the Registered Owners by the Bond Registrar not less than sixty (60) days prior to the change in Bond Registrar.

**Section 6. Replacement of Second Segment Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Township may authorize the Bond Registrar to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the Township in connection therewith. Any bond delivered pursuant to the provisions of this Section 6 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.

**Section 7. Payment of Second Segment Bonds; Creation and Priority of Lien; Defeasance.** The Second Segment Bonds and the interest thereon shall be payable solely from the Net Revenues and to secure such payment, there is hereby created a first priority statutory lien upon the Net Revenues. Pursuant to provisions of Act 94, the Township hereby pledges the Net Revenues to the repayment of the principal of, redemption premium, if any, and interest on the Second Segment Bonds. The lien and pledge provided by this Ordinance shall continue until payment in full of the principal of and interest on all Second Segment Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all principal and interest on the Second Segment Bonds of a series then outstanding to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the preceding sentence, the statutory lien shall be terminated with respect to the Second Segment Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the funds so deposited, and the Second Segment Bonds shall be considered to be defeased and shall no longer be considered to be outstanding under this Ordinance.

The Second Segment Bonds shall have equal standing and priority of lien as to the Net Revenue with the First Segment Bonds and any Additional Bonds issued in accordance with the First Segment Bond Ordinance.

**Section 8. Management.** The operation, repair and management of the System and the acquisition and construction of the Project shall be under the supervision and control of the Township Board. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient administration of the System. The Township may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

**Section 9. Rates.** The rates to be charged for service furnished by the System and the methods of collection and enforcement of the collection of the rates including late payment fees and penalties applicable to users of the System who fail to pay, in a timely fashion, the rates and charges that have been billed for the use of the System, shall be those permitted by law and

established by the Board on or before the date of adoption of this Ordinance and thereafter as established by the Board. In the event that a user of the System does not timely pay the rates and charges that have been billed to such user, the Township Board shall take the necessary action to add such delinquent rates and charges to the user's ad valorem property tax bills.

**Section 10. No Free Service.** No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Township.

**Section 11. Rate Covenant.** The rates charged in accordance with Section 9 of this Ordinance are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, and when taken together with Net Revenues, to provide for (i) an amount equal to the annual principal and interest requirements on all of the Bonds, including the First Segment Bonds and the Second Segment Bonds and any other indebtedness payable from Net Revenues, as the same become due and payable, (ii) the maintenance of the Bond Reserve Account, as required by the First Segment Bond Ordinance and this Ordinance, and (iii) all other obligations, expenditures and funds for the System required by law, the First Segment Bond Ordinance, or this Ordinance. In addition, the Township covenants that the rates shall be set from time to time so that there shall be produced, in each fiscal year of the Township, Net Revenues, based upon the Township's reasonable expectations and historical operating trends, in an amount equal to 100% of the principal of and interest coming due in each fiscal year on the Bonds, including the First Segment Bonds and the Second Segment Bonds, and all other indebtedness payable from Net Revenues. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and the Township hereby covenants and agrees to fix and maintain rates in accordance with Act 94 for services furnished by the System at all times sufficient to provide for the foregoing.

**Section 12. Funds and Accounts, Flow of Funds.** Except as set forth below, all Revenues of the System shall be set aside as collected and credited to the Receiving Fund established in accordance with the First Segment Bond Ordinance.

a. **Second Segment Subaccount of the Bond and Interest Redemption Fund.** Out of the Net Revenues remaining in the Receiving Fund, after provision for the credit or deposit to the Operation and Maintenance Fund, the payments to be set aside in the Redemption Fund for payment of the Second Segment Bonds shall be set aside quarterly on the first day of each March, June, September and December, commencing December 1, 2017, and deposited in the Second Segment Subaccount, for payment of interest on the Second Segment Bonds, a sum equal to at least one-half of the amount of the interest due on the next ensuing interest payment date plus commencing December 1, 2017 for payment of principal on the Second Segment Bonds a sum equal to not less than one-quarter of the principal maturing on the next ensuing principal payment date in each year, subject to any credit therefore from investment earnings transferred from the Bond Reserve Account. If there shall be any deficiency in the amount previously required to be set aside, then the amount of such deficiency shall be added to the next succeeding quarterly requirement.



b. **Second Segment Subaccount of Bond Reserve Account.** A Second Segment Subaccount in the Bond Reserve Account is hereby established and shall be funded by the Township commencing September 1, 2018 by the deposit of surplus monies in the Receiving Fund or allocable Net Revenues remaining, if any, after the set aside into the Redemption Fund of a sufficient sum for current principal and interest payments on the Bonds as provided in the First Segment Bond Ordinance. The Second Segment Subaccount of the Bond Reserve Account shall be funded, to the extent of such available monies, in the amount of one-third of the Bond Reserve Requirement annually until an amount equal to the Bond Reserve Requirement has been accumulated. All investment earnings in the Second Segment Subaccount of the Bond Reserve Account shall be transferred to the Redemption Fund and set aside in each subaccount maintained for the payment of current principal and interest on the Second Segment Bonds. If at any time it shall be necessary to use moneys credited to the Second Segment Subaccount of the Bond Reserve Account for the payment of principal and interest on any of the Second Segment Bonds, then the moneys so used shall be replaced over a period of not more than five years from the Net Revenues first received thereafter which are not required for current principal and interest requirements on the Project Bonds. If at any time there is any excess in the Bond Reserve Account over the Bond Reserve Requirement, such excess may be transferred to such fund or account as the Township Board shall direct. No proceeds of the Second Segment Bonds shall be used to fund the Bond Reserve Account.

Notwithstanding the foregoing, (1) deposits from Net Revenues to the Second Segment Subaccount of the Bond Reserve Account shall be made on an allocable basis with deposits from Net Revenues to the Bond Reserve Account established by the First Segment Bond Ordinance for the First Segment Bonds, and (2) the Bond Reserve Requirement for the Second Segment Bonds shall be determined by subtracting the Bond Reserve Requirement for the First Segment Bonds from the Bond Reserve Requirement for the Project Bonds.

**Section 13. Depository Bank.** Moneys in the several funds and accounts established pursuant to this Ordinance, except moneys in the Redemption Fund, including the Bond Reserve Account, and moneys derived from the proceeds of sale of the Second Segment Bonds and deposited to a construction fund, including in the case of the proceeds of the Second Segment Bonds which shall be deposited to the Construction Fund in accordance with Section 15 of this Ordinance, may be kept in one bank account with the Depository Bank, in which event the moneys in the bank account shall be allocated on the books and records of the Township and deposited to the funds and accounts herein established in this Ordinance, in the manner and at the times provided in this Ordinance and law.

**Section 14. Priority of Funds.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Redemption Fund or the Bond Reserve Account, any moneys or securities in other funds of the System, except the proceeds of sale of the Second Segment Bonds deposited to a construction fund, including in the case of the proceeds of the Second Segment Bonds on deposit in the Construction Fund in accordance with Section 15 of this Ordinance, shall be credited or transferred, first, to the Operation and Maintenance Fund and second, to the Redemption Fund, to the extent of any deficit therein.

**Section 15. Bond Proceeds.** The proceeds of the sale of the Second Segment Bonds shall be deposited in the Construction Fund as a separate depository account at the Depository. Proceeds of the Second Segment Bonds shall be advanced to the Township in installments of principal in accordance with the terms of the Purchase Contract and Supplemental Agreement.

Money in the Construction Fund shall be applied solely in payment of the cost of the Project, including any engineering, legal and other expenses incident thereto and to the financing thereof. No proceeds of the Second Segment Bonds shall be used to pay capitalized interest. Payment for construction, either on account or otherwise, shall not be made unless the Consulting Engineer shall file with the Township Board a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor, that the work was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance in the Construction Fund of the proceeds of the sale of the Second Segment Bonds remaining after completion of that portion of the Project financed by the Second Segment Bonds may, at the discretion of the Township, be used for additional costs of the Project or for such further improvements, enlargements and extensions of the System, if, at the time of such expenditures, such use is approved by the SRF Loan Program or the Michigan Department of Treasury, if such permission is then required by the SRF Loan Program or by law. Any remaining balance after such expenditure shall be paid to the Second Segment Subaccount of the Redemption Fund and may be used for the purpose of purchasing Second Segment Bonds on the open market at not more than the fair market value thereof, redeeming Second Segment Bonds or paying principal of the Second Segment Bonds upon maturity. The foregoing is subject to the terms and conditions of the Purchase Contract and the Supplemental Agreement.

After completion of that portion of the Project financed by the Second Segment Bonds and disposition of remaining proceeds, if any, of the Second Segment Bonds pursuant to the provisions of this Section, the Construction Fund shall be closed.

**Section 16. Covenants.** The Township covenants and agrees with the Registered Owners of the Bonds, including the First Segment Bonds and the Second Segment Bonds, that so long as any of the Bonds are Outstanding Bonds and unpaid as to either principal or interest:

a. The Township will cause the Project to be acquired and constructed promptly and in accordance with the plans and specifications therefor.

b. With respect to the Second Segment Bonds, the Township shall comply with all terms and conditions of the Purchase Contract and the Supplemental Agreement.

c. The Township will comply with all terms, conditions and covenants in the First Segment Bond Ordinance with respect to the First Segment Bonds and any additional Bonds issued in accordance with the First Segment Bond Ordinance.

**Section 17. Covenant Regarding Tax Exempt Status of the Second Segment Bonds.**

a. The Township covenants to comply with all requirements of the Code necessary to assure that the interest on the Second Segment Bonds, if any, will be and will remain excludable from gross income for federal income tax purposes (as opposed to alternative minimum or other indirect taxation). The Township hereby covenants that the Township will make no use of the proceeds of the Second Segment Bonds, if any, which if such use had been reasonably expected on the date of issuance of the Second Segment Bonds, would have caused the Second Segment Bonds to be "arbitrage bonds," as defined in Section 148 of the Code. In addition, the Township covenants to comply with all applicable provisions of the Code that must be satisfied subsequent to the issuance of the Second Segment Bonds, if any, in order that the interest on the Second Segment Bonds be excluded (or continue to be excluded) from gross income within the meaning of Section 103(a) of the Code.

b. The Township hereby designates the Second Segment Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b) (3) of the Code, it being reasonably anticipated that the aggregate amount of qualified tax exempt obligations which will be issued by the Township and all subordinate entities to the Township shall not exceed \$10,000,000 during calendar year 2017.

c. The Second Segment Bonds and the interest, if any, on the Second Segment Bonds shall be exempt from taxation by the State of Michigan or by any taxing authority within the State of Michigan.

**Section 18. Negotiated Sale of Second Segment Bonds.** The Supervisor and Clerk are hereby authorized to sell the Second Segment Bonds at a negotiated sale to the Authority, in accordance with the Purchase Contract, the Supplemental Agreement and applicable state law and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Second Segment Bonds in accordance with the provisions of this Ordinance. The Second Segment Bonds shall be sold at a negotiated sale instead of a competitive sale to take advantage of the terms and conditions of the SRF Loan Program, including the not-to-exceed fixed rate of interest of 2.75% per annum for all maturities of the Second Segment Bonds, which is below prevailing open market interest rates, and SRF Loan Program principal forgiveness, if any.

**Section 19. Disclosure of Information.** The Township agrees to provide the Authority in a timely manner with all information and documents regarding the Township and the Project Bonds, including an official statement that the Authority or its bond underwriters need to meet any Securities and Exchange Commission regulation, any industry standard or other federal or state regulation which imposes a disclosure requirement or continuing disclosure requirement relating to any Authority bond issue which was used or is needed to provide monies to the fund used to purchase the Project Bonds or relating to any other Authority bond issue which was used by the Authority to purchase an obligation of the Township. In furtherance of the above, the Township also agrees that upon the request of the Authority it will promptly execute and deliver a continuing disclosure undertaking in form and substance determined by the Authority to be necessary or desirable to assist the Authority or its underwriters in complying

with Rule 15c2-12 promulgated by the Securities and Exchange Commission. If required, such continuing disclosure undertaking shall be executed by the Supervisor and the Clerk.

**Section 20. Michigan Department of Treasury.** The Township, acting with the assistance of Bond Counsel for the Project, shall obtain approval from the Michigan Department of Treasury for the issuance of the Project Bonds either by filing a municipal finance qualifying statement or submitting a prior approval application in accordance with Act 34, and the Township Supervisor is hereby authorized and directed to file any required documents.

**Section 21. Delivery of Second Segment Bonds.** The Second Segment Bonds shall be executed in the manner provided by Section 5 in substantially the form approved with such necessary variations, omissions, corrections and insertions as the Supervisor and Township Clerk deem appropriate and are required for and on behalf of the Township. Upon execution of the Second Segment Bonds, the Township Treasurer is hereby authorized and directed to deliver or cause to be delivered the Second Segment Bonds to the Bond Registrar for authentication and, in turn to the purchaser thereof, upon receipt of the purchase price therefor. The proceeds of the Second Segment Bonds shall be deposited into the Construction Fund as provided in Section 15, above.

The Supervisor, Clerk and Treasurer are authorized and directed to execute and deliver on behalf of the Township such other certificates, affidavits, investment agreements or other documents or instruments as may be required by the purchaser of the Second Segment Bonds or bond counsel or convenient to effectuate the execution and delivery of the Second Segment Bonds.

The Township shall furnish the Second Segment Bonds ready for execution without expense to the purchaser. The Township shall also furnish without expense to the purchaser at the time of delivery of the Second Segment Bonds, the approving opinion of Mika Meyers PLC, Attorneys, Grand Rapids, Michigan, approving the legality of the Second Segment Bonds. The Second Segment Bonds will be delivered at the expense of the Township in the manner and at the location as agreed upon with the purchaser thereof.

**Section 22. Absence or Disability.** In the absence or disability of the Township Supervisor, the Deputy Supervisor shall act hereunder in his stead. In the absence or disability of the Township Clerk, the Deputy Clerk shall act hereunder in her stead. In the absence or disability of the Township Treasurer, the Deputy Township Treasurer shall act hereunder in her stead.

**Section 23. Ordinance to Constitute Contract.** In consideration of the purchase and acceptance of any and all of the Second Segment Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Township and the Registered Owners from time to time of the Second Segment Bonds and the lien and pledge made in this Ordinance and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Second Segment Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction of any of the Second



Segment Bonds over any other thereof except as expressly provided in or permitted by this Ordinance.

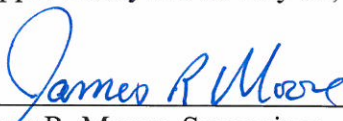
**Section 24. Conflicting Ordinances.** Except for the First Segment Bond Ordinance, all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed. To the extent of a conflict between the provisions of the First Segment Bond Ordinance and the provisions of this Ordinance, the provisions of the First Segment Bond Ordinances shall prevail, except with respect to a conflict over the terms of the Second Segment Bonds, the Bond Reserve Requirement for the Second Segment Bonds, the subaccounts to be established for the Second Segment Bonds in the Redemption Fund and the Bond Reserve Account, the requirements of the SRF Loan Program applicable to the Second Segment Bonds and the Construction Fund, then the provisions of this Ordinance shall prevail.

**Section 25. Severability and Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

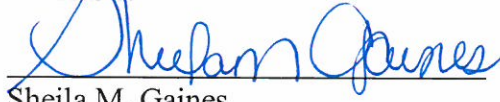
**Section 26. Publication and Recordation.** This Ordinance shall be published in full in *The Sault Ste. Marie Evening News*, a newspaper of general circulation in the Township qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

**Section 27. Effective Date.** In accordance with Act 94, this Ordinance shall become effective immediately upon its adoption.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 17, 2017, and approved by me on July 17, 2017.

  
\_\_\_\_\_  
James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk

**EXHIBIT A**

REGISTERED

REGISTERED

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF CHIPPEWA

CHARTER TOWNSHIP OF KINROSS

SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2017

No. R-1

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT:

INTEREST RATE: Two and one-half percent (2.50%) per annum

DATE OF ORIGINAL ISSUE AND REGISTRATION: The date each installment portion of the Principal Amount was delivered to the Registered Owner in accordance with the Purchase Contract and Supplemental Agreement.

KNOW ALL MEN BY THESE PRESENTS, that the Charter Township of Kinross, County of Chippewa, State of Michigan (the "Township" or "Issuer"), acknowledges itself indebted and for value received, hereby promises to pay the Principal Amount shown above to the Registered Owner specified above or its registered assigns shown as the owner of record of this bond on the books of the Township Treasurer, Kincheloe, Michigan, as bond registrar (the "Bond Registrar") on the applicable date of record, in installments in the amounts and on the dates as set forth in Schedule I, attached hereto and made a part hereof, with interest thereon from the Date of Original Issue and Registration specified above until paid at the Interest Rate per annum specified above, first payable \_\_\_\_\_ 1, 20\_\_ and semi-annually thereafter and principal is payable on the first day of \_\_\_\_\_ commencing \_\_\_\_\_ 1, 20\_\_ (as identified in the Purchase Contract) and annually thereafter. Payment of principal and interest shall be paid to the Registered Owner hereof by the Bond Registrar by first class mail. The date of record shall be each \_\_\_\_\_ 15 and \_\_\_\_\_ 15 with respect to the payments due on each \_\_\_\_\_ 1 and \_\_\_\_\_ 1, respectively. Principal and interest are payable in lawful money of the United States of America.

The Township promises to pay to the Michigan Finance Authority (the "Authority") the principal amount of the Bond or so much thereof as shall have been advanced to the Township pursuant to a Purchase Contract between the Township and the Authority and a Supplemental Agreement by and among the Township, the Authority and the State of Michigan acting through

the Department of Environmental Quality, less the principal amount of such Bond, if any, that is subject to principal forgiveness.

During the time funds are being drawn down by the Township under this Bond, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Township acknowledges that in the event the principal amount of the loan evidenced by the Bonds is reduced by the Authority in accordance with Schedule I attached hereto or the Supplemental Agreement, the Authority will prepare a revised Schedule I to this Bond that is calculated so that the principal payments are rounded to the nearest dollar and which revised Schedule I shall be effective upon receipt by the Township.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (b) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any

redemption of this Bond shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

This bond is issued pursuant to Ordinance No. 1.138 and Ordinance No. \_\_\_\_\_ (together, the "Ordinance"), duly adopted by the Township Board of the Township and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94 of the Public Acts of Michigan of 1933, as amended, for the purpose of paying a portion of the cost of improvements to the Charter Township of Kinross sanitary sewage disposal system (the "System").

The revenues of the System, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System, exclusive of depreciation (the "Net Revenues"), are irrevocably pledged for the prompt payment of principal and interest on this Bond on a parity basis with bonds of equal standing payable from Net Revenues of the System, and a first priority statutory lien thereon has been created. The principal of and interest on this Bond shall be payable in lawful money of the United States.

The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's Sewage Disposal System Revenue Bonds, Series 2015, issued September 17, 2015.

This bond is a self-liquidating bond and is not a general obligation of the Township and does not constitute an indebtedness of the Township within any constitutional, statutory or charter limitation, but is payable, both as to Principal Amount and interest, solely from the Net Revenues of the System, with the priority of lien summarized above.

The Township has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient, when taken together with Net Revenues, to provide for payment of the principal of and interest on the bonds of this issue and any other indebtedness payable from the Net Revenues as and when the same shall become due and payable, and to maintain a bond reserve for the bonds of this series, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance. In addition, the Township has covenanted in the Ordinance to operate the System so as to provide Net Revenues equal to at least 100% of debt service on all bonds and indebtedness payable from the Net Revenues of the System in each year.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, the rights and limitations on the owners of the bonds and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.



[Notwithstanding the foregoing or any other provision of this bond, the Township is party to a Revenue Sharing Pledge Agreement, pursuant to which the Township has pledged and assigned to the Authority the Township's Distributable Aid (as defined in said Revenue Sharing Pledge Agreement) as additional security for the Township's obligation to pay the principal of, premium, if any, and interest on the bonds of this issue, as the same become due.]

This bond is transferable only upon the registration books of the Township kept by the Bond Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Certificate of Registration and Authentication on this bond has been executed by the Bond Registrar.

IN WITNESS WHEREOF, the Charter Township of Kinross, County of Chippewa, State of Michigan, by its Township Board, has caused this bond to be executed by its Supervisor and its Township Clerk and its corporate seal to be affixed on this bond all as of the Date of Original Issue.

CHARTER TOWNSHIP OF KINROSS

By James R. Moore  
James R. Moore  
Its Supervisor

[SEAL]

By Sheila M. Gaines  
Sheila M. Gaines  
Its Clerk

## CERTIFICATION OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Bond Authorizing Resolution and has been registered in the name of the payee designated on the face hereof in the Register maintained for the issuer thereof.

TREASURER, CHARTER TOWNSHIP OF  
KINROSS  
as Bond Registrar

Date of  
Authentication: 7-17-2017

By Shayne Koorman  
Authorized Representative

## ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto \_\_\_\_\_,  
the within bond and all rights thereunder and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within bond on the books kept for registration  
thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature Guaranteed

Signature(s) must be guaranteed by an eligible  
guarantor institution participating in a  
Securities Transfer Association recognized  
signature guarantee program

\_\_\_\_\_  
NOTICE: The signature(s) to this assignment  
must correspond with the name as it appears  
on the face of the within Bond in every  
particular, without alteration or enlargement or  
any change whatever.

\_\_\_\_\_  
Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities  
Transfer Association recognized signature guarantee program

The Bond Registrar will not affect transfer of this Bond unless the information  
concerning the transferee requested below is provided.

Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Include information for all joint owners if this  
Bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OF  
OTHER IDENTIFYING NUMBER OF TRANSFEREE

\_\_\_\_\_  
(Insert number for first-named transferee if held by joint account)

DEQ Project No.  
DEQ Approved Amt: \$ \_\_\_\_\_

### SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Due  
Date

Amount of Principal  
Installment Due

\_\_\_\_\_, \_\_\_\_\_

Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of 2.5% per annum, payable \_\_\_\_\_, 20\_\_\_\_, and semi-annually thereafter.

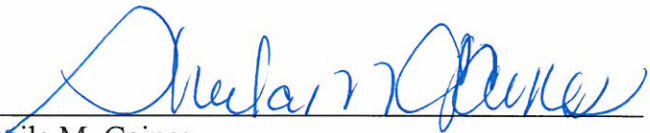
The Issuer agrees that it will deposit with The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.



## CERTIFICATE OF TOWNSHIP CLERK

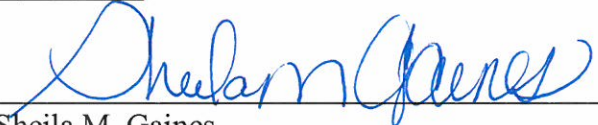
I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on July 17, 2017, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time 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.

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk

## CERTIFICATE OF PUBLICATION

I, Sheila M. Gaines, Township Clerk of the Charter Township of Kinross, County of Chippewa, State of Michigan, hereby certify that the Ordinance No. \_\_\_\_\_ was published in *The Sault Ste. Marie Evening News* on \_\_\_\_\_, 2017.

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk

**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 in the Kinross Township Hall located at 4884 W. Curtis Street, Kincheloe, Michigan, on Monday, July 15, 2019, at 7:00 p.m. Local Time.

PRESENT: Members: Sara, Masterson, Mills, Moore, Noel, Kooyer and Gaines.

ABSENT: Members: None.

It was moved by Member Sara and seconded by Member Masterson that the following Ordinance 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.

**ORDINANCE NO. 1.140**

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS OF EQUAL STANDING WITH THE SEWAGE DISPOSAL SYSTEM REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: Members: Mills, Sare, Moore, Noel, Kooyer, Masterson and Gaines.

NAYS: Members: None.

ABSTAIN: Members: None.

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 1.140 as adopted:

## CHARTER TOWNSHIP OF KINROSS

### ORDINANCE NO. 1.140

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWNSHIP SEWAGE DISPOSAL SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS OF EQUAL STANDING WITH THE SEWAGE DISPOSAL SYSTEM REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

**Section 1. Definitions.** Terms not defined in this Ordinance, including, without limitation, "Additional Bonds," "Adjusted Net Revenues," "Bond Reserve Account," "Bond Reserve Requirement," "Outstanding Bonds," and "Receiving Fund," shall have the meanings as defined in the First Segment Bond Ordinance for the issuance of the First Segment Bonds or the Second Segment Bond Ordinance for the issuance of the Second Segment Bonds. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

- a. "Act 34" means Act 34 of the Public Acts of Michigan of 2001, as amended.
- b. "Act 94" means Act 94 of the Public Acts of Michigan of 1933, as amended.
- c. "Board" or "Township Board" means the Township Board of the Township.
- d. "Bond Registrar" means the Township Treasurer who shall initially act on behalf of the Township as paying, registration and bond registrar with respect to the Project Bonds, or a bank or trust company qualified to act as a paying agent and registrar in the State of Michigan and designated by resolution of the Board.
- e. "Bonds" means the Project Bonds, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor and, when issued and delivered, any Additional Bonds.
- f. "Code" means the Internal Revenue Code of 1986, as amended.
- g. "Construction Fund" means the First Segment Bond Construction Fund established with the Depository in accordance with Section 15.
- h. "Consulting Engineers" means the engineer or engineering firm or firms appointed from time to time, and having a favorable reputation for skill and experience in the design and operation of municipal sewage disposal systems, at the time retained by the Board to perform the acts and carry out the duties provided for such Consulting Engineers in the

Ordinance, including initially Fleis & VandenBrink Engineering Inc. retained by the Board for the Project.

i. "Depository Bank" shall mean the Soo Co-op Credit Union, Sault Ste. Marie, Michigan or such other financial institution as shall be qualified under Section 15 of Act 94 and designated to act as depository pursuant to this Ordinance by resolution of the Board.

j. "First Segment Bonds" means the Township's Sewage Disposal System Revenue Bonds, Series 2015, as authorized by the First Segment Bond Ordinance.

k. "First Segment Bond Ordinance" means Township Ordinance No. 1.138, adopted by the Township Board on July 20, 2015, which authorized the issuance of the First Segment Bonds.

l. "Ordinance" means this Ordinance, which authorizes the issuance of the Third Segment Bonds and any other ordinance amendatory or supplemental to this Ordinance.

m. "Project" means improvements to the System to be undertaken in two or more segments and generally consisting of improvements and replacements to lift stations, including standby power systems, and the wastewater treatment plant, including components of the head works building, clarifier building, trickling filter pump house, chemical feed building and system, anaerobic digestion system improvements, a new food waste handling/feed system, combined heat and power improvements, and other energy efficiency improvements to the System, and related appurtenances, improvements and interests in land, as described in the plans and specifications prepared by the Consulting Engineer.

n. "Project Bonds" means the First Segment Bonds, the Second Segment Bonds, the Third Segment Bonds and any Additional Bonds issued by the Township to pay all or a portion of the costs of the Project.

o. "Second Segment Bonds" means the Township Sewage Disposal System Revenue Bonds, Series 2017, as authorized by the Second Segment Bond Ordinance, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor, to fund the cost of acquiring and constructing that portion of the Project funded with proceeds of the Second Segment Bonds.

p. "Second Segment Bond Ordinance" means Township Ordinance 1.139, as adopted by the Township Board on July 17, 2017, which authorized the issuance of the Second Segment Bonds.

q. "SRF Loan Program" means the State of Michigan Water Pollution Control Revolving Fund a.k.a. State Revolving Fund Loan Program.

r. "System" means the complete sanitary sewage disposal system of the Township intended to serve the Township, including the trunk and lateral sanitary sewers, pumping stations, force main and the sewage treatment facility together with all plants, works, instrumentalities, properties and appurtenances, used or useful in connection with the collection, treatment and disposal of sanitary sewage and all additions, extensions and improvements existing or hereafter acquired, including the Project.

s. "Third Segment Bonds" means the Township Sewage Disposal System Revenue Bonds, Series 2019, as authorized by this Ordinance, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor, to fund the cost of acquiring and constructing that portion of the Project not funded with proceeds of the First Segment Bonds or Second Segment Bonds.

t. "Township" and "Issuer" mean the Charter Township of Kinross, Chippewa County, Michigan.

**Section 2. Necessity; Approval of Plans and Specification.** It is hereby determined to be a necessary public purpose of the Township to acquire and construct the Project in accordance with the plans and specifications presented to the Board by the Consulting Engineers, which plans and specifications are hereby approved.

**Section 3. Cost and Period of Usefulness of Project.** The total cost of the Project to be funded by the Third Segment Bonds, estimated by the Consulting Engineers to be Six Million Three Hundred Seventy-Two Thousand, Seven Hundred and Eighty-Four and 50/100 Dollars (\$6,372,784.50) including the payment of incidental expenses as specified in Section 4 of this Ordinance, is hereby approved and confirmed, and the period of usefulness of the portion of the Project to be defrayed by the Third Segment Bonds is estimated to be not less than thirty (30) years.

**Section 4. Payment of Cost of Project; Second Segment Bonds Authorized as Additional Bonds.**

a. To pay the cost of acquiring and constructing the Project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Project Bonds, the Township shall borrow the not-to-exceed sum of Six Million and 00/100 Dollars (\$6,000,000) and issue therefor its Third Segment Bonds in the current estimated amount of \$6,000,000 in one or more series pursuant to the provisions of Act 94 to evidence one or more loans from the SRF Loan Program. The remaining cost of the Project shall be defrayed from investment earnings on bond proceeds and Issuer funds on hand and legally available for such use.

b. The Third Segment Bonds shall be issued as Additional Bonds in accordance with Section 19(b) of the First Segment Bond Ordinance to finance the cost of improvements to the System and all conditions stated therein for the issuance of the Third Segment Bonds as Additional Bonds have been satisfied. Accordingly, the Third Segment Bonds shall have equal standing and priority of lien on the Net Revenues with the First Segment Bonds and Second Segment Bonds, and any further Additional Bonds issued in accordance with the First Segment Bond Ordinance.

c. Except as provided by this Ordinance, all provisions of the First Segment Bond Ordinance shall apply to the First Segment Bonds, including without limitation, the following sections of the First Segment Bond Ordinance: Section 12. Operating Year; Section 13. Funds and Accounts, Flow of Funds; Section 17. Investments; Section 18. Covenants; Section 19. Additional Bonds; Section 20. Appointment of Receiver and Statutory Rights; Section 21. Remedies not Exclusive; and Section 22. Effect of Waiver and Other Circumstances.



## **Section 5. Project Bond Details, Registration and Execution.**

a. **Details of Third Segment Bonds.** The Third Segment Bonds shall be issued in the amount of \$6,000,000 and shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2019, substantially in the form attached to this Ordinance as Exhibit A. The Third Segment Bonds shall be sold to the Michigan Finance Authority (the "Authority") in accordance with Section 18 pursuant to the terms of a Purchase Contract by and between the Authority and the Township (the "Purchase Contract"), the form of which has been approved by the Board, and a Supplemental Agreement by and between the Township, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes and Energy (the "Supplemental Agreement"), the form of which has been approved by the Board. The Third Segment Bonds shall be dated as of the date of delivery to the Authority; shall bear interest at the rate of 2.00% per annum, payable on April 1, 2020, and semi-annually thereafter on each April 1 and October 1 until payment of the principal of the Third Segment Bonds has been made or duly provided for. The Third Segment Bonds shall be issued in one or more certificates in \$1.00 denominations or any integral multiple thereof up to the aggregate principal amount of the Third Segment Bonds, shall be numbered from R-1 upwards in order of authentication, shall be fully registered and shall be designated Series 2019. The Third Segment Bonds shall mature serially on October 1 in each year in the amounts as follows:

<u>Date</u>	<u>Principal Maturity</u>	<u>Date</u>	<u>Principal Maturity</u>
2021	\$245,000	2031	\$300,000
2022	\$250,000	2032	\$305,000
2023	\$255,000	2033	\$315,000
2023	\$260,000	2034	\$320,000
2025	\$265,000	2035	\$325,000
2026	\$275,000	2036	\$335,000
2027	\$280,000	2037	\$340,000
2028	\$285,000	2038	\$345,000
2029	\$290,000	2039	\$355,000
2030	\$295,000	2040	\$360,000

The Third Segment Bonds shall not be sold for less than 100% of par value.

Interest on the Third Segment Bonds shall be payable by check or draft mailed to each Registered Owner at the registered address, as shown on the registration books of the Township maintained by the Bond Registrar. Interest shall be payable to the Registered Owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The principal of the Third Segment Bonds shall be payable by the Bond Registrar at the principal office of the Bond Registrar upon presentation and surrender thereof.

Principal of and interest on the Third Segment Bonds shall be payable in lawful money of the United States.

The Third Segment Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding the foregoing or any other provision of this Ordinance:

(1) The Supervisor and Clerk are hereby authorized and directed to approve the final terms of the sale of the Third Segment Bonds as evidenced by the Purchase Contract or otherwise, including the date of delivery, the purchase price, the aggregate principal amount, which shall in no event exceed \$6,000,000, the principal amount and annual maturity dates of individual maturities, the rate or rates of interest payable on the Third Segment Bonds, which shall not exceed 2.00% per annum, minimum principal denominations, the series designation, interest payment dates including the date of the first interest payment, the commencement dates of the required set asides in the Redemption Fund and the Bond Reserve Account and other matters necessary to issue the Third Segment Bonds, subject in all respects to the limitations of Act 94.

(2) The Third Segment Bonds may be delivered in one or more installments of principal in accordance with the Purchase Contract and the Supplemental Agreement.

(3) The Township promises to pay to the Authority the principal amount of the Third Segment Bonds or so much thereof as shall have been advanced to the Township pursuant to the Purchase Contract and the Supplemental Agreement, after taking into account SRF Loan Program principal forgiveness, if any.

(4) So long as the Authority is the owner of the Third Segment Bonds, (i) the Third Segment Bonds shall be payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (ii) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the Third Segment Bonds in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (iii) written notice of any redemption of the Third Segment Bonds shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

(5) In the event of a default in the payment of principal or interest on the Third Segment Bonds when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase the Third Segment Bonds but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase the Third Segment Bonds fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and



hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on the Third Segment Bonds.

(6) It is understood and agreed by the Township that during the time funds are being drawn down by the Township in accordance with the Purchase Contract and the Supplemental Agreement, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Third Segment Bonds. The Township acknowledges that in the event the principal amount of the loan evidenced by the Third Segment Bonds is reduced by the Authority in accordance with Schedule I to the form of the Third Segment Bonds attached hereto as Exhibit A or the Supplemental Agreement, the Authority will prepare a revised Schedule I to the Third Segment Bonds that is calculated so that the principal payments are rounded to the nearest dollar and such revised Schedule I shall be effective upon receipt by the Township.

(7) In the event the Township is eligible for forgiveness by the SRF Loan Program of a portion of the principal amount of the Third Segment Bonds, the Township agrees to accept such principal forgiveness provided by the SRF Loan Program.

b. **Registration and Execution of Bonds.** The Third Segment Bonds shall be signed by the original or facsimile signature of the Supervisor and countersigned by the original or facsimile signature of the Township Clerk. The Third Segment Bonds shall have the corporate seal of the Township affixed thereto or printed thereon in facsimile form. No Third Segment Bond shall be valid until authenticated by the Bond Registrar. Executed blank Third Segment Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Bond Registrar for safekeeping.

Any Third Segment Bond, upon surrender of the bond to the Bond Registrar by the Registered Owner thereof, accompanied by delivery of a duly executed written instrument of transfer satisfactory to the Bond Registrar, may be exchanged for Third Segment Bonds of any other authorized denominations of the same aggregate principal amount, maturity date and interest rate as the surrendered Third Segment Bond.

Any Third Segment Bond may be transferred upon the books of the Township maintained by the Bond Registrar by the Registered Owner thereof, in person or by his duly authorized attorney, upon surrender of the Third Segment Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. Whenever any Third Segment Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new Third Segment Bond or Bonds, for like aggregate principal amount, maturity, interest rate and series. The Bond Registrar shall require the payment by the Registered Owner requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

The Township shall have the right to designate a successor to the Bond Registrar and, in such event, a notice shall be mailed to the Registered Owners by the Bond Registrar not less than sixty (60) days prior to the change in Bond Registrar.

**Section 6. Replacement of Third Segment Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Township may authorize the Bond Registrar to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the Township in connection therewith. Any bond delivered pursuant to the provisions of this Section 6 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.

**Section 7. Payment of Third Segment Bonds; Creation and Priority of Lien; Defeasance.** The Third Segment Bonds and the interest thereon shall be payable solely from the Net Revenues and to secure such payment, there is hereby created a first priority statutory lien upon the Net Revenues. Pursuant to provisions of Act 94, the Township hereby pledges the Net Revenues to the repayment of the principal of, redemption premium, if any, and interest on the Third Segment Bonds. The lien and pledge provided by this Ordinance shall continue until payment in full of the principal of and interest on all Third Segment Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all principal and interest on the Third Segment Bonds of a series then outstanding to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the preceding sentence, the statutory lien shall be terminated with respect to the Third Segment Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the funds so deposited, and the Third Segment Bonds shall be considered to be defeased and shall no longer be considered to be outstanding under this Ordinance.

The Third Segment Bonds shall have equal standing and priority of lien as to the Net Revenue with the First Segment Bonds, the Second Segment Bonds and any Additional Bonds issued in accordance with the First Segment Bond Ordinance.

**Section 8. Management.** The operation, repair and management of the System and the acquisition and construction of the Project shall be under the supervision and control of the Township Board. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient administration of the System. The Township may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

**Section 9. Rates.** The rates to be charged for service furnished by the System and the methods of collection and enforcement of the collection of the rates including late payment

fees and penalties applicable to users of the System who fail to pay, in a timely fashion, the rates and charges that have been billed for the use of the System, shall be those permitted by law and established by the Board on or before the date of adoption of this Ordinance and thereafter as established by the Board. In the event that a user of the System does not timely pay the rates and charges that have been billed to such user, the Township Board shall take the necessary action to add such delinquent rates and charges to the user's ad valorem property tax bills.

**Section 10. No Free Service.** No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Township.

**Section 11. Rate Covenant.** The rates charged in accordance with Section 9 of this Ordinance are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, and when taken together with Net Revenues, to provide for (i) an amount equal to the annual principal and interest requirements on all of the Bonds, including the First Segment Bonds, the Second Segment Bonds, the Third Segment Bonds and any other indebtedness payable from Net Revenues, as the same become due and payable, (ii) the maintenance of the Bond Reserve Account, as required by the First Segment Bond Ordinance, the Second Segment Bond Ordinance and this Ordinance, and (iii) all other obligations, expenditures and funds for the System required by law, the First Segment Bond Ordinance, the Second Segment Bond Ordinance and/or this Ordinance. In addition, the Township covenants that the rates shall be set from time to time so that there shall be produced, in each fiscal year of the Township, Net Revenues, based upon the Township's reasonable expectations and historical operating trends, in an amount equal to 100% of the principal of and interest coming due in each fiscal year on the Bonds, including the First Segment Bonds, the Second Segment Bonds, the Third Segment Bonds and all other indebtedness payable from Net Revenues. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and the Township hereby covenants and agrees to fix and maintain rates in accordance with Act 94 for services furnished by the System at all times sufficient to provide for the foregoing.

**Section 12. Funds and Accounts, Flow of Funds.** Except as set forth below, all Revenues of the System shall be set aside as collected and credited to the Receiving Fund established in accordance with the First Segment Bond Ordinance.

a. **Third Segment Subaccount of the Bond and Interest Redemption Fund.** Out of the Net Revenues remaining in the Receiving Fund, after provision for the credit or deposit to the Operation and Maintenance Fund as provided in Section 13.a. of the First Segment Bond Ordinance, the payments to be set aside in the Redemption Fund for payment of the Third Segment Bonds shall be set aside quarterly on the first day of each March, June, September and December, commencing December 1, 2019, and deposited in the Third Segment Subaccount, for payment of interest on the Third Segment Bonds, a sum equal to at least one-half of the amount of the interest due on the next ensuing interest payment date plus commencing December 1, 2019 for payment of principal on the Third Segment Bonds a sum equal to not less than one-quarter of the principal maturing on the next ensuing principal payment date in each year, subject to any credit therefore from investment earnings transferred from the Bond Reserve Account. If there shall be any deficiency in the amount previously required to be set aside, then the amount of such deficiency shall be added to the next succeeding quarterly requirement.

b. **Third Segment Subaccount of Bond Reserve Account.** A Third Segment Subaccount in the Bond Reserve Account is hereby established and shall be funded by the Township commencing September 1, 2020 by the deposit of surplus monies in the Receiving Fund or allocable Net Revenues remaining, if any, after the set aside into the Redemption Fund of a sufficient sum for current principal and interest payments on the Bonds as provided in the First Segment Bond Ordinance. The Third Segment Subaccount of the Bond Reserve Account shall be funded, to the extent of such available monies, in the amount of one-third of the Bond Reserve Requirement annually until an amount equal to the Bond Reserve Requirement has been accumulated. All investment earnings in the Third Segment Subaccount of the Bond Reserve Account shall be transferred to the Redemption Fund and set aside in each subaccount maintained for the payment of current principal and interest on the Third Segment Bonds. If at any time it shall be necessary to use moneys credited to the Third Segment Subaccount of the Bond Reserve Account for the payment of principal and interest on any of the Third Segment Bonds, then the moneys so used shall be replaced over a period of not more than five years from the Net Revenues first received thereafter which are not required for current principal and interest requirements on the Project Bonds. If at any time there is any excess in the Bond Reserve Account over the Bond Reserve Requirement, such excess may be transferred to such fund or account as the Township Board shall direct. No proceeds of the Third Segment Bonds shall be used to fund the Bond Reserve Account.

Notwithstanding the foregoing, (1) deposits from Net Revenues to the Third Segment Subaccount of the Bond Reserve Account shall be made on an allocable basis with deposits from Net Revenues to the Bond Reserve Account established by the First Segment Bond Ordinance for the First Segment Bonds and Second Segment Bond Ordinance for the Second Segment Bonds, and (2) the Bond Reserve Requirement for the Third Segment Bonds shall be determined by subtracting the Bond Reserve Requirement for the First Segment Bonds and the Second Segment Bonds from the Bond Reserve Requirement for the Project Bonds.

**Section 13. Depository Bank.** Moneys in the several funds and accounts established pursuant to this Ordinance, except moneys in the Redemption Fund, including the Bond Reserve Account, and moneys derived from the proceeds of sale of the Third Segment Bonds and deposited to a construction fund, including in the case of the proceeds of the Third Segment Bonds which shall be deposited to the Construction Fund in accordance with Section 15 of this Ordinance, may be kept in one bank account with the Depository Bank, in which event the moneys in the bank account shall be allocated on the books and records of the Township and deposited to the funds and accounts herein established in this Ordinance, in the manner and at the times provided in this Ordinance and law.

**Section 14. Priority of Funds.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Redemption Fund or the Bond Reserve Account, any moneys or securities in other funds of the System, except the proceeds of sale of the Third Segment Bonds deposited to a construction fund, including in the case of the proceeds of the Third Segment Bonds on deposit in the Construction Fund in accordance with Section 15 of this Ordinance, shall be credited or transferred, first, to the Operation and Maintenance Fund and second, to the Redemption Fund, to the extent of any deficit therein.

**Section 15. Bond Proceeds.** The proceeds of the sale of the Third Segment Bonds shall be deposited in the Construction Fund as a separate depository account at the Depository.



Proceeds of the Third Segment Bonds shall be advanced to the Township in installments of principal in accordance with the terms of the Purchase Contract and Supplemental Agreement.

Money in the Construction Fund shall be applied solely in payment of the cost of the Project, including any engineering, legal and other expenses incident thereto and to the financing thereof. No proceeds of the Third Segment Bonds shall be used to pay capitalized interest. Payment for construction, either on account or otherwise, shall not be made unless the Consulting Engineer shall file with the Township Board a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor, that the work was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance in the Construction Fund of the proceeds of the sale of the Third Segment Bonds remaining after completion of that portion of the Project financed by the Third Segment Bonds may, at the discretion of the Township, be used for additional costs of the Project or for such further improvements, enlargements and extensions of the System, if, at the time of such expenditures, such use is approved by the SRF Loan Program or the Michigan Department of Treasury, if such permission is then required by the SRF Loan Program or by law. Any remaining balance after such expenditure shall be paid to the Third Segment Subaccount of the Redemption Fund and may be used for the purpose of purchasing Third Segment Bonds on the open market at not more than the fair market value thereof, redeeming Third Segment Bonds or paying principal of the Third Segment Bonds upon maturity. The foregoing is subject to the terms and conditions of the Purchase Contract and the Supplemental Agreement.

After completion of that portion of the Project financed by the Third Segment Bonds and disposition of remaining proceeds, if any, of the Third Segment Bonds pursuant to the provisions of this Section, the Construction Fund shall be closed.

**Section 16. Covenants.** The Township covenants and agrees with the Registered Owners of the Bonds, including the First Segment Bonds, the Second Segment Bonds and the Third Segment Bonds, that so long as any of the Bonds are Outstanding Bonds and unpaid as to either principal or interest:

a. The Township will cause the Project to be acquired and constructed promptly and in accordance with the plans and specifications therefor.

b. With respect to the Third Segment Bonds, the Township shall comply with all terms and conditions of the Purchase Contract and the Supplemental Agreement.

c. The Township will comply with all terms, conditions and covenants in the: (1) First Segment Bond Ordinance with respect to the First Segment Bonds, (2) Second Segment Bond Ordinance with respect to the Second Segment Bonds, and (3) any additional Bonds issued in accordance with the First Segment Bond Ordinance.

**Section 17. Covenant Regarding Tax Exempt Status of the Third Segment Bonds.**

a. The Township covenants to comply with all requirements of the Code necessary to assure that the interest on the Third Segment Bonds, if any, will be and will remain

excludable from gross income for federal income tax purposes (as opposed to alternative minimum or other indirect taxation). The Township hereby covenants that the Township will make no use of the proceeds of the Third Segment Bonds, if any, which if such use had been reasonably expected on the date of issuance of the Third Segment Bonds, would have caused the Third Segment Bonds to be "arbitrage bonds," as defined in Section 148 of the Code. In addition, the Township covenants to comply with all applicable provisions of the Code that must be satisfied subsequent to the issuance of the Third Segment Bonds, if any, in order that the interest on the Third Segment Bonds be excluded (or continue to be excluded) from gross income within the meaning of Section 103(a) of the Code.

b. The Township hereby designates the Third Segment Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b) (3) of the Code, it being reasonably anticipated that the aggregate amount of qualified tax exempt obligations which will be issued by the Township and all subordinate entities to the Township shall not exceed \$10,000,000 during calendar year 2019.

c. The Third Segment Bonds and the interest, if any, on the Third Segment Bonds shall be exempt from taxation by the State of Michigan or by any taxing authority within the State of Michigan.

**Section 18. Negotiated Sale of Third Segment Bonds.** The Supervisor and Clerk are hereby authorized to sell the Third Segment Bonds at a negotiated sale to the Authority, in accordance with the Purchase Contract, the Supplemental Agreement and applicable state law and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Third Segment Bonds in accordance with the provisions of this Ordinance. The Third Segment Bonds shall be sold at a negotiated sale instead of a competitive sale to take advantage of the terms and conditions of the SRF Loan Program, including the not-to-exceed fixed rate of interest of 2.00% per annum for all maturities of the Third Segment Bonds, which is below prevailing open market interest rates, and SRF Loan Program principal forgiveness, if any.

**Section 19. Disclosure of Information.** The Township agrees to provide the Authority in a timely manner with all information and documents regarding the Township and the Project Bonds, including an official statement that the Authority or its bond underwriters need to meet any Securities and Exchange Commission regulation, any industry standard or other federal or state regulation which imposes a disclosure requirement or continuing disclosure requirement relating to any Authority bond issue which was used or is needed to provide monies to the fund used to purchase the Project Bonds or relating to any other Authority bond issue which was used by the Authority to purchase an obligation of the Township. In furtherance of the above, the Township also agrees that upon the request of the Authority it will promptly execute and deliver a continuing disclosure undertaking in form and substance determined by the Authority to be necessary or desirable to assist the Authority or its underwriters in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission. If required, such continuing disclosure undertaking shall be executed by the Supervisor and the Clerk.

**Section 20. Michigan Department of Treasury.** The Township, acting with the assistance of Bond Counsel for the Project, shall obtain approval from the Michigan Department of Treasury for the issuance of the Project Bonds either by filing a municipal finance qualifying statement or submitting a prior approval application in accordance with Act 34, and the Township Supervisor is hereby authorized and directed to file any required documents.

**Section 21. Delivery of Third Segment Bonds.** The Third Segment Bonds shall be executed in the manner provided by Section 5 in substantially the form approved with such necessary variations, omissions, corrections and insertions as the Supervisor and Township Clerk deem appropriate and are required for and on behalf of the Township. Upon execution of the Third Segment Bonds, the Township Treasurer is hereby authorized and directed to deliver or cause to be delivered the Third Segment Bonds to the Bond Registrar for authentication and, in turn to the purchaser thereof, upon receipt of the purchase price therefor. The proceeds of the Third Segment Bonds shall be deposited into the Construction Fund as provided in Section 15, above.

The Supervisor, Clerk and Treasurer are authorized and directed to execute and deliver on behalf of the Township such other certificates, affidavits, investment agreements or other documents or instruments as may be required by the purchaser of the Third Segment Bonds or bond counsel or convenient to effectuate the execution and delivery of the Third Segment Bonds.

The Township shall furnish the Third Segment Bonds ready for execution without expense to the purchaser. The Township shall also furnish without expense to the purchaser at the time of delivery of the Third Segment Bonds, the approving opinion of Mika Meyers PLC, Attorneys, Grand Rapids, Michigan, approving the legality of the Third Segment Bonds. The Third Segment Bonds will be delivered at the expense of the Township in the manner and at the location as agreed upon with the purchaser thereof.

**Section 22. Absence or Disability.** In the absence or disability of the Township Supervisor, the Deputy Supervisor shall act hereunder in his stead. In the absence or disability of the Township Clerk, the Deputy Clerk shall act hereunder in her stead. In the absence or disability of the Township Treasurer, the Deputy Township Treasurer shall act hereunder in her stead.

**Section 23. Ordinance to Constitute Contract.** In consideration of the purchase and acceptance of any and all of the Third Segment Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Township and the Registered Owners from time to time of the Third Segment Bonds and the lien and pledge made in this Ordinance and the covenants and agreements herein set forth to be performed on behalf of the Township shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Third Segment Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction of any of the Third Segment Bonds over any other thereof except as expressly provided in or permitted by this Ordinance.

**Section 24. Conflicting Ordinances.** Except for the First Segment Bond Ordinance and the Second Segment Bond Ordinance, all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed. To the extent of a conflict between the provisions of the First Segment Bond Ordinance, the Second Segment Bond Ordinance and the provisions of this Ordinance, the provisions of the First Segment Bond Ordinance shall prevail, except with respect to a conflict over the terms of the Third Segment Bonds, the Bond Reserve Requirement for the Third Segment Bonds, the subaccounts to be established for the Third Segment Bonds in the Redemption Fund and the Bond Reserve Account, the requirements

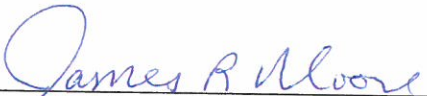
of the SRF Loan Program applicable to the Third Segment Bonds and the Construction Fund, then the provisions of this Ordinance shall prevail.

**Section 25. Severability and Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

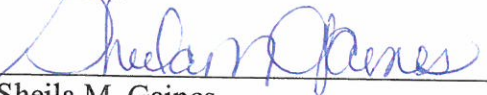
**Section 26. Publication and Recordation.** This Ordinance shall be published in full in *The Sault News*, a newspaper of general circulation in the Township qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

**Section 27. Effective Date.** In accordance with Act 94, this Ordinance shall become effective immediately upon its adoption.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 15, 2019, and approved by me on \_\_\_\_\_, 2019.

  
\_\_\_\_\_  
James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk



**EXHIBIT A**

REGISTERED

REGISTERED

**UNITED STATES OF AMERICA**

**STATE OF MICHIGAN**

**COUNTY OF CHIPPEWA**

**CHARTER TOWNSHIP OF KINROSS**

**SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2019**

No. R-1

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT:

INTEREST RATE: Two percent (2.00%) per annum

DATE OF ORIGINAL ISSUE AND REGISTRATION: The date each installment portion of the Principal Amount was delivered to the Registered Owner in accordance with the Purchase Contract and Supplemental Agreement.

KNOW ALL MEN BY THESE PRESENTS, that the Charter Township of Kinross, County of Chippewa, State of Michigan (the "Township" or "Issuer"), acknowledges itself indebted and for value received, hereby promises to pay the Principal Amount shown above to the Registered Owner specified above or its registered assigns shown as the owner of record of this bond on the books of the Township Treasurer, Kincheloe, Michigan, as bond registrar (the "Bond Registrar") on the applicable date of record, in installments in the amounts and on the dates as set forth in Schedule I, attached hereto and made a part hereof, with interest thereon from the Date of Original Issue and Registration specified above until paid at the Interest Rate per annum specified above, first payable \_\_\_\_\_ 1, 20\_\_ and semi-annually thereafter and principal is payable on the first day of \_\_\_\_\_ commencing \_\_\_\_\_ 1, 20\_\_ (as identified in the Purchase Contract) and annually thereafter. Payment of principal and interest shall be paid to the Registered Owner hereof by the Bond Registrar by first class mail. The date of record shall be each \_\_\_\_\_ 15 and \_\_\_\_\_ 15 with respect to the payments due on each \_\_\_\_\_ 1 and \_\_\_\_\_ 1, respectively. Principal and interest are payable in lawful money of the United States of America.

The Township promises to pay to the Michigan Finance Authority (the "Authority") the principal amount of the Bond or so much thereof as shall have been advanced to the Township pursuant to a Purchase Contract between the Township and the Authority and a Supplemental Agreement by and among the Township, the Authority and the State of Michigan acting through

the Department of Environment, Great Lakes and Energy, less the principal amount of such Bond, if any, that is subject to principal forgiveness.

During the time funds are being drawn down by the Township under this Bond, the Authority will periodically provide the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Township acknowledges that in the event the principal amount of the loan evidenced by the Bonds is reduced by the Authority in accordance with Schedule I attached hereto or the Supplemental Agreement, the Authority will prepare a revised Schedule I to this Bond that is calculated so that the principal payments are rounded to the nearest dollar and which revised Schedule I shall be effective upon receipt by the Township.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

Bonds may be subject to redemption prior to maturity by the Township only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (b) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative

costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

This bond is issued pursuant to Ordinance No. 1.138, Ordinance No. 1.139, and Ordinance No. 1.140 (together, the "Ordinance"), duly adopted by the Township Board of the Township and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94 of the Public Acts of Michigan of 1933, as amended, for the purpose of paying a portion of the cost of improvements to the Charter Township of Kinross sanitary sewage disposal system (the "System").

The revenues of the System, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System, exclusive of depreciation (the "Net Revenues"), are irrevocably pledged for the prompt payment of principal and interest on this Bond on a parity basis with bonds of equal standing payable from Net Revenues of the System, and a first priority statutory lien thereon has been created. The principal of and interest on this Bond shall be payable in lawful money of the United States.

The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's Sewage Disposal System Revenue Bonds, Series 2015, issued September 17, 2015, and Sewage Disposal System Revenue Bonds, Series 2017, Issued September 15, 2017.

This bond is a self-liquidating bond and is not a general obligation of the Township and does not constitute an indebtedness of the Township within any constitutional, statutory or charter limitation, but is payable, both as to Principal Amount and interest, solely from the Net Revenues of the System, with the priority of lien summarized above.

The Township has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient, when taken together with Net Revenues, to provide for payment of the principal of and interest on the bonds of this issue and any other indebtedness payable from the Net Revenues as and when the same shall become due and payable, and to maintain a bond reserve for the bonds of this series, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance. In addition, the Township has covenanted in the Ordinance to operate the System so as to provide Net Revenues equal to at least 100% of debt service on all bonds and indebtedness payable from the Net Revenues of the System in each year.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, the rights and limitations on the owners of the bonds and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

[Notwithstanding the foregoing or any other provision of this bond, the Township is party to a Revenue Sharing Pledge Agreement, pursuant to which the Township has pledged and assigned to the Authority the Township's Distributable Aid (as defined in said Revenue Sharing Pledge Agreement) as additional security for the Township's obligation to pay the principal of, premium, if any, and interest on the bonds of this issue, as the same become due.]

This bond is transferable only upon the registration books of the Township kept by the Bond Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Certificate of Registration and Authentication on this bond has been executed by the Bond Registrar.

IN WITNESS WHEREOF, the Charter Township of Kinross, County of Chippewa, State of Michigan, by its Township Board, has caused this bond to be executed by its Supervisor and its Township Clerk and its corporate seal to be affixed on this bond all as of the Date of Original Issue.

CHARTER TOWNSHIP OF KINROSS

By James R. Moore  
James R. Moore  
Its Supervisor

[SEAL]

By Sheila M. Gaines  
Sheila M. Gaines  
Its Clerk



## CERTIFICATION OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Bond Authorizing Resolution and has been registered in the name of the payee designated on the face hereof in the Register maintained for the issuer thereof.

TREASURER, CHARTER TOWNSHIP OF  
KINROSS

as Bond Registrar

Date of  
Authentication: 07/15/2019

By *Dorothy S. Nail*  
Authorized Representative

## ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto \_\_\_\_\_  
the within bond and all rights thereunder and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within bond on the books kept for registration  
thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature Guaranteed

Signature(s) must be guaranteed by an eligible  
guarantor institution participating in a  
Securities Transfer Association recognized  
signature guarantee program

\_\_\_\_\_  
NOTICE: The signature(s) to this assignment  
must correspond with the name as it appears  
on the face of the within Bond in every  
particular, without alteration or enlargement or  
any change whatever.

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities  
Transfer Association recognized signature guarantee program

The Bond Registrar will not affect transfer of this Bond unless the information  
concerning the transferee requested below is provided.

Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Include information for all joint owners if this  
Bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR  
OTHER IDENTIFYING NUMBER OF TRANSFEREE

\_\_\_\_\_  
(Insert number for first-named transferee if held by joint account)

DEQ Project No.  
DEQ Approved Amt: \$ \_\_\_\_\_

### SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environment, Great Lakes and Energy (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Due  
Date

Amount of Principal  
Installment Due

\_\_\_\_\_, \_\_\_\_\_

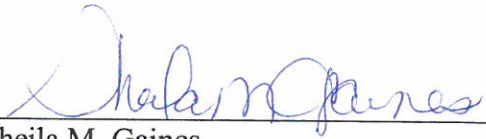
Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of 2.00% per annum, payable \_\_\_\_\_, 20\_\_\_\_, and semi-annually thereafter.

The Issuer agrees that it will deposit with The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

### **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 July 15, 2019, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time 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.

  
\_\_\_\_\_  
Sheila M. Gaines  
Township Clerk



**CHARTER TOWNSHIP OF KINROSS**

**COUNTY OF CHIPPEWA, STATE OF MICHIGAN**

**ORDINANCE NO. 1.141**

**ADOPTED: August 19, 2019**

**EFFECTIVE: September 23, 2019**

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**  
**ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Charter Township of Kinross pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE CHARTER TOWNSHIP OF KINROSS**  
**CHIPPEWA COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**  
**TITLE**

This ordinance shall be known as and may be cited as the Kinross Charter Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II**  
**DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION III**  
**NO MARIHUANA ESTABLISHMENTS**

Kinross Charter Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION IV**  
**VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible

for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

#### **SECTION V** **SEVERABILITY**

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

#### **SECTION VI** **REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

#### **SECTION VII** **EFFECTIVE DATE**

This ordinance shall take effect on the 31st day after publication.

KINROSS CHARTER TOWNSHIP  
Sheila M. Gaines, Clerk  
4884 W. Curtis Street, Kincheloe, MI 49788  
(906) 495-5381

ADOPTED BY THE TOWNSHIP BOARD: August 19, 2019

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James R. Moore, 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 19<sup>th</sup> day of August 2019, and that such ordinance was duly published in the Soo Evening News on the 23<sup>rd</sup> day of August, 2019.

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Sheila M. Gaines  
Kinross Charter Township Clerk