



**Royalton Township, Berrien County  
State of Michigan**

**Code of Ordinances**

980 Miners Road  
St. Joseph, MI 49085  
(269) 429-2501



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## **ARTICLE 1 GENERAL PROVISIONS**

### **Section 1.01      Designation, Purpose & Basis.**

The Ordinances embraced in the following Articles and Sections shall constitute and be designated collectively the “Code of Ordinances, Royalton Township, Berrien County, Michigan,” and may also be cited as the “Royalton Township Code” or as hereinafter referenced “this Code” or “the Code of Ordinances.”

The purpose of this Code is to promote and protect through regulation the health, safety and welfare of the persons and property within Royalton Township, and is, as with all of the Articles and Sections herein, enacted pursuant but not limited to Michigan Public Act 246 of 1945, as amended (MCL § 41.181 *et seq.*), that being the General Township Ordinance statute.

### **Section 1.02      Application to Territorial Boundaries**

The provisions, articles, and separately identified ordinances of this Code are limited in application to the territorial boundaries of Royalton Township although such provisions may not be so limited specifically.

### **Section 1.03      Words and Phrases**

Words and phrases in this Code of Ordinances shall be construed according to their common and accepted meanings, except those words and phrases specifically defined, which shall be construed according to the respective definitions given in that Article or Section. Technical words and technical phrases not defined in this Code, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

### **Section 1.04      Catchlines and Other Headings**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provisions of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any Article, article or division.

**Section 1.05      Severability**

The provisions, articles, and/or separately identified ordinances of this Code are severable and the invalidity of any phrase, clause or part of this Code as declared by a court of competent jurisdiction shall not affect the validity, application, or effectiveness of the remainder of the Code; provided that if any provision, Article, or separate ordinance of this Code or its application is declared by a court of competent jurisdiction to be over broad, that provision or application will nevertheless be enforced to the fullest extent permitted by law, including but not limited to where a penalty provision contained in this Code is declared to exceed the authority of the Township, the penalty determined by the court to be within the authority of the Township to impose shall be construed as the applicable penalty for that provision.

**Section 1.06      Rules of Construction**

- A. It is the legislative intent of the Township Board, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the persons and property within the Township.
- B. Whenever in one Article or Section reference is made to another Article or Section hereof, such reference shall extend and apply to the Article or Section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter is changed or materially altered by the amendment or revision.

**Section 1.07      Amendments to Code; Effect of Repeal**

- A. This Code, and any Articles, Sections, or provisions thereof, may be amended, added to or repealed by the Township Board of Trustees as deemed appropriate and following accepted procedures for changes to the Code as established by and through the enabling statutes and acts of the State of Michigan. All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.
- B. Amendments to provisions of this Code may be made with the following language: "Article (section, provision, ordinance, as appropriate) of the Royalton Township Code is hereby amended to read as follows: . . . ." If a new article, section, provision, or ordinance is to be added to the Code, the following language may be used: "Article (section, provision, ordinance, as appropriate) of the Royalton Township Code is hereby created to read as follows: . . . ."



- C. All articles, sections, provisions or ordinances desired to be repealed should be repealed specifically by such articles, section, provision, or ordinance, as appropriate, or by setting out the repealed provisions in full in a repealing ordinance.
- D. Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive any repealed ordinance.
- E. The repeal or amendment of any article, section, provision, or ordinance thereof does not affect any punishment or penalty incurred before the repeal or amendment took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal. *See also*, Article 7 Enforcement, Offenses & Violations.

#### **Section 1.08      Applicability with Future Legislation**

All of the provisions of this Article, not incompatible with future legislation, shall apply to any amendments, revisions, or ordinances of this Code or any part thereof, hereafter adopted unless otherwise specifically provided.

#### **Section 1.09      Provisions Saved from Repeal**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance, the validity of any ordinance, or portion of any ordinance which:

- 1. Promise or guarantees the payment of money or authorizing the issuance of bonds or other instruments of indebtedness involving the Township.
- 2. Authorizes or approves any contract, deed or agreement involving the Township.
- 3. Grants any right or franchise involving the Township, not codified in this Code.
- 4. Makes or approves any appropriation or budget of the Township.
- 5. Provides for the duties, classification, or compensation of Township officers or employees, not codified in this Code.
- 6. Adopts or amends a Master Plan or Land Development Plan of the Township.
- 7. Pertains to zoning, not codified in this Code (including the Zoning Ordinance).

8. Levies or imposes any special assessment, annual taxes by the Township.
9. Dedicates, establishes, names, locates, relocates, opens, paves, widens, repairs or vacates any street, sidewalk or alley within the Township.
10. Establishes or proscribes grades in the Township.
11. Dedicates, accepts or vacates any plat or subdivision within the Township.
12. Levies, imposes or otherwise relates to taxes, exemptions from taxes and fees in lieu of taxes, not codified in this Code.
13. Contains any administrative provisions of the Township Board, not codified in, or conflicting or inconsistent with the provisions of this Code.
14. Any other ordinance, or part thereof, which is not of a general and permanent nature.

All such ordinances, or provisions thereof, are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file at the Township Hall.

#### **Section 1.10      Supplementation of the Code**

- A. Supplements to this Code shall be prepared and printed whenever authorized or directed by the Township Board. A supplement to the Code shall include all substantive permanent and general parts of the Township Ordinances adopted during the period covered by the supplement and all changes or amendments thereof. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete by way of repeal, amendment, or revision. Any new pages of a supplement shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest amendment, version, Article, or identified ordinance included in the supplement. All provisions, Articles, or identified ordinances which have been repealed shall be excluded from the Code by the omission thereof from the reprinted pages.
- B. The employee, agent, or company authorized by the Township to prepare the supplement may make format, nonsubstantive changes in this Code, or parts thereof to be included in the supplement; provided such changes are necessary to embody the supplement into a unified and logical presentation of the Code. Such allowable nonsubstantive changes include but are not limited to reorganizing the location of Articles or Sections within the Code, changing catchlines or headings, assigning or changing numbers to Articles or Sections, and such similar nonsubstantive changes

necessary to preserve the original meaning of the Code. However, *in no case* shall a change be made by an employee, agent, or company of the Township preparing the supplement, which alters the meaning or effect of any Article or Section, or provision as embodied in the Code.

**Section 1.11      Effective Date**

This Code of Ordinances and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days after its adoption and publication in accordance with statute.

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Township Supervisor / Date

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Township Clerk / Date



## ARTICLE 2 ADMINISTRATION

### Section 2.01 Township Board, Officers & Employees

- A. [Reserved]
- B. **Administrative Liability.** No Township officer, agent, employee, or member of any Township Board, Commission, or committee shall render himself or 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 the duties and responsibilities pursuant to this Ordinance.

### Section 2.02 Meetings

- A. **Regular Board Meeting.** The Board of Trustees of the Township, unless otherwise ordained or resolved, shall conduct its regular meeting on the 2<sup>nd</sup> Monday of each month.
- B. **Settlement Day Meeting.** The annual settlement day meeting of the Township Board shall be held on the 2<sup>nd</sup> Monday of the last month of the fiscal year of the Township.

### Section 2.03 Finances

- A. **Fiscal Year.** The fiscal year of the Township shall commence on April 1<sup>st</sup> of each year, and end on March 31<sup>st</sup> of the following year.
- B. [Reserved]

### Section 2.04 Township Facilities and Property

- A. **Location.** The principal place of business and administration of Royalton Township is the Royalton Township Hall, located at 980 Miners Road, St. Joseph, Michigan.

**B. Excess Personal Property.**

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

*Excess personal property* means any property owned by the township that is not real property and is not necessary to the operation of the township.

*Of the value of* means the estimated monetary amount in U.S. currency that the property would bring at public auction assuming that proper notice would be given and there were sufficient bidders interested in and able to purchase the property.

2. When Property May Be Sold. When it shall appear to the satisfaction of the Board of Trustees that any personal property owned by the Township is no longer necessary for the use of the Township and it further appearing that the personal property exceeds a value as set by the Board of Trustees, the Township may at its discretion direct the Township Clerk to sell the property at public auction. If the property is determined to be not of a suitable nature for auction it may be donated to another governmental or non-profit entity.
3. Notice of Sale. When the Board of Trustees shall have directed the Township Clerk to dispose of certain Township excess personal property, it shall be the duty of the Clerk to post a notice of sale in a prominent place at the Township Hall at least ten (10) days prior to the date of the proposed sale. This notice shall indicate the time and place of the sale and have a general description of the property to be disposed of. In addition, the Township Clerk shall cause such notice to be placed in a newspaper of general circulation throughout Berrien County at least ten (10) days prior to the sale.
4. Public Auction. The sale of Township excess personal property shall be conducted by the Township Clerk or a designated agent therefor at a public auction at the Township Hall whenever reasonably possible. At the sale, it shall be the Clerk's (or agent thereof) discretion to refuse any and all bids if he or she determines that it would be in the best interest of the Township to do so.
5. Exception. This Section shall not apply to the sale of any personal property that is being used by the Township as a trade-in or exchange in connection with the purchase of new property of the same or similar type.

**Section 2.05      Evidence of Code and Regulations**

This Code, and all resolutions and other ordinances of the Board of Trustees of Royalton Township may be read in evidence in all courts of competent jurisdiction, and in all proceedings before any officer, body, or board in which it is necessary to refer thereto, from a record thereof, kept by the Township Clerk or from a printed copy thereof, purporting to have been published by authority of the Board of Trustees in a newspaper of general circulation including the Township; or from any volume of ordinances, codification, or compilation of ordinances purporting to have been printed by authority of the Board of Trustees; and the record, certified copy, volume, codification, or compilation shall be prima facie evidence of the existence and validity of this Code, or such resolutions or ordinances, without proof of the enactment, publishing, or any other thing concerning the same, as provided in Michigan Public Act 236 of 1961, as amended in Public Act 240 of 1971, (codified at MCL § 600.2116).





## ARTICLE 3

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## ARTICLE 4

### ANIMAL CONTROL

#### Section 4.01 Title, Purpose & Basis

Pursuant to the Dog Law of 1919, Public Act 339 of 1919, as amended, (MCL § 287.261, *et seq.*), and the Dangerous Animals Statute, Public Act 426 of 1988 (MCL § 287.321, *et seq.*), and such other applicable state laws, this Ordinance is adopted to regulate the keeping and maintaining of dogs and other animals, and to prohibit dangerous animals, for the public's peace, health, safety, and welfare. This Ordinance may be known and referenced as the "Animal Control Ordinance" for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township's compiled Code of Ordinances.

#### Section 4.02 Definitions

As used in and for this Ordinance, the following words, terms, and phrases, shall have the meanings provided as follows, except where the context clearly indicates a different meaning:

1. "Abandon" or "Abandonment" means to leave unintended or relinquish or cease possession for an unreasonable amount of time without transferring ownership, or without intention of retrieving or resuming possession or ownership.
2. "Dangerous animal" means a dog or other animal that bites or attacks a person, or bites, attacks, or causes serious injury or death to another animal while the other animal is on the property or under the control of its owner; *provided however*, that the following are *not* considered "dangerous animals":
  - a. an animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;
  - b. an animal that bites or attacks a person who provokes or torments the animal;
  - c. an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
3. "Exotic animal" or "Wild animal" means a non-household animal or any cross of any non-household animal, and as more specifically defined in Section 2.02 of the Township Zoning Ordinance. Exotic animals include feral animals, such as wolf, bear, badger, coyote, fox, cougar, and like animal as determined by the Township Enforcement Officer, and/or Zoning Administrator.

4. "Household animal" means an animal which through generations of breeding is generally known to be tame and live within a household and in close association with human beings as a pet or human companion, including but not limited to dogs, cats, small fish, hamsters, and like animals as determined by the Township Enforcement Officer, and/or Zoning Administrator.
5. "Livestock" means those animals normally kept or raised as part of an agricultural operation, and as more specifically defined in Section 2.02 of the Township Zoning Ordinance.
6. "Owner" means the person who purchases, breeds, or owns any animal, or otherwise one who possesses, or cares for an animal on or about his or her premises for five (5) or more days; *provided however*, the person is not possessing or caring for the animal at the request of another who claims to be the owner.
7. "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior.

#### **Section 4.03      Keeping and Housing of Animals**

- A. **Conditions.** All animals shall be kept and housed in a clean and sanitary manner, free from all rodents and vermin. Any person having custody or ownership of any animal shall provide such animal with proper food, drink, shelter or protection from the weather. All excreta, manure, refuse or other litter resulting from the keeping or housing of animals shall be disposed of in such a manner and with such frequency as to prevent any nuisance or unsanitary, odorous, or offensive conditions. Further, any person owning, possessing or having charge of an animal shall remove and dispose of in a clean and sanitary manner any excreta deposited by the animal upon any private or public property of another.
- B. **Unrestrained Animals; Running At Large.**
  1. Owner Premises. Except in areas zoned A-Agricultural and lawfully being used as a permitted use therein, and pursuant to the Zoning Ordinance incorporated herein by reference, no person shall allow an animal to be unrestrained when outdoors on its premises, unless a person capable of controlling the animal is in attendance with the animal or unless adequate measures have been taken to prevent the animal from leaving the property. As used in this Section, "adequate measures" include, but are not limited to, confining the animal to a fenced or caged area which may include all or a portion of the property; confinement on a chain, rope or tether which is sufficiently strong and secure considering the size of the animal; or use of an electronically activated collar which prevents the animal from escaping the property.
  2. Premises of Others. Unless otherwise provided, an animal shall not run at large or go beyond the premises of its owner or keeper, and upon public property or the premises

of another, without permission by the owner or occupant thereof, and unless the animal is held securely on a leash that is not longer than eight (8) feet in length.

C. **Front Yards.** No animal shall be housed, fenced or enclosed in a front yard.

D. **Maximum Number of Animals.**

1. Household Animals. No excessive number of household pets or animals shall be raised or kept within or at one (1) household or dwelling unit, without written permission of the Township. For purposes of this provision, excessive shall mean more than three (3) dogs or cats, or other animal equivalent, six (6) months of age or older, in any combination thereof. The number of other household animals (not a dog or cat), including but not limited to fish, hamsters, birds, and the like, which are excessive within or at one (1) household or dwelling unit is determined at the discretion of the Enforcement Officer and/or Zoning Administrator, but generally, two (2) of such other household animals are to be considered equivalent to one (1) dog or cat.
2. Livestock. See, the Township Zoning Ordinance, Sections 18.06, 18.27, and 18.28 concerning Animal Uses, and Stables, incorporated herein by reference.

E. **Prohibited Acts.** In addition to the provisions and conditions contained herein, the following specific acts in keeping or maintaining animals shall be unlawful and prohibited:

1. Dangerous Animals. No dangerous animal shall be raised or kept.
2. Exotic or Feral Animals. No live exotic or feral animals shall be kept or displayed except within a zoo or zoological garden or other place where wild animals are kept for public showing in compliance with the Township Zoning Ordinance.
3. Cruelty. No person shall overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill any animal.
4. Abandonment. No person shall abandon any animal in any public place, street, or highway within the Township, or upon the private property of another within the Township.
5. Fighting. No person shall own, possess, keep or use any animal, including but not limited to dogs and cocks, for the purpose of fighting. Likewise, no person shall be a party to or cause such fighting, rent or otherwise obtain the use of a building, shed, room, yard, ground or premises for the purpose of fighting animals, or knowingly suffer or permit the use of a building, shed, room, yard, ground or premises belonging to him or under his control for the purpose of fighting. Further, any person who is present at a building, shed, room, yard, ground or premises where preparations are being made for an exhibition described herein of this provision, or a

person who is present at an exhibition knowing that the fighting of animals is taking place or about to take place shall be guilty of an offense.

6. License/Registration. Where applicable, no person shall own, keep or house any dog or other animal within the Township unless such person shall have complied with all applicable laws of the State and Berrien County providing for the licensing and registration of such animal.
  7. Rabies. No person shall own, possess, or keep an animal that has been bitten by another animal, which at that time has been or is reasonably suspected to have been afflicted with rabies, unless such animal has been surrendered to an animal control officer with jurisdiction and control, and held for observation and released by the animal control officer or other law enforcement officer of the Township.
  8. Noise. No person shall own, harbor or keep any animal which, by frequent, continuous, or habitual barking, yelping, howling, screeching, or other animal noises becomes a nuisance.
  9. Destroying Property or Trespassing. No person shall own, harbor or keep any dog or cat, either licensed or unlicensed, that, by the destruction of property or trespassing on the property of others, becomes a nuisance.
  10. Public Riding. No person shall ride or cause to be ridden any animal, including but not limited to horses, mares, donkeys, llamas, or any other animal in, on, or through any public street, road, or highway within the Township without a permit of the Township, and compliance with applicable Zoning Ordinances, or unless such street, road or highway has been designated and demarked, in whole or part, as an area for such riding purposes.
- F. **Exclusions.** This Section shall not apply to police owned dogs, certified leader or hearing dogs or guard dogs, when accompanied by their owner or his authorized agent while actively and lawfully engaged in activity for which such dogs are certified as trained.
- G. **Kennels and Veterinary Clinics.** In addition to the provisions of this Ordinance, kennels and veterinary clinics must also comply with the Township Zoning Ordinance, Sections 18.15 and 18.33, respectively, and incorporated herein by reference.

#### **Section 4.04      Seizure and Impoundment; Release**

- A. Any animal found, located, or identified in the Township that is doing a prohibited act or existing in violation of this Section, and all dangerous animals shall be considered a public nuisance and may be seized and impounded by an animal control officer, health officer, or any law enforcement officer of the Township.

- B. No person shall hinder, obstruct or delay an animal control officer, health officer, or other law enforcement officer of the Township, or other person who is engaged in lawfully taking into custody any animal found, located, or identified in the Township as doing a prohibited act or existing in violation of this Section.
- C. No seized or impounded animal shall be released unless the owner or person entitled to demand such animal shall procure and present proof of compliance with all applicable State law, and County regulations, ordinances, or policies, and the Township Code of Ordinances, at the time in force and effect, including but not limited to proper vaccinations, zoning ordinance compliance, licensing, and/or registration.
- D. It shall be lawful for an animal control officer, or other law enforcement office of the Township to kill any dangerous animal or animal with rabies running at large in the Township that cannot be seized or captured in a reasonable manner.
- E. The Township and the animal control officer, health officer, or other involved law enforcement officer of the Township shall incur no liability in the lawful seizure, impounding, or disposal of any animal.

#### **Section 4.05      Responsibility of Owners for Violations**

An owner of an animal shall be deemed to be prima facie responsible for a violation of any of the provisions of this Ordinance committed by such animal.

#### **Section 4.06      Enforcement; Violations; Penalties**

- A. **Enforcement.** The Township Zoning Administrator shall be primarily responsible for the enforcement of the provisions of this Ordinance. However, the Township Board, or the Zoning Administrator may institute the legal remedies provided for in this Ordinance to bring about compliance with this Ordinance.
- B. **Violations; Penalties.** A person, firm, or corporation, or any owner of any animal who violates any provision of this Ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$100.00 or more than \$500.00, plus damages, costs and expenses of prosecution, and such other sanctions for each infraction, as authorized under the Revised Judicature Act, Chapter 87 of the Public Act 236 of 1961, as amended (MCL § 600.8701, *et seq.*), or other applicable laws. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. *See also*, Article 7 of the Code of Ordinances.





## ARTICLE 5

# BUILDING AND PROPERTY MAINTENANCE REGULATIONS

### Section 5.01 In General

- A. **Title, Purpose & Basis.** This Article is enacted by Royalton Township for the purpose of adopting and continuing the Michigan Building Code, as amended and subsequently updated, and other such construction, building, and property maintenance codes to regulate the construction, alteration, demolition, occupancy, equipment, use and maintenance of buildings and structures in the Township; by providing standards for supplied utilities and facilities, and other physical things and conditions essential to ensure that buildings and structures are safe, sanitary and fit for occupancy and use; and the prevention and correction of dangerous buildings, pursuant to Public Act 230 of 1972, as amended (MCL § 125.1501, *et seq.*), and other applicable laws. This Article collectively may be known and referenced as the “Building and Property Maintenance Ordinance” for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township’s compiled Code of Ordinances.
- B. **Adoption of Codes by Reference.** For the purposes stated herein, and unless otherwise provided more specifically in this Code of Ordinances, this Article, or the Royalton Township Zoning Ordinances, adopted herein by reference, Royalton Township hereby affirms and adopts the *Michigan Building Code*, *Mechanical Code*, and *Plumbing Code*, the *NEC Electrical Code*, as followed by the State of Michigan, and the *International Property Maintenance Code*, 2006 edition, with all amendments, subsequent editions, and revisions thereto, and subject to the additions, amendments, or modifications contained in this Ordinance and the Township Zoning Ordinances. Complete copies of these incorporated Codes are available at the Royalton Township Hall, Office of the Building Inspector, or Zoning Administrator, for use and inspection by the public.
- C. **References in the Code.** References in any of the incorporated *Codes* “state” and “(name of state)” shall mean the State of Michigan; references therein to “municipality,” “(name of municipality),” “jurisdiction,” and “(name of jurisdiction)” shall mean Royalton Township; references therein to “local ordinances” shall mean the Code of Ordinances of Royalton Township; and references therein to “this code” shall mean the respective *Code* and this Ordinance.
- D. **Conflicting Provisions.** Where there is a conflict between a general requirement and a specific requirement in an adopted *Codes* and/or this Ordinance, the specific requirement shall be applicable. Therefore, if this Ordinance provides specific language or provision which is also included in one of the adopted *Codes*, the

Ordinance is meant to supersede the general language or provision of the adopted *Code*.

- E. **Administration and Enforcement.** The Township assumes responsibility for the administration and enforcement of the Building Code and other applicable code provisions throughout its corporate limits. The Township specifically reserves the right to provide by agreement or contract with any other Township, Village, City, or County for joint enforcement and administration of this Ordinance and one, some or all of the adopted *Codes*. Unless otherwise specified herein, the Building Inspector, appointed by the Royalton Township Board of Trustees is hereby designated as the enforcing officer to discharge the responsibility of the Township under the adopted construction, building, and property maintenance codes.
- F. **Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or compliance order to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Township and shall furnish to the Township a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### Section 5.02 Visibility of Building Addresses

- A. **Purpose.** The purpose of this Section is to provide for the ready identification of residential and commercial buildings within the Township by ambulance, fire, police and other services in the event of an emergency, and to provide penalties for the violations of this Ordinance.
- B. **Duty to Display, Maintain.** It shall be the joint duty of the owner, occupant, lessee, and/or other person in control of every building, dwelling and structure in the Township to display and conspicuously maintain the numerical street address assigned by the Township to that building, dwelling or structure in accordance with the provisions of this Ordinance.
- C. **Requirements of Visibility.**
  - 1. Display. The numerical street address shall be conspicuously displayed and maintained on the face of the building, dwelling or structure, or any permanent fixture nearer to the roadway or readily visible to persons located on the roadway or street to which the number is assigned. If the numbers on the face of the building or on the fixture are not readily visible from the

roadway or street, it shall be the joint duty of the owner and occupant to display supplementary numbers located so as to be thus readily visible.

2. Location. The numbers shall be placed not more than 100 feet from the front property line of the premises. The display of numbers required by this subsection may be satisfied by placing numbers on the mail receptacle at the roadside, but only if:
  - a. Such mail receptacle is situated on the property on which the building, dwelling or structure is located; and
  - b. The correct street numbers are placed on both sides of the mail receptacle so that they are within unobstructed view from the roadway or street; and
  - c. The numbers shall be not less than three (3) inches in height and shall contrast with the immediate background on which they are mounted.
3. Multiple Buildings on a Site.
  - a. In the case of multiple buildings located on a single site, the property identification number(s) of each building shall be clearly indicated at the main entrance to each building.
  - b. In the case of multiple units within a single structure, each unit accessed through a building entrance shall be clearly indicated at the entrance providing main access to the unit.
  - c. A current name and street number shall be placed on or adjacent to any auxiliary access of a dwelling or business unit, if any one (1) of the following conditions exists:
    - i. The unit is located in a multiple unit building;
    - ii. The unit is connected to another unit or building; or
    - iii. The unit is situated in a manner to prevent unobstructed and open access between units or buildings, thus creating a different travel route for the auxiliary access from the route taken for the main access.
    - iv. Identification on auxiliary accesses shall be not less than three (3) inches in height and may consist of standard manufactured letters and/or numerals. If painted on the building or door, such names and numbers shall be applied with a standardized numeral and letter stencil. The name and number shall be

placed as to be plainly visible and readable from the required route for access.

- D. **Existing Structures.** All existing buildings not in compliance with this Ordinance shall have 60 days after receiving written notification from the Township to bring the property into compliance.
- E. **New Construction.** Full compliance with this Ordinance shall be a required condition prior to issuance of a certificate of occupancy.

### Section 5.03 Dangerous Buildings

- A. **Purpose and Title.** The purpose of this Section is to protect the public safety, health, and welfare by the regulation of dangerous buildings injurious to life or health; to provide for hearings for the demolition or maintenance, alternation and improvement of such dangerous buildings; and to provide for assessment of the cost of making safe or the demolition of dangerous buildings. This Section may be known and referred to as the “Dangerous Building Ordinance” for Royalton Township.
- B. **Dangerous Building Defined.** Any dwelling, building or structure, or any part thereof, in which one or more of the following conditions exists, provided, such conditions are not deemed legal or permitted nonconformities under the terms of the adopted Building Codes or Zoning Ordinance of the Township:
  - 1. Any door, aisle, passageway, stairway or other means of exit that does not conform to the fire code adopted by the Township;
  - 2. The building, or any portion thereof, has been damaged by fire, wind, flood or any other cause in such a manner that the structural strength or stability of such building is appreciably less than it was before such catastrophe, and meets less than the minimum requirements of this Ordinance or the building code adopted by the Township for a new building or similar structure.
  - 3. The building, or any portion, member or appurtenance thereof, is likely to fall, become detached or dislodged or collapse and thereby injure persons or damage property;
  - 4. The building, or any portion thereof, has settled to such an extent that the walls or other structural portions have materially less resistance to wind than is required for new construction by the building code adopted by the Township;

5. The building, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, removal or movement of the ground supporting the building, or some other reason, is likely to collapse, or some portion of the foundation or underpinning is likely to fall or give way;
  6. The building, or any portion thereof, which is used, or intended to be used, for dwelling purposes, because of dilapidation, decay, damage or faulty construction, or some other reason, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease, as determined by the county health department;
  7. The building or any portion thereof, is vacant, dilapidated and open at a door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or children;
  8. The building or any portion thereof, has inadequate electric wiring or heating facilities, or has other conditions or characteristics which constitute a fire hazard;
  9. The building, or any portion thereof, has inadequate facilities for egress in the case of a fire;
  10. The term "dangerous building" shall also include any sign, fence, shed, lean-to, cellar or other structure which has become so rotted, broken, infirm or dilapidated so as to endanger persons or property.
- C. **Public nuisance; Prohibition.** A dangerous building as herein defined constitutes a public nuisance, by endangering the health, safety, peace, comfort and welfare of the general public and the residents of Royalton Township. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof that is a dangerous building as defined in this Ordinance.
- D. **Determination of a Dangerous Building.** The Building Inspector shall be responsible for enforcing the provisions of this Section, including the identification and/or verification of buildings or structures that are dangerous; enforcing appropriate corrective measures when required, including issuance of violation notices, revoking of permits or certificates of occupancy and carrying out orders to demolish or make buildings safe; and performing other duties required to administer the provisions of this Ordinance.
- E. **Notice.** If the Building Inspector has reasonable grounds to believe that a violation of this Ordinance has occurred, he/she shall investigate the alleged violations and upon determination of a violation, the Building Inspector shall issue a notice of the vacant and dangerous building as follows:

1. Such notice shall be in writing and shall include the following:
    - a. A description of the parcel of land, which shall be sufficient for identification.
    - b. A statement of the reasons why the notice is being issued. The statement shall identify the specific sections of this Section or other Township ordinances for which the building is in violation.
    - c. A correction order allowing a reasonable time for the repairs and improvements required bringing the building into compliance with this Section.
  2. Such notice shall be directed to the owner, agent, lessee and any other persons having an interest in the building, as shown by the records of the county register of deeds and the most current local tax assessment records.
  3. All notices shall be in writing, and shall be personally served upon the person to whom they are directed or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to the owner or party in interest shown on the tax records. If any person to whom such notice is directed is not personally served, in addition to mailing the notice, a copy of such notice shall be posted upon a conspicuous part of the building or structure.
- F. **Conditions Corrected.** If the owner, agent, lessee or other interested person takes action required by the Building Inspector to correct dangerous building conditions, consistent with the standards set forth in this Section, the Building Inspector shall record the action taken, along with the Building Inspector's conclusions. The Building Inspector's report and final determination shall be kept on file in the Township.
- G. **Conditions Not Corrected.** If the owner, agent, lessee or other interested person neglects or refuses to comply with the order of the Building Inspector, the Building Inspector, after consultation with the Township Supervisor or Manager, shall file a report of findings and a copy of the order with the Township Board, and Planning Commission, and request that necessary action be taken to demolish the building or otherwise make the building safe, consistent with the Township Zoning Ordinance, Section 17.24.
- H. **Emergency Situations.** After consultation with the Township Supervisor or Manager, the Building Inspector concludes there is actual and immediate danger of failure or collapse of a building or structure, or any part thereof, which would endanger life, the Building Inspector shall be authorized to take such steps as are necessary to alleviate the danger, including the following:

1. The Building Inspector may prohibit entry to such building or structure, except for repair or demolition thereof.
2. The Building Inspector may employ labor and acquire materials needed to make the building or structure temporarily safe.
3. The Building Inspector may close off all public access, including closing of the building or structure, sidewalks, streets and places adjacent to such building or structure, as may be necessary to protect the public from danger of any vacant and dangerous building.
4. The costs of making the building safe incurred by the Township in an emergent situation shall be reimbursed to the Township by the owner or party in interest in whose name the property appears in a manner prescribed in the Township Zoning Ordinance Section 17.24, and this Code, Article 7.

#### Section 5.04            Weed and Plant Control

- A.    **Purpose & Basis.** Pursuant to the Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL § 247.61, *et seq.*) and such other applicable state laws, and through guidance of the *International Property Maintenance Code*, 2006 edition, Section 302.4, this Section is meant to regulate, control and eradicate certain noxious weeds, and overgrown yards and lots for the public's health, safety and welfare; to provide for notice and correction of violations; and to provide for assessment of the Township's costs in correcting such blight. This Section may be known and referred to as the "Weed and Plant Control Ordinance" for Royalton Township.
- B.    **Height Restriction.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches in height, except for permitted and lawful trees and shrubs. In addition, shrubs, bushes, vines, weeds or other plant growth obstructing a sidewalk, pedestrian walkway, road right-of-way or other public way shall be prohibited.
- C.    **Public nuisance; Prohibition.** All noxious weeds as defined herein and dead trees or shrubs deemed hazardous to the public or to an adjacent property constitute a public nuisance, by endangering the health, safety, peace, and welfare of the general public and the residents of Royalton Township, and shall be prohibited. For purposes of this Ordinance, weeds shall be defined as all grasses, annual plants and vegetation, other than live, non-diseased trees or shrubs, including but not limited to those listed and defined in Public Act 359 of 1941, as amended; *provided however*, this term shall not include cultivated flowers and gardens.
- D.    **Intention.** This Ordinance is not intended to prohibit or discourage the practice of developing natural groundcover areas, landscapes, gardens and lawns using accepted landscaping plantings and techniques. It is intended to abate blighting effects and

eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

- E. **Notice; Violations; Cure.** Whenever the Township Building Inspector determines that there has been a violation of this Section or Ordinance, or has grounds to believe that a violation has occurred, written notice shall be delivered personally, by first-class mail to the owner or agent having charge of the property, and/or by designated notice placard being placed in the yard or lot where the violation has occurred. Notice shall be in writing, providing identification of the violative property (*eg.* address), a statement of violation(s), a corrective instruction to eradicate the violative condition, allowing a reasonable time to remediate the violation including but not limited to cutting or destroying weeds. Upon failure of the owner or agent having charge of a property to cut and/or destroy weeds or overgrowth after service of a notice of violation, penalties shall be assessed pursuant to Article 7 – Enforcement, Offenses and Violations of the Township compiled Code of Ordinances. In addition, a duly authorized employee or contractor hired by the Township shall be authorized to enter upon the violative property and cut and destroy the weeds and/or overgrowth existing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.



## ARTICLE 6

### CEMETERIES

#### Section 6.01 Title, Purpose & Basis

Pursuant to Public Act 215 of 1937, as amended, (MCL § 128.1, *et seq.*), Public Act 46 of 1931, as amended (MCL § 128.11, *et seq.*), Public Act 113 of 1915, as amended (MCL § 128.61, *et seq.*), and such other applicable state laws, this Article is adopted to authorize the Township to establish, maintain, and care for public cemeteries within the Township, and to regulate the care and maintenance of such cemeteries, for the public's peace, health, safety, and welfare. This Article may be known and referenced as the "Cemetery Ordinance" for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township's compiled Code of Ordinances.

#### Section 6.02 Definitions

As used in and for this Article, the following words, terms, and phrases, shall have the meanings provided as follows, except where the context clearly indicates a different meaning:

1. "Burial Plot" or "burial space" means a space intended for interment in a cemetery consisting of an area at least four (4) feet wide and twelve (12) feet in length.
2. "Casket" means the container used for interments.
3. "Cemetery" means land or grounds designated for interments.
4. "Cemetery Lot" means an area of a cemetery consisting of burial plots or spaces sufficient enough to accommodate one (1) to four (4)
5. "Cremains" means the container and incinerated body of a deceased person who has been cremated.
6. "Grave/Plot Owner" means the person or persons lawfully owning or possessing the burial right, privilege, or license of interment in a burial plot or space in a cemetery.
7. "Interment" means the disposition or ceremonial burial of deceased person.
8. "Marker" or "Monument" means the stone or equally durable composition used for interments to memorialize a deceased person at their burial plot or space.

9. "Sexton" means the person or persons duly designated or appointed by the Township Board with responsibility for overseeing the opening of burial spaces and other cemetery care and maintenance operations on behalf of the Township.
10. "Vault" means the standard concrete (or similar composition material) encasing structure installed or constructed for a burial plot before interment.

### **Section 6.03      Lots and Burial Plots/Spaces**

#### **A.      Sales.**

1. **Rights Only.** The Township sells only the right or privilege of interment or burial space for deceased persons at its public cemeteries, not the real property therein.
2. **Who Can Purchase.**
  - a. Cemetery lots or burial plots or spaces shall be sold by the Township to individuals for the non-commercial purpose of interment or burial.
  - b. Sale to funeral directors or individuals involved in commercial activities or purchase of rights for speculative purposes is prohibited.
  - c. The Township Sexton is authorized to interpret and may vary any and all restrictions on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in Royalton Township or relationship to a person interred therein.
3. **Forms.** All sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial plot or space sold. Such form shall be executed by the Township Clerk or Sexton.

- B. **Transfers.** Burial rights may be transferred only to persons meeting the aforesaid criteria as original purchasers of burial plots within the Township. Transfers shall be effective only upon the endorsement of an assignment of a burial permit upon the original burial permit form as issued and approved by the Township Clerk and Sexton, and entered upon the official records of the Township. Upon such assignment, approval and record, a new burial permit shall

be issued to the assignee by the Township Clerk and the original permit shall be canceled and terminate.

- C. **Repurchase.** The Township will repurchase un-forfeited rights to any vacant cemetery lot or burial plots or spaces from the owner for the original price paid the Township. The owner, an heir, or an authorized representative must forward a written request to the Township Clerk prior to the notice of the forfeiture period being mailed.
- D. **Forfeiture.** The right to use burial spaces sold after the effective date of this Article or Cemetery Ordinance that remain vacant for a period of 40 years from the date of sale shall automatically and unequivocally revert to the Royalton Township upon the occurrence of the following events:
1. Notice shall be sent by the Township Clerk by registered first class mail to the last address or the last known owner of record of burial rights informing of the expiration of the 40-year period and that all rights with respect to a space will be vacated and fully forfeited, if the owner of the rights does not affirmatively respond in writing to the Township Clerk of a desire to retain said burial rights within 60 days from the date of mailing; and
  2. No written response to said notice indicating a desire to retain the cemetery lot or burial plots/spaces in question is received by the Township Clerk or Sexton from the last owner of record of said burial rights or from an appropriate heir or legal representative within the aforementioned 60 day period.

#### Section 6.04 Charges & Fees

From time to time, the Township Board shall determine the purchase price and transfer fees by resolution and in setting such fees should consider the need to accommodate all costs and needed reserve funds for cemetery maintenance and acquisition. The required charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

#### Section 6.05 Grave Openings & Closings

- A. **Charges.** From time to time, the Township Board shall determine the costs of the opening and closing of any burial plot or space payable to the Township by resolution. All fees prior to and following a burial, including the interment of ashes, shall be paid in advance to the Township. The rates imposed at the time of this Ordinance are as follows:

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	<u>Resident</u>	<u>Non-Resident</u>
Burial per lot	\$200.00	\$500.00
Fees for opening/closing	\$200.00	\$350.00
Cremation	\$ 75.00	\$ 75.00
Weekend/Holiday Extra	\$125.00	\$125.00

- B. **Disinterments.** No disinterments shall be allowed except by permission in writing from the Sexton, and upon payment of \$75.00. If reburial is to be in the Royalton Township Cemetery, the prevailing opening and closing charge shall also be levied. Any vault handling charges shall be extra.
- C. **Authority.** Any burial space shall be opened and closed only under the direction and control of the Sexton. However, this provision shall not apply to proceedings for the removal and re-interment of bodies and remains that is ordered by a court of appropriate jurisdiction and conducted under the supervision of the local health department.

#### Section 6.06      **Markers or Memorials**

- A. **Composition.** All markers or memorials must be of stone or other equally durable composition.
- B. **Placement.**
1. Placement of all markers or memorials shall be determined by the Township.
  2. Only 1 marker, monument, or memorial shall be permitted and placed per 1 burial space.
  3. No marker shall embrace more than 1 grave, except for a 2 or 3 grave cemetery lot.
- C. **Family Markers/Monuments.** Family markers are allowed on a 4-burial space only.
- D. **Foundations.**
1. Any upright monument must be located upon a suitable foundation to maintain the same in an erect position.
  2. The footing or foundation upon which any monument, marker or memorial is placed shall be constructed by or at the direction of the

Township at full cost to the owner of the burial right. Payment to the Township must be made in advance of work commencing.

- E. **Vandalism.** Any person willfully damaging or destroying markers, monuments, memorials or any improvements to a Township cemetery shall be deemed guilty of vandalizing public property, a municipal civil infraction, and shall be subject to prosecution and penalties for that offense as stated in this Code (*See*, Article 7 – Enforcement, Offenses, Violations).

#### **Section 6.07      Interment Regulations**

An interment at a Township cemetery shall comply with all of the following:

1. A minimum of 36 hours advance notice shall be given of any funeral to allow for the opening of the burial spaces.
2. The appropriate permit for the burial space involved, together with the appropriate identification of the person to be buried therein shall be presented to the Sexton or Township Clerk prior to interment. When such permit is not presented, the Sexton shall take whatever means are reasonably available to ensure that the person to be buried in the burial space possesses the appropriate burial rights before any interment is commenced.
3. Cremation remains shall be interred within an approved container.
4. All burials or interments shall be within a vault of standard concrete or similar composition material.
5. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
6. Only 1 person may be buried in a burial space except for:
  - a. A parent and an infant or small child buried at the same time;
  - b. Two related infants or children buried at the same time;
  - c. One (1) regular burial (full size casket) and one (1) cremation buried at the same time; or
  - d. Two (2) cremations buried at the same time.

**Section 6.08      Grounds Maintenance**

- A.     The Township, including by and through its Sexton, shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers, or other items prohibited by this Section without notice. The grounds that include and surround a burial space shall comply with all of the following requirements:
1.     Grading, leveling, or excavating upon a burial space is strictly prohibited without the permission of the Township.
  2.     Ground surfaces other than earth or natural sod are prohibited.
  3.     Mounds that hinder the free use of a lawnmower or other gardening apparatus are strictly prohibited.
  4.     Flowers, shrubs, trees or vegetation of any type shall not be planted without the approval of the Township. Any items planted without approval may be removed by the Township without notice.
  5.     Refuse or debris of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
- B.     The Township reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- C.     There will be a semi-annual cemetery clean-up in the Spring and Fall seasons. The Spring clean-up occurs on the last Monday in March and the Fall clean-up occurs on the last Monday in October. Notices of such clean up will be posted at the Township Hall.

**Section 6.09      Records**

The Township Clerk shall maintain records concerning purchase or transfer of all burial spaces, burials, issuance of burial permits, and any perpetual care fund. These records shall be separate and apart from any other records of the Township and shall be available for public inspection during normal business hours.

**Section 6.10      Cemetery Access**

- A.     **Hours.** Township cemeteries shall be open to the general public from 9:00 am to 8:00 pm each day.

- B. **Trespass.** Any person entering upon or loitering within a Township cemetery at any time other than the stated open hours, except with permission of the Sexton of the cemetery, shall be deemed guilty of trespass on restricted property, a municipal civil infraction, and shall be subject to prosecution and penalties for that offense as stated in this Code (*See, Article 7 – Enforcement, Offenses, Violations*).

#### **Section 6.11      New or Expanding Cemetery**

- A. Pursuant to MCL § 333.2458, the Township shall submit to the Berrien County Health Department, or other presiding local health department a description of the premises being established as a new cemetery or of an existing cemetery being expanded, plus two (2) copies of the plat showing the cemetery's division. Plat approval of the establishment or expansion will be endorsed by the health department with one (1) copy of the plat being filed with the health department, and one (1) copy of the plat being filed with the Township Clerk.
- B. In addition to the provisions contained in this Article and Section, any establishment of a new cemetery or expansion of an existing cemetery must abide by all applicable zoning regulations of the Township, including but not limited to Section 18.08 of the Zoning Ordinances of Royalton Township.





## ARTICLE 7

### ENFORCEMENT, OFFENSES & VIOLATIONS

#### Section 7.01 In General

A. **Title, Purpose & Basis.** This Article is enacted by Royalton Township for the purpose of adopting and continuing the enforcement of its Code of Ordinances, the position of the Ordinance Enforcement Officer, the duties held thereby and appointment thereof by the Township Board, and the administration of violations and imposition of penalties for violations of the Township's compiled Code of Ordinances. This Article may be known and referenced in whole as the "Enforcement, Offenses & Violations Ordinance" for Royalton Township, incorporating by reference those applicable provisions of the General Provisions (Article 1) of the Township's compiled Code of Ordinances.

B. **Definitions**

As used in and for this Ordinance, the following words, terms, and phrases, shall have the meanings provided as follows, except where the context clearly indicates a different meaning:

"Authorized local official" means the Ordinance Enforcement Officer, police officer, Township Building Inspector, Zoning Administrator, or any other person or personnel of the Township designated or appointed with authority to issue municipal civil infraction citations or otherwise enforce the Township's Code of Ordinances, or other ordinances of the Township.

"Citation" means a written complaint or notice to appear in court or designated bureau which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person, firm or corporation cited.

"Municipal Civil Infraction" means an act or omission that is prohibited by this Code or any ordinance of the Township, but which is not a crime under this Code or other ordinance, or state or federal law, and for which civil sanctions may be ordered, as authorized by Article 87 of Act No. 236 of the Public Acts of 1961, as amended (MCL ' 600.8701, *et seq.*). A municipal civil infraction is not a lesser included offense of a violation of this Code that is not a civil infraction or a criminal offense.

"Ordinance Enforcement Officer" means the person or persons appointed by the Township Board with the duties and authority to enforce the Township Code of Ordinances and Township Zoning Ordinances.

**Section 7.02      Ordinance Enforcement Officer**

1.    **Legal Basis.** This Section and provisions contained herein are established pursuant to but not limited to Michigan Public Act 246 of 1945, as amended (MCL ' 41.181, *et seq.*), Public Act 175 of 1927, as amended (MCL ' 764.1, *et seq.*), and such other applicable state laws related to Ordinance Enforcement Officers.
2.    **Office Established.** The Township Board confirms the establishment of the Office of Ordinance Enforcement Officer within Royalton Township, Berrien County, Michigan.
3.    **Appointment.** The Ordinance Enforcement Office shall be filled by appointment of the Royalton Township Board by resolution at any regular or special meeting of the Board, for such a term or terms as determined or designated by the Board. Said Board may further, by resolution, remove any person from said office at its sole discretion.
4.    **Authority.** The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in the addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested by the Township Supervisor by State statute. The enforcing authority of the Township Supervisor and other offices specifically designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.
5.    **Duties of Office.** The Ordinance Enforcement Officer duties herein authorized shall include among others things the following: investigation of ordinance violations; serving notice of violations; serving citations as authorized by Public Act 147 of 1968, as amended; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance enforcing duties as may be delegated by the Township Board or assigned by the Township Manager.

**Section 7.03                      Violations; Penalties**

1. It shall be unlawful for a person or entity to be in conflict with or in violation of any of the provisions, sections, or articles of the Township compiled Code of Ordinances.
2. Unless otherwise provided in a specific Ordinance or Section of this compiled Code of Ordinances, the Ordinance Enforcement Officer or other delegated Township official shall serve a written notice of any violation of this Code, personally or by first-class mail to the owner or agent of the premises of the violation. Such notice shall be served prior to imposition of any associated penalties, and where applicable allow for a reasonable time to cure or abate said violation. If any mailed notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice, and at the Township Hall for a period of fourteen (14) calendar days.
3. Unless a violation of this Code, or any ordinance of the Township is specifically designated in this Code or within any ordinance as a misdemeanor or other crime, the violation shall be deemed to be a municipal civil infraction, *provided however*, the violation is not otherwise specified or designated in an applicable state or federal law.
4. The penalties for a municipal civil infraction shall be assessment of a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per infraction (plus costs of prosecution and/or other sanctions ordered by the court if incurred). Such penalties shall be consistent with and imposed as provided and incorporated herein by reference in Michigan Public Act 236 of 1961, Chapter 87, as amended (MCL § 600.8701, *et seq.*).
5. Each day on which any violation of this Code or any Township ordinance continues it constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
6. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any Township ordinance.
7. The imposition of a penalty under this Ordinance shall not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
8. The imposition of a penalty under this Ordinance shall not exempt the offender from compliance with the requirements of this Code and Township ordinances.

9. The imposition of a penalty under this Ordinance for a violation upon, to, or involving land, structure or other real estate, shall be charged against the real estate upon which the violation is located or occurred and shall be a lien upon such real estate.
10. Unless otherwise provided in this Code of Ordinances, for all other violations upon which a penalty is imposed, this Ordinance authorizes and empowers the Township from seeking abatement of the violation by injunctive or other equitable relief, or other civil or quasi-judicial enforcement, where applicable.
11. Any person, firm, or corporation who has assisted knowingly in the commission of a violation of any Township ordinance shall be guilty of a separate offense and upon conviction thereof shall be liable to the same fines or penalties as if directly violated by the person or entity.
12. Nothing in this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

## ARTICLE 8

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## Article 9

### Fire Safety and Protection

#### Section 9.01 Title, Purpose & Basis

Pursuant to the provisions of the Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended (MCL § 29.1, *et seq.*), and the Police and Fire Protection Act, Public Act No. 33 of 1951 (MCL § 41.801 *et seq.*), and such other applicable state and federal laws, this Ordinance is adopted in the interest of public health, safety and welfare, including the safeguarding of life and property from the hazards of fire, explosions, and similar risks. This Ordinance shall be known and referenced as the “Fire Safety and Protection Ordinance” for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and Enforcement, Offenses & Violations (Article 7) of the Township’s compiled Code of Ordinances.

#### Section 9.02 Fire Prevention

- A. **Code Adopted.** Royalton Township hereby adopts the *International Fire Code*, 2009 edition, Chapters 2 and 3, and all amendments and revisions thereto, subject to the additions, amendments, or modifications contained in this Ordinance as the Township Fire Code. In addition, to the extent any conflict between the provisions of this Ordinance and any regulation established or promulgated by the Michigan State Police through the Fire Marshal Division, including the regulations governing places of public assemblage and school fire safety regulations exist, or through an agency of the U.S. federal government, the latter shall prevail.
- B. **References in the Code.** References in the *International Fire Code* to “state” and “(name of state)” shall mean the State of Michigan; references therein to “municipality,” “(name of municipality),” “jurisdiction,” and “(name of jurisdiction)” shall mean Royalton Township; references therein to “local ordinances” shall mean the Code of Ordinances of Royalton Township; references therein to “this code” shall mean those adopted sections of the *International Fire Code* and this Ordinance; and references therein to the “fire code official” shall mean the Township Building Inspector and/or Fire Chief.
- C. **Subjects Not Regulated.** Where no applicable standards or requirements are set forth in the adopted sections of the *International Fire Code* or this Ordinance, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the Township, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of the *International Fire Code* and this Ordinance. Nothing herein shall derogate from the authority of the Township Fire Chief, Building Inspector, or Ordinance

Enforcement Officer to determine compliance with this Ordinance for those activities within their respective responsibility.

- D. **Conflicting Provisions.** Where there is a conflict between a general requirement and a specific requirement in the Code and/or this Ordinance, the specific requirement shall be applicable.
- E. **Improper Accumulations of Combustibles.** No person or entity shall allow or permit combustible waste materials to accumulate on or in any premises or building. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain in or around any building or upon any premises, except in metal or other fireproof containers so as not to constitute a fire hazard.
- F. **Obstructing Operations or Orders.** No person or entity shall willfully fail, or refuse, to comply with any lawful operation, order or direction of the Fire Department pursuant to this Ordinance, or to interfere with the compliance attempts of another individual or entity.
- G. **Systems and Devices.** No person or entity shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or Fire Department official in charge of an emergency incident.
- H. **Open Burning, Flames and Recreational Fires.** A person or entity shall not kindle or maintain or authorize to be kindled or maintained any open burning, open flames, recreational or ground fires unless conducted and approved in accordance with the provisions of this Ordinance, including but not limited necessary burning permits where applicable.
  - 1. Offensive Smoke or Odor. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
  - 2. Burning Permit Required. A permit is required for and prior to the kindling or maintaining of an open burning, bon fire, or fire on any public street, alley, road, or other public or private ground, with the exclusion of recreational fires. Application for such permit shall be made to the Fire Department.
  - 3. Location Limitations. The following distances are required for permitted fires kindled or maintained, *provided however* that conditions which could cause the fire to spread within the minimum distance allowed shall be eliminated prior to ignition.



Type of Fire	Required Distance from Any Structure
Open Burning – material pile > 3 ft. diameter or 2 ft. height	At least 50 feet
Open Burning – material pile ≤ 3 ft. diameter or 2 ft. height	At least 25 feet
Open Burning – within approved non-combustible container	At least 15 feet
Bonfires	At least 50 feet
Recreational Fires	At least 25 feet

4. Attendance. All burning and fires shall be constantly attended until it is completely extinguished. A portable fire extinguisher or other approved fire-extinguishing means, such as dirt, sand, water barrel or bucket, or garden hose shall be available for immediate utilization, if necessary.
5. Extinguishment Authority. The Fire Chief or other designated Fire Department officer is authorized to order the extinguishment of any opening burning or fire, whether a permit has been granted therefore, if such burning or fire creates or adds to a hazardous or objectionable situation.
6. Open Flames or Ignitions. No person or entity shall take or utilize an open flame or fire in a building, structure, boat or other place where highly flammable, combustible or explosive material is utilized or stored. In addition, no person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette or other flaming or glowing object on any surface or article where it can cause an unwanted fire.

**J. Fire Hydrants, Equipment & Alarms.**

1. No person shall, without authority of the Township or the Township's designated authority use, open, tamper or operate any fire hydrant, fire detection device, alarm system, or fire suppression equipment, except for the purpose of extinguishing a fire, unless such person first secures a permit for such use from the Township and/or the water authority having jurisdiction thereof.
2. No person shall wantonly, maliciously, willfully or in a negligent manner tamper, destroy, damage, disturb, deface, or otherwise vandalize any fire hydrant or any appurtenance thereof within the Township.

3. No person shall park any vehicle or leave or deposit any material or other objects within 15 feet of any fire hydrant.
4. No person shall wantonly, maliciously, willfully or in a negligent manner turn in, sound or communicate to the Fire Department or any 911 dispatch center a false alarm of fire or other emergent situation to which the Fire Department responds.
5. Any person, household or location committing or causing three (3) false alarms within a period of 365 days will be assessed a fee of \$250.00.
6. No person shall block any fire escapes, stairway, fire door or exit door in such a manner as to impede the free use thereof.

### **Section 9.03                      Fire Department and Services**

- A. **Department Established.** Pursuant to this Ordinance and the Michigan Fire Protection Act, Public Act No. 33 of 1951 (MCL § 41.801 *et seq.*), there is hereby confirmed established, a Fire Department consisting of a Fire Chief and such other officers, firefighters, or staff of the Fire Department as may be provided from time-to-time as set forth in this Ordinance and deemed necessary by the Township Board.
- B. **Service Area.** The Fire Department shall restrict its delivery of emergency services to the geographical area described as Royalton Township, Berrien County, Michigan, and to other jurisdictions with which the Township Board has negotiated and entered into mutual aid agreements.
- C. **Board Supervision and Authority.** The Township Board shall establish rules and regulations for the operations of the Fire Department and the care of the equipment through adoption of general policies. The Township Board shall approve an annual appropriation for the operation and maintenance of the Fire Department and its equipment, and for that purpose shall have the authority to use general funds, to initiate the creation of a special assessment district and levy assessments, sell bonds, establish user fees, or raise revenues in any other manner provided for under law for the operation and maintenance of the Fire Department.
- D. **Fire Board.** At the discretion of the Township Board, the Township Board has delegated its supervision and review of the Fire Department to an established Fire Board, *provided however*, the Township Board remains the final authority to establish any rules, regulations, and make personnel decisions of the Fire Department. The Fire Board is comprised of five (5) members appointed by the Township Board, each serving a six (6) year term. The Fire Board shall meet the

2<sup>nd</sup> Wednesday of each month and make reports to the Township Board on a regular basis.

- E. **Fire Chief.** The Fire Chief is the commanding officer of the Fire Department, appointed by and serving at the pleasure of the Township Board. The Fire Chief shall be responsible for the direction of all actual firefighting, training, and fire protection work, and shall prepare and enforce specific procedures consistent with the general policies, including the following:
1. Supervision of all fires and other fire safety or hazardous material emergencies within Royalton Township.
  2. Enforcement of the Fire Code, as adopted and made part of this Ordinance.
  3. Receiving and processing applications and burning permits.
  4. Ensuring that all personnel are trained and qualified for the duties that they are expected to fulfill.
  5. Ensuring fire protection programs are implemented.
  6. Ensuring that qualified personnel conduct investigations and fire inspections per the adopted Fire Code; that the Fire Code is fairly and effectively enforced; and that all personnel comply with Departmental and Board rules, regulations, and policies.
  7. Ensuring that all Department equipment and buildings are properly maintained and in good working order.
  8. Maintaining custody and control of all property, books, records and equipment belonging, or pertaining, to the operation of the Fire Department, except records normally kept by the Township Clerk or Township Treasurer.
  9. At such time as the Township Board or Fire Board shall require, rendering a complete report of the operations of the Fire Department, including sufficient information in order to enable the Township Board or Fire Board to judge the level of performance and needs of the Fire Department.
- F. **Officers and Firefighters.** The Fire Chief may from time to time recommend the designation and establishment of or alteration to a chain of command within the Fire Department to perform the duties imposed upon the Fire Chief by the terms of this Ordinance. A job description for each rank within the chain of command shall be included as part of the Fire Chief's recommendation to the

Township Board. Once a chain of command is approved or established by the Township Board, each rank shall obey the orders of their superior officers, and each officer shall be responsible for ensuring that orders are carried out by the officer's subordinates. The Fire Chief shall establish proper protocol as necessary for those firefighters present at any emergency to ensure the continuity of the chain of command.

- G. **Authority at Fires and Other Emergencies.** The Fire Chief or officer of the Fire Department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the Fire Chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the Fire Department and, in the judgment of the Fire Chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of life or property in the vicinity thereof.
- H. **Inspection/Right of Entry.** The Fire Chief, or the designated officer of the Fire Department is hereby authorized by the Township Board to enter, at all reasonable times, upon or into any building or premises within the Township for the purpose of determining whether any fire hazard exists therein, or whether the building or premises are in compliance with the provisions of this Ordinance, or whether all safety devices/structures have been installed and are in good working order. If such building or premises is occupied, the Fire Chief or designated officer shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Fire Chief or designated officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Township official has recourse to every remedy provided by law and its Code of Ordinances to secure entry.
- I. **Records.** Any records of the Fire Department shall be retained for not less than five (5) years or for as long as an activity to which such records relate remains in existence, unless otherwise provided by other regulations, laws or ordinances applicable to the Fire Department's activities.
- J. **Appeals.** Whenever the Fire Department shall disapprove an application or refuse to grant a permit applied for, or otherwise interprets or enforces the Fire Code or this Ordinance in a disagreed or disputed manner, the applicant, resident, or party may appeal from the decision of the Fire Department to the Fire Board in writing within thirty (30) days from the date of the decision appealed from, and said Fire Board shall have the power to affirm, modify or reverse the action or

decision by the Fire Department. An applicant or resident may also appeal any decision of the Fire Board, including but not limited to fire run charges imposed pursuant to Section 9.04 of this Ordinance, by filing an appeal in writing to the Township Board within thirty (30) days from the date of the Fire Board's decision made in writing. The Township Board has the power to affirm, modify or reverse an action or decision of the Fire Board. Prior to an appeal decision being rendered, the Board appealed to will notify the appealing party in writing of the place, time and date a hearing on the appeal will be held. After the hearing, and a decision of the applicable Board has been rendered, that Board will notify the appealing party in writing of its decision. The decision of the Township Board shall be final.

#### **Section 9.04                      Fire Run Charges**

- A.     **Purpose & Basis.** This Section of the Ordinance is enacted under MCL § 41.806a, for the purpose for defraying a portion of the Township's costs and expenses from those receiving direct benefits from fire protection or emergency services provided by the Township, including but not limited to responding with emergency equipment and personnel to fires, sites of bodily harm, the release of hazardous materials into the environment, or the reasonable threat of such emergent situations, to protect the health, safety and general welfare of the public.
- B.     **Charges Imposed.** Where the Township Fire Department responds to an emergent situation, including any fire, accident, release of hazardous materials or a threatened fire, accident, or release of such hazardous materials, and unless otherwise exempted, the responsible party or parties shall be liable to the Township for a fire run fee as set forth from time to time in the Township's Schedule of Fees, which is meant to help defray those costs for personnel, equipment, administrative, and/or additional charges imposed by other local, state or federal government entities.
- C.     **Exemptions.** The following properties and services are exempt from the foregoing charges:
1.       False alarms, not otherwise violative of this Ordinance;
  2.       Fire or emergency service involving Township buildings, grounds and/or property;
  3.       Fire or other emergency service performed outside the jurisdiction of the Township pursuant to a mutual aid agreement, or because a state or federal preemptive authority or agency requests or requires the Township to perform such service outside the jurisdiction of the Township.

4. Service expenses arising from hazardous material release responses preempted by the Michigan National Resources and Environmental Protection Act (NREPA), MCL § 324.20101, *et seq.*, including but not limited to those releases caused solely by an act or omission of a third party, and not the property owner. However, such exception does not limit or preclude the Township from seeking recovery of such service expenses against the liable third party or parties pursuant to the NREPA.
- D. **Non-exclusive Charges.** The foregoing charges are not the only charges that may be made by the Township for the costs and expenses of providing fire protection and other emergency services. The Township through general taxation may collect charges after a vote of the electors approving the same, or by special assessments established under Michigan statutes pertinent thereto, to cover the expense of the Fire Department. General fund appropriations may be made to cover such additional costs and expenses of providing fire protection and other emergency services. In addition, as provided in Section 9.04(C)(4), the Township may also or alternatively seek reimbursement under the NREPA.
- E. **Multiple Party Protection.** Whenever a particular fire or emergency service rendered by the Township directly benefits more than one person, property, or party, each person, party, or owner of property so benefited is liable for the payment of the full charge for such service. The interpretation and application of this provision is delegated to the Fire Chief, subject only to appeal, within the time limits for payment, to the Fire Board and shall be administered so that charges shall only be collected from the recipients of the emergency service.
- F. **Billing Procedures.** Following the conclusion of a fire or other emergent or hazardous incident to which the Fire Department responds, the Fire Chief may submit a detailed listing of all known expenses to the Fire Board for consideration. Upon approval of the expenses by the Fire Board, the Township shall bill (by first class mail with postage fully paid) the person, persons, or entity which received, required, necessitated or caused the service to be rendered. The invoice shall be due and payable to the Township within 45 days of mailing said bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the invoice shall be submitted, processed and billed, if approved, in the same manner on a subsequent bill to the responsible/benefited party. For any amounts due that remain unpaid after 45 days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof. As necessary, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

## CHAPTER 10

# LAND DIVISION AND DEVELOPMENT

### Section 10.01 Title, Purpose and Basis

The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL § 560.101, *et seq.*), formerly known as the Michigan Subdivision Control Act, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions, splits, platting, transfers, or combinations within the Township. This Ordinance may be known and referenced as the “Land Division and Development Ordinance” for Royalton Township.

### Section 10.02 Definitions

As used in and for this Ordinance, the following words, terms, and phrases, shall have the meanings provided as follows, except where the context clearly indicates a different meaning:

1. “Act” means the Land Division Act, Michigan Public Act 288 of 1967, as amended, (MCL § 560.101, *et seq.*), formerly known as the Michigan Subdivision Control Act.
2. “Applicant” means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
3. “Divide” or “Division” means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCL §§ 560.108 and 560.109). “Divide” and “Division” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances, including the Township Zoning Ordinances.

4. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent.
5. "Forty acres or the equivalent" means forty (40) acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
6. "Plat" and "Subdivision" are synonymous terms referring to a map or chart of land developed pursuant to the Ordinance.

#### **Section 10.03            Land Division**

- A. **In General.** It shall be unlawful for a person, company, or other entity to divide, transfer, or combine any land in Royalton Township except in accordance with the provisions of this Ordinance and the Land Division Act, Public Act 288 of 1967.
- B. **Specific Prohibitions.** In addition to the provisions and conditions contained herein, the following specific acts shall be unlawful and prohibited:
  1. The division, transfer, or combination of a lot or parcel in a recorded plat without prior approval of the Township Board as required by this Ordinance.
  2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot or parcel in a plat or parcel that was divided, transferred, combined, or partitioned without prior approval of the Township Board as required by this Ordinance.
  3. The submission of any document for recording involving the division, transferring, or combining of a lot or parcel in a recorded plat without prior approval of such division or partitioning by the Township Board as required by this Ordinance.
- C. **Approval Required.** Subject to the exceptions and exemptions of this Ordinance and the Land Division Act, Public Act 288 of 1967, as amended, including but not limited to an exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act, land in Royalton Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the Township Board, and the final approval of the Township Board.
- D. **Standards for Approval.** An application for the division, transfer, or combination of land shall not be approved unless it is in compliance with this Ordinance and the



Land Division Act, Public Act 288 of 1967, as amended, including but not limited to the following conditions:

1. The number of parcels created shall not exceed the amount specified by Section 108 of the Land Division Act.
2. Parcels created by the proposed division(s) meet the minimum width, depth, and sizes specified by the Land Division Act, and applicable Township ordinances.
3. Lot depths of parcels in all districts created as a result of division of land shall be no greater than 4 times the lot width (4:1); provided however that the Township may permit lots with proportions that vary from these standards where such action would reduce existing nonconformance with these standards and the Act.

E. **Lot Division or Combination Authority.** After a plat or development of land has been fully approved and recorded, the Township may approve the division, transfer or combination of a lot therein in the following circumstances:

1. No Intent to Create Separate Buildable Lot. When the application states that the sole purpose of the requested division is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such Zoning Ordinance as may be in effect at the time of such application concerning minimum lot frontage/width, minimum lot area, and minimum setbacks.
2. Intent to Create New Buildable Lot. In a situation not within the scope of the preceding paragraph, the Township Board may approve the division of a lot into not more than 4 parts upon determining that the following criteria are satisfied:
  - a) All of the resulting lots comply with the applicable requirements of this Ordinance, and such zoning ordinance as may be in effect at the time of said application with respect to minimum lot frontage/width, minimum lot area, and minimum setbacks.
  - b) The resulting lots will each have direct access to a street as required.
  - c) The resulting lots will each have access to public and/or private utility services.

- d) All such resulting lots conform in all respects to all applicable ordinances and the Land Division Act.
- e) The proposed division, transfer or combination will not cause an unreasonable detriment to any adjoining property.

F. **Application.** The application for division, transfer, or combination of land shall be made on the forms and according to the guidelines provided by the Township. The application shall be accompanied by the information specified in this Ordinance and by fees specified by the Township Board, as follows:

1. A formal drawing prepared according to the guidelines specified in Public Act 288 of 1967, as amended, showing the parcels that would result from the requested division, transfer, or combination, of land and including all of the following information:
  - a) Dimensions of all existing and proposed parcels.
  - b) All structures within 50 feet of the proposed parcels.
  - c) All structures located on the parcel with existing distances to all proposed lot lines.
  - d) Location of all existing and proposed public and private easements and rights-of-way, dimensioned.
  - e) Zoning designation and illustrated minimum setbacks on each proposed parcel and remaining parent tract in accordance with the current Township Zoning Ordinance.
  - f) Location of surface water, lakes, ponds, streams, and wetlands.
  - g) The means of access from each resulting parcel to an existing road or street or proposed road right-of-way.
2. A legal description of existing parcels of land involved in the proposed land division, transfer or combination.
3. Legal descriptions of all proposed parcels. The legal descriptions shall be in a form sufficient for recording with the Berrien County Register of Deeds and shall indicate the acreage of all parcels.
4. Copies of existing or proposed deed restrictions related to the proposed parcels.

5. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted.
6. Proof of ownership of the land proposed to be divided, transferred or combined shall be submitted.
7. Any other information deemed necessary by the Township to determine compliance with the standards of this Ordinance and the Township Zoning Ordinances.

**G. Review and Approval Process.**

1. Upon application for land division, transfer, or combination, if required data, plans, or other information specified in this Ordinance have been submitted, the applicant shall be notified of the additional information required for a complete application, and that the application process will be delayed until the required information is received by the Township. The date of filing of the application shall be considered the date on which the application containing all required information is received by the Township.
2. The Township shall approve or disapprove the application applied for within 45 days after receipt of a complete application conforming to this Ordinance and the Land Division Act, Public Act 288 of 1967, as amended. The applicant shall be notified of the decision promptly and if denied, the reasons for the denial.
3. Within 60 days after the approval of any division, transfer or combination of land, the appropriate deeds and other transfer documents shall be recorded with the County Register of Deeds, based on the descriptions and surveys set forth in the approved application, including a legal description for the balance of the parent parcel. The recording shall be the responsibility of the applicant, and evidence of the recording shall be submitted to the Township.
4. Approval of a division, transfer or combination of land is not a determination that the resulting parcels comply with other ordinances and regulations, or that a building permit will be issued. The Township, its officers, and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, inadequate sewage disposal facilities, or other reasons. Any notice of approval shall include a statement to this effect.
5. Deadlines for the Township to take action on an application may be extended by mutual written consent of the applicant and the Township. A waiver of the review deadlines may be required to permit concurrent processing of related review applications. In the absence of written consent for such a waiver,

denial of a division application shall be considered appropriate if the applicant has been unable to complete submittal requirements and/or bring the application or proposed division into compliance with the provisions and conditions of this Ordinance within the review deadline.

6. Any applicant aggrieved by the decision of the Assessor or Township designee may, within 30 days of said decision, appeal the decision to the Township Board or such other body or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

- H. **Zoning Requirements.** All parcels created as a result of division of land shall comply with all applicable zoning requirements, including minimum lot area, lot width, lot frontage, and access requirements. No parcel that is smaller in area than currently required by the Township Zoning Ordinance shall be further divided.

Notwithstanding these requirements, land division, transfer or combination proposals may be approved in the following circumstances:

1. Where the proposed division, transfer or combination of land would reduce the degree of existing nonconformity.
  2. Where the division, transfer or combination of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purpose of creating a new parcel or parcels, provided that the new parcel or parcels are in compliance with zoning requirements or reduce the degree of nonconformity with zoning requirements.
  3. In instances where the division, transfer or combination of land results in a parcel having more than one zoning district designation on a proposed lot, the most restrictive zoning requirements including minimum lot area and lot width shall apply.
- I. **Taxes and Assessment Liens.** Any due or unpaid taxes or special assessments upon the property shall be paid before the division, transfer or combination of land is given final approval.
- J. **Consent of the Title Holder.** No division, transfer or combination of land shall be approved without the written consent of the title holder or deed holder of the subject parcel(s).

- K. **Easements.** Approval of a proposed division, transfer or combination of land shall be subject to the dedication or recording of any easements necessary for roads, public utilities, or other necessary public facilities required, or other use granted.

**Section 10.04                      Enforcement; Violations; Penalties**

- A. **Enforcement.** The Township Zoning Administrator shall be primarily responsible for the enforcement of the provisions of this Ordinance. However, the Township Board, or the Zoning Administrator may institute the legal remedies provided for in this Ordinance to bring about compliance with this Ordinance.
- B. **Violations; Penalties.** A person, firm, or corporation, or any owner of land who violates any provision of this Ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$100.00 or more than \$500.00, plus damages, costs and expenses of prosecution, and such other sanctions for each infraction, as authorized under the Revised Judicature Act, Chapter 87 of the Public Act 236 of 1961, as amended (MCL § 600.8701, *et seq.*), the Land Division Act, Public Act 288 of 1967, as amended, (MCL § 560.101, *et seq.*), or other applicable laws. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. *See also*, Chapter 7 of the Code of Ordinances.



## ARTICLE 11

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## ARTICLE 12

### OUTDOOR ASSEMBLY

#### Section 12.01 Title and Purpose.

The Article is adopted to regulate, permit and control outdoor assemblies of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in Royalton Township, for the protection of the health, safety, and welfare of the Township residents and the members of the public attending such assemblies. This Article may be known and referenced as the "Outdoor Assembly Ordinance" for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township's compiled Code of Ordinances.

#### Section 12.02 Definitions.

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

1. "Attendant" means any person who obtains admission to an outdoor assembly, whether or not by the payment of money, or the rendering of services for admission.
2. "Outdoor Assembly" or "Outdoor Gathering" means any event attended by more than five hundred (500) attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including but not limited to fairs, festivals, concerts, revivals, demonstrations, or similar gatherings, but does not mean:
  - a. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
  - b. An event held entirely within the confines of a permanently enclosed and covered structure.
3. "Permittee" means any person to whom a permit is issued pursuant to this Ordinance.

**Section 12.03 Permit Requirement.**

A person shall not sponsor, operate, maintain, conduct, advertise, or promote an outdoor assembly within the Township unless such person shall have first made application for and obtained a permit for each such assembly as provided in this Ordinance.

**Section 12.04 Application Requirements.**

Application for a permit to conduct an outdoor assembly shall be made on the forms and according to the guidelines provided by the Township. The application shall be accompanied by the information specified in this Ordinance and by fees specified by the Township Board. Application shall be made at least sixty (60) days prior to date of the proposed assembly, and shall include the following information:

1. Name, age, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or other association, the information must be provided for all partners, officers and directors, or members. Where the person is a corporation or other entity which requires registration or filing with a municipal agency, department or division, proof of solvency or good standing with said municipality must also be included.
2. A statement of the kind, character, and type of proposed assembly.
3. The address, proof of ownership, and legal description of the property at which the proposed assembly is to take place. If the owner is not the permit applicant, submittal of an affidavit from the owner indicating his consent to the use of the site for the proposed assembly is required.
4. The date or dates and hours of operation of the proposed assembly.
5. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted.
6. A detailed explanation, including drawings or diagrams if needed, of the applicant's plans to provide for applicable public services, including but not limited to police and fire, food and water, sanitation facilities and waste disposal, health and medical care, lighting, communications, noise control, and insurance and/or bonding.

**Section 12.05      Public Services Review.**

Upon receipt of the application by the Township Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers, the fire chief, and to such other appropriate public officials as the Township Board deem necessary. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof shall report their findings and recommendations to the Township Board.

**Section 12.06      Township Review and Decision.**

- A.    **Time Frame.** Within 30 days of the filing of the application, the Township Board shall issue, set conditions for the issuance of, or deny, a permit.
- B.    **Decision.** The Township Board may approve, deny or approve the issuance of a permit with restrictions or conditions to insure the safety, health, and welfare of the residents of the Township, and the attendees of the proposed assembly are protected, including but not limited to additional security or insurance.
- C.    **Notice.** If a permit is denied or where the Board imposed conditions as prerequisite to the issuance of the permit, within 5 days of such action, notice must be mailed to the applicant, at the address given by the applicant, with the reasons for the denial or list of required conditions.

**Section 12.07      Posting of Permit.**

The issued permit shall be posted in a conspicuous place during the assembly with the name and address of the permittee, the kind and location of the assembly, the maximum number of permitted attendants, applicable dates and hours of operations, and any conditions placed thereon.

**Section 12.08      Permit Non-transferable.**

No transfer or assignment of a permit is allowed without the written consent of the Township Board.

**Section 12.09      Minimum Requirements.**

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

- A. **Security Personnel.** The permittee shall employ at his own expense such security personnel as is necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of peace, order and protection of property in and around the site of the assembly. No permit shall be issued unless the chief law enforcement officer for the Township (eg. Berrien County Sheriff's Department) is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the assembly.
- B. **Water Supply.** The permittee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand for the maximum number of attendants at the assembly. Such water shall be supplied from a public water system if available, and if not available, then from a source constructed, located and approved in accordance state or local law, or from a source, and delivered and stored in a manner, approved by the Berrien County Health Department.
- C. **Restroom Facilities.** The permittee shall provide separate enclosed flush-type toilets and urinals in accordance with applicable state or local law. If such flush-type facilities are not available, the Berrien County Health Department may permit the use of other restroom or lavatory facilities which are constructed, installed, and maintained in compliance with any other applicable state or local law.
- D. **Facilities Required.** The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:100
Urinals	1:100	N/A
Lavatories	1:200	
Drinking fountains	1:500	
Taps or faucets	1:500	

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

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Shower heads	1:100	1:100

- All facilities shall be installed, connected, and maintained free and shall at all times be in operable condition as determined by the Berrien County Health Department.
- E. **Food Service.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with applicable state or local law.
- F. **Medical Facilities.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the permittee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the Berrien County Health Department.
- G. **Liquid Waste Disposal.** The permittee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Berrien County Health Department. The permittee shall provide the Berrien County Health Department with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
- H. **Solid Waste Disposal.** The permittee shall provide for solid waste storage on, and removal from the premises. Storage shall be in approved, covered, flytight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any permit, the permittee shall provide the Berrien County Health Department with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health. Poisonous materials such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.
- I. **Access and Traffic Control.** The permittee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles.
- J. **Parking.** The permittee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one (1) automobile space for every four (4) attendants.

- K. **Lighting.** The permittee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The Township Board shall approve the permittee's lighting plan.
- L. **Insurance.** Before the issuance of a permit, the permittee shall obtain public liability insurance with limits of not less than \$300,000.00 and property damage insurance with a limit of not less than \$100,000.00 from a company or companies approved by the commissioner of insurance of the state, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement naming the Township, its agents, officers, and employees and Board as an additional insured for the aforesaid liability. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance.
- M. **Bonding.** Before the issuance of a permit, the permittee shall obtain from a corporate bonding company authorized to do business in the state a corporate surety bond in the amount of \$100,000.00 in a form to be approved by the Township Attorney, conditioned upon the permittee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, including its Board, agents, officers, counsel, and employees against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to damage, wear, cleaning up or removing debris, trash or other waste resultant from the assembly.
- N. **Indemnification.** The permittee shall, by acceptance of the permit so issued, agree to indemnify, defend, and hold the Township, including its Board, agents, officers, counsel, and employees harmless against any and all claims, causes, actions, loss, injuries, or damages whatsoever arising out of or in any way connected with the assembly.
- O. **Fire Protection.** The permittee shall, at his own expense, take adequate steps, as determined by the Fire Chief of Royalton Township, to ensure fire protection.
- P. **Sound-Producing Equipment.** Sound-producing equipment shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- Q. **Fencing.** The permittee shall erect a fence, completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible

attendance from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress. The Township Board may waive this requirement.

- R. **Miscellaneous.** Prior to the issuance of a permit, the Board may impose any other conditions reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.

#### **Section 12.10 Violations; Penalties**

- A. In addition to the conditions for assembly provided herein, it shall be unlawful for a person or permittee, or any employee, representative, or agent thereof to knowingly:
1. Advertise, promote or sell tickets to, conduct or operate an assembly without first obtaining a permit as herein provided.
  2. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
  3. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
  4. Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct.
  5. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
  6. Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances as defined by state law.
  7. Any of the above violations is a sufficient basis for revocation of the permit and for the immediate enjoining, in the circuit court, of the assembly.
- B. **Revocation.** The Board may revoke a permit whenever the permittee, his employee or agent fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth herein or with any local, county or state law. No person whose permit for an assembly has been revoked shall receive another permit for a period of one (1) year thereafter.
- C. **Civil Infraction.** In addition, or alternatively to the above revocation penalty provision of Section 12.10(B), any person who violates the provisions of this Ordinance, including but not limited to those specific violations stated in Section

12.10(A), shall be guilty of a municipal civil infraction, punishable under the provisions of Article 7 of the Code of Ordinances – Enforcement, Offenses and Violations.



## ARTICLE 13

### PARKS AND RECREATION

#### Section 13.01 Purpose

This Article is adopted to establish rules and regulations for the use and maintenance of Township parks and recreational facilities for the protection of the health, safety, and welfare of the Township residents and the members of the public utilizing such public spaces. This Ordinance applies to those parks and other recreational facilities within Royalton Township, including but not limited to Bicentennial Park, Tryon School facility, and any other Township municipal facilities so designated by the Royalton Township Board of Trustees. This Article may be known and referenced as the "Parks and Recreation Ordinance" for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township's compiled Code of Ordinances.

#### Section 13.02 Definitions.

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

1. **Park** means an area of land and/or water, usually in a largely natural state, designated generally for the enjoyment of the public's leisure, sporting, and/or recreational use.
2. **Recreational Facility** means a park, a part thereof, or other grounds which has a building, structure, equipment, machinery or other appurtenances designated generally for the enjoyment of the public's leisure, sporting, and/or recreational use.
3. **Recreational Vehicle** means any automobile, motorcycle, moped, boat, personal watercraft, go-cart, dune buggy, camper, motor home, motorized scooter, snowmobile, all-terrain vehicle (ATVs), bicycle, utility trailer, plus any appurtenances or equipment to transport such vehicles on a public highway or roadway. (*See also*, Zoning Ordinance, Chapter 2 – Definitions).

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**Section 13.03            Use of Parks and Facilities**

**A.        Use.**

1.        Township Recreational Facilities shall be open to all Township residents and owner of real property in the Township, and their guests, *provided however* that:
  - a.        No person shall enter or remain at or in a park or recreational facility after the posted closing hours, except by written permission of the Township or its authorized employees; and
  - b.        No person shall use or occupy any area of a Township park or recreational facility when such area or facility is closed to the use of the public by order of the Township or its authorized employees.
2.        All persons entering upon land or water of a Township park or recreational facility shall abide by the rules and regulations of the Township, County and State, and Federal government and the instructions and directions of duly authorized Township employees or representatives.
3.        All persons, before leaving a Township park or recreational facility, shall extinguish all fires and leave the premises used by them in a neat and sanitary condition.

B.        **Hours.** Unless otherwise set and posted by the Township, Township parks and recreational facilities shall be open from daylight until dark every day, and shall be closed to the public during the other hours of every day.

C.        **Liability.** Any person using a Township park or recreational facility shall be solely responsible for personal injury or damage to property as provided by law.

D.        **Fees.** A fee for the usage of a Township park or recreational facility may be set by the Board of Trustees, as deemed appropriate.

**E.        Reservations.**

1.        When required for group events or use of a Township park or recreational facility (park shelter, ball diamond, etc.), a reservation shall be submitted to the Township, on a form established by the Township and the payment of appropriate fees as established by the Board of Trustees. No reservation shall be taken until all the conditions of use and fees are satisfactorily established by the Township.
2.        No person shall assume exclusive use of a reservation picnic site, or other recreational facility without a permit or written reservation from Township.

3. No person shall use a portion of a reservation picnic area or recreational facility without a permit if the area is reserved by a permitted group.
  4. Conduct picnic activity at reservation picnic sites or recreational facility contrary to a permit, or otherwise violate provisions of a permitted reservation.
- F. **Sporting Events.** The playing or engaging in a sport or game shall be done upon areas suitable, designated, or otherwise set apart for such use, and with suitable equipment and performed in a manner as to provide for reasonable protection to both individuals and property.

#### Section 13.04            **Specific Requirements**

- A. **Disposal of Garbage, Obnoxious Materials.** No person shall deposit or abandon in or on any land or water area within a Township park or recreational facility any garbage, sewage, bottles, refuse, trash, waste or other obnoxious material except in receptacles provided for such purposes.
- B. **Fire Safety.**
1. No person shall start or maintain a fire within the boundaries of a Township park or recreation facility, except on grills, or in fire pits, fireplaces or spaces specifically provided for such purpose. All such fires shall be properly extinguished prior to leaving the Township park or recreational facility.
  2. No person shall dump any burning material or hot ashes into any trash containers or elsewhere within the boundaries of a Township park or recreation facility unless such container or locality shall be marked as a receptacle for such material.
  3. No person shall scatter or leave unattended lighted matches, ashes, tobacco, paper or other combustible materials.
- C. **Possession of Firearms and Other Weapons.** No person shall have in their possession or control any firearm, shotgun, slingshot, pellet gun, air rifle, paint gun, stun gun, cross-bow, bow and arrow, spear, fireworks, firecrackers, rockets, explosives, or other weapons, pyrotechnics, or projectile materials within the boundaries of a Township park or recreational facility without written permission from the Township.

- D. **Signs, Handbills.** No person shall distribute, disseminate, post, fasten, paint or affix any placard, advertisement, poster, display, bill, notice or sign upon any structure, tree or automobile within the boundaries of a Township park or recreational facility, except that temporary directional signs for group picnics or events may be placed on signposts designated for such purposes by the Township or designated personnel and must be removed at the conclusion of the event.
- E. **Peddling.** No person shall solicit, sell or otherwise peddle any goods, ware, merchandise, services, liquids or edibles within the boundaries of a Township park or recreational facility, without written permission or permit of the Township.
- F. **Animals.**
1. Unless otherwise posted by the Township, no person shall bring into, or have in his or her possession or control within the boundaries of a Township park or recreational facility any dog or other animal. Such prohibition or restriction shall not apply to leader dogs for the blind, or dogs or other animals trained or in training to assist people with special needs.
  2. Any permitted dog or other animal into a Township park or recreational facility must at all times maintain and keep such animal in control pursuant to the provisions of the Township Animal Control Ordinance (Code - Article 4).
- G. **Automobiles and Other Wheeled Conveyances.**
1. It shall be unlawful for any person to operate or drive an automobile, bicycle, motorcycle, truck, trailer, motor scooter, snowmobile or ATV any place other than upon roads, riding trails or paths designated for such purpose, however, a bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or on walkways reserved for pedestrian use.
  2. Automobiles, bicycles, motorcycles, trucks, trailers, motor scooters, snowmobiles or ATVs shall, at all times, be operated with reasonable regard for the safety of other persons. In no event shall the maximum speed of any such conveyance exceed 10 miles per hour, without written permission or permit of the Township for a special event sanctioned by the Township.
  3. When left unattended, automobiles, bicycles, motorcycles, trucks, trailers, motor scooters, snowmobiles or ATVs shall be parked in a designated area and manner.
  4. At no time shall maintenance work or washing of vehicles take place in or upon a Township park or recreational facility, without written permission or permit of the Township for a special event sanctioned by the Township.

5. No person shall park, abandon or otherwise allow any automobile or other conveyance including but not limited to travel trailers and camping vehicles within Township parks or facilities after such facilities are closed, except with the written permission of the Township. Any such automobile or other conveyance that shall be parked, abandoned or otherwise allowed to remain, without permission, shall be deemed to be unlawfully parked or left standing and such vehicle or conveyance may be ordered towed away and impounded. Costs of such towing and impoundment shall be at the expense of the owner or operator of such vehicle or conveyance.
- H. **Tents; Awnings.** No person shall set up temporary shelters, tarps, canopies and other such devices or structures without written permission or permit from the Township for a sanctioned event.
- I. **Golf.** No person shall drive, putt or in any other manner play or practice golf, except in areas specifically designated for such use.
- J. **Injuring, Defacing Property.** No person shall injure, deface, disturb, befoul nor in any manner destroy or cause to be destroyed any portion of a Township park or any recreational facility building, sign, structure, equipment, utility or other property found therein.
- K. **Natural Resources.** No person shall dig for, remove, injure or destroy any tree, flower, shrub, plant or growing thing or any wildlife, except as otherwise provided by law, or any rock, mineral, artifact or other material within the boundaries of a Township park or recreational facility without written permission from the Township.
- L. **Gambling.** No person shall gamble or participate in any game of chance for a consideration of items of value within the boundaries of a Township park or recreational facility, except as may be permitted by the Township Board in accordance with Michigan statutes.
- M. **Alcoholic Beverages.** The lawful possession or consumption of wine, wine coolers, and beer, except in kegs or barrels, is permitted within the boundaries of Township parks or recreational facilities. No sale of such alcoholic beverages is permitted without written permission or permit of the Township for a sanctioned event. No other liquors are permitted to be possessed, consumed, or sold within a Township park or recreational facility without written permission of the Township for a sanctioned event.
- N. **Drugs and Controlled Substances.** No person shall sell, serve, or cause to be served, consume or possess any drug or controlled substance of any kind on or about any Township park or recreational facility.

- O. **Disorderly Conduct.** No person(s) under the influence of alcoholic or controlled substances of any kind shall be allowed in, or remain on Township Recreational Facilities. No person or group of persons shall engage in any drunken, loud, boisterous, disorderly or annoying conduct; nor shall any person or group of persons commit or engage in any assault or other activity which shall endanger or annoy other persons or disturb the peace and good order within the boundaries of a Township park or recreational facility

**Section 13.05      Enforcement; Violations; Penalties**

- A. Violation of any provision or rule of this Ordinance shall be considered a municipal civil infraction municipal civil infraction, punishable under the provisions of Article 7. of the Code of Ordinances – Enforcement, Offenses and Violations.
- B. In addition to the penalties provided in Section 13.05(A) for a violation of the provisions of this Ordinance, any person convicted of an act of vandalism shall reimburse the Township for up to three times the amount of the damage as determined by the court. If the defendant is a minor, the judgment shall be entered against the minor's parent(s) or legal guardian(s).
- C. The Township Enforcement Officer, Property or Grounds Manager, the Berrien County Sheriff's Department, or any law enforcement officer for the Township shall be responsible for the enforcement of the provisions of this Ordinance, and shall have the authority to deny access, or eject from a Township park or recreational facility any person acting in violation of the rules and regulations set forth in this Ordinance.
- D. Any possession or use of materials, things or items prohibited within the Township parks or recreational facilities pursuant to this Ordinance, or any unlawful possession or use of any thing under the Michigan statutes shall be subject to confiscation and seizure by the Berrien County Sheriff's Department or other Township law enforcement officer.

## ARTICLE 14

### PEDDLERS AND SOLICITORS

#### Section 14.01 Purpose, Title and Basis.

This Ordinance is enacted to permit and regulate the activities and business of peddlers, solicitors and canvassers within Royalton Township, such being enacted in accordance with the General Township Ordinances Act, Public Act 246 of 1945, as amended (MCL § 41.181, *et seq.*). This Ordinance may be known and referenced as the “Peddlers and Solicitors Ordinance” for Royalton Township, and incorporates by reference those applicable provisions of the General Provisions (Article 1) and the Enforcement, Offenses & Violations (Article 7) provisions of the Township’s compiled Code of Ordinances.

#### Section 14.02 Definitions.

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

1. “**Canvassing**” means the same as “Peddling” as herein defined.
2. “**Charitable organization**” means any charitable organization which is duly recognized by the state and registered as such in compliance with state statutes.
3. “**Nonprofit organization**” means any nonprofit organization which is duly recognized by the state and registered as such in compliance with state statutes.
4. “**Peddling**” means the act of going from door-to-door, house-to-house, place-to-place, street-to-street or remaining in one place for the purpose of soliciting orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for immediate or future delivery, or for services or consultation to be furnished or performed immediately or in the future, except that newspaper carriers and persons traveling on a regularly established route at the request, expressed or implied, of their customers, and a person selling the products of his/her own farm, orchard or garden shall not be considered to be engaged in the act of canvassing or soliciting under the terms of this Ordinance. Any person who engages in such acts shall be known as a peddler.
5. “**Soliciting**” means the same as “Peddling” as herein defined.

**Section 14.03                      Requirements**

- A.     **Permit Required.** A permit shall be required for any canvassing, soliciting, or peddling with the Township. An application for such permit shall be submitted to the Township Clerk at least one (1) week prior to the activity is to begin. The Township Clerk is authorized and shall issue permits to those who have complied with the provisions of this Ordinance, *provided however* that whenever the Township Clerk receives information from any source indicating that the applicant has violated any law or ordinance of any state or municipality, or whenever the Township Clerk shall receive information from any source derogatory of the applicant's character or honesty, the Township Clerk shall refer the application to the Township Board, which shall determine whether the permit shall be granted. If the circumstances do not require the Township Clerk to refer such application to the Township Board, the Township Clerk shall issue the permit. All permittees shall carry with them, at all times while peddling, the permit herein described.
  
- B.     **Fees.** All fees shall be determined by the Board of Trustees and paid upon the issuance of a permit.
  
- C.     **Exception.** Persons, when engaged in soliciting under the direct supervision of any public, parochial or private elementary or high school or recognized charitable, religious or political organization, shall be exempt from the licensing and fees requirements of this Ordinance.
  
- D.     **Expiration of Permit.** Unless otherwise stated on the permit issued, all permits issued under the provisions of this Ordinance shall expire one (1) year from the date of issuance, and all permits must thereafter be renewed by compliance with this Ordinance.
  
- E.     **Right of Refusal.** It shall be unlawful to solicit, canvass or peddle upon any premises within the Township if requested not to do so by any person in control upon the premises, or if there is a sign placed on the premises in a conspicuous location or if there is any other type of similar public notice indicating that soliciting, canvassing or peddling is not permitted upon the premises
  
- F.     **Allowable Time and Days.** It shall be unlawful for any solicitor, canvasser or peddler to conduct business within the Township before 10:00 a.m. and after 7:00 p.m. It shall also be unlawful for any solicitor, canvasser or peddler to conduct business within the Township on Sundays or legal holidays, except for those persons engaged in such activities under the direct supervision of any public, parochial or private elementary or high school or recognized charitable, religious or political organization.



**Section 14.04      Violations; Penalties.**

- A.      **Revocation or Suspension.** The Township Clerk shall have the power to suspend any permit issued under this Ordinance for violation of law or ordinance of any state or municipality, any condition or regulation under which the permit was granted or for undesirable business practices. The Township Clerk shall report all suspensions to the Township Board, which may, for a cause shown, revoke or reinstate the permit after giving the permittee reasonable notice and an opportunity to be heard. The Township Board shall have final authority to deny, reinstate, revoke or suspend any permit issued as a result of a claim of a misrepresentation or false statement made by the applicant in obtaining the permit, or for the permittee's violation of or failure to comply with any Township Ordinance or state or federal law.

No person whose permit has been revoked shall receive another permit for a period of one (1) year thereafter. In the event of revocation, the permit fee shall not be refunded.

- B.      **Civil Infraction.** In addition, or alternatively to the above revocation or suspension penalty provision of Section 14.04(A), any person who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction, punishable under the provisions of Article 7 of the Code of Ordinances - Enforcement, Offenses and Violations.



## ARTICLE 15

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## ARTICLE 16

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## ARTICLE 17

### UTILITIES

#### Section 17.01 Purpose & Basis

This Article is a compilation of ordinances to regulate and control the construction, installation, extension, service connection, and operation of public utilities and said essential services within the Royalton Township; to prescribe procedures for securing such public utilities and the rates and charges for the same, pursuant to applicable state and federal law, including but not limited to MCL § 41.181, the Drain Code of 1956, as amended (MCL § 280.1, *et seq.*); the Land Division Act, as amended, being MCL § 560.1, *et seq.*, the Revenue Bond Act, as amended, being MCL § 141.101, *et seq.*; the Natural Resources and Environmental Protection Act, as amended, being MCL § 324.101, *et seq.*; Section 401 (p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC § 1342(p) and 40 CFR Parts 9, 122, 123, and 124; those applicable laws and regulations of the Federal Communications Commission; and other applicable state and federal laws.

#### Section 17.02 Definitions.

For purposes of this Article and the Ordinances contained herein, the following words and phrases shall have the meanings respectively ascribed to them, unless the context in which they are used specifically indicates otherwise:

1. “ASTM” means the American Society of Testing Materials
2. “Authorized Enforcement Agency” means the Township and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the Township.
3. “Best Management Practices (BMPs)” means the structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guide Book of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this ordinance including but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the Township Engineer.
4. “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree Celsius expressed in parts per million by weight.

5. "Building Drain" means that part of the lowest horizontal piping of a sanitary sewer system that receives the discharge from waste pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
6. "Building Sewer" means the sewer line connecting the Public Sewer and the Building Drain.
7. "Clean-out" means the installation of a wye in the building sewer with an extension properly fitted to the ground surface to facilitate cleaning.
8. "Clean Water Act" means the Federal Water Pollution Control Act, 33 USC §1251, *et seq.*, as amended, and the applicable regulations promulgated there under.
9. "Discharge" means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or water body. Discharger means any person who directly or indirectly produces or emits discharge from any premises. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this ordinance.
10. "Drain" means any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or ground water, either on a temporary or permanent basis.
11. "Drainage" means the collection, conveyance, or discharge of ground water and/or surface water.
12. "Drainage Way" means a drain, water body, or floodplain.
13. "EPA" means the U.S. Environmental Protection Agency (EPA).
14. "Extra Strength for Industry" means charges for extra strength industry waster to be determined from time to time by the Joint Boards of Commissioners of the Benton Harbor-St. Joseph Joint Sewage Disposal Plant.
15. "Floodplain" means the area, usually low lands, adjoining the channel of a river, stream or water course or lake, or other body of standing water that has been or may be covered by flood water.
16. "Garbage" means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce or other consumption activity.



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17. “Hazardous Materials” means any solid, liquid, semi solid or gaseous substance or material that because of its quantity, quality, concentration or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.
  18. “Illicit Connection” means any method, means, or conduit for conveying an illicit discharge into a water body or a storm water drainage system.
  19. “Illicit Discharge” means any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of a NPDES permit, or that is not an authorized discharge as defined by this Ordinance.
  20. “Industrial” means generally those types of businesses that are identified in the North American Industry Classification System Manual, 2007 edition, as amended and supplemented, under Sectors 31-33 for Manufacturing and that discharge an industrial waste as defined in the revised Rules and Regulations, “Industrial Waste Rules and Regulations” adopted by the Benton Harbor-St. Joseph Joint Sewage Disposal Plant.
  21. “Industrial Waste Rules and Regulations” mean those rules and regulations adopted by the Benton Harbor-St. Joseph Joint Sewage Disposal Plant on March 14, 1985, as amended.
  22. “Industrial Waste” means discharge of waste or matter from industrial processes as distinct from sanitary sewage, and as defined in the revised “Industrial Waste Rules and Regulations” adopted by the Benton Harbor-St. Joseph Joint Sewage Disposal Plant.
  23. “Inspector” means any person(s) duly authorized by the Board to inspect and approve the installation of building sewers and their connection to the public sewer system of the termination of such connection.
  24. “MDEQ” means Michigan Department of Environmental Quality.
  25. “National Pollutant Discharge Elimination System (NPDES) Permit” means a permit issued by the EPA or a State under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.
  26. “Natural Outlet” means any outlet into a watercourse pond, ditch, lake or other body of surface or ground water.

27. “Non-Storm Water Discharge” means any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.
28. “Person” means any individual, firm, partnership, association, society, public or private corporation, public agency, instrumentality, or any other legal entity.
29. “PH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
30. “Pollutant” includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard waste, animal waste, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radio active materials, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant also includes properties or characteristics of water, including but not limited to, PH, heat, TFF, turbidity, color, BOD, COD, toxicity and odor.
31. “Premises” means any building, structure, lot, parcel of land, or portion of land, all property, whether improved or unimproved, including adjacent sidewalks and parking strips.
32. “Properly Shredded Garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all pSections will be carried freely under the flow conditions normally prevailing in public sewers, with no pSection greater than ½ in any dimension.
33. “Property Owner” means any person having legal or equitable title to premises or any person having or exercising care, custody, or control over any premises.
34. “Revenues (including “Net Revenues”)” means that as defined in Section 3 of Act 94, Public Acts of Michigan, 1933, as amended.
35. “Sewage” means a combination of the water-carried waster from residences, business buildings, institutions, and industrial establishments.
36. “Sewer System” or “Sewage Works” means sewers, conduits, drains, pumping devices, lift stations, treatment facilities, or other man made channels or facilities, and appurtenances thereto that are designed or used, singly or together in combination with one another, for collecting, treating, and disposal of domestic, commercial or industrial sewage or waste.

37. "State of Michigan Water Quality Standards" means all applicable State rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 Public Act 451, as amended.
38. "Storm Water Drainage System" means storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.
39. "Storm Water Pollution Prevention Plan" means a document that describes the BMPs and activities to be implemented by a person or a business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm water drainage system, and/or a water body to the maximum extent practicable.
40. "Storm Water Runoff (or Storm Water)" means the runoff and drainage of precipitation resulting from rainfall, snow melt, or other natural event or process.
41. "Suspended Solids" means solids that either float on the surface or, or are in suspension in water, sewage or other liquids, and that are removable by laboratory filtering.
42. "Toxic Material" means any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the critical materials register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state or federal laws, rules, or regulations.
43. "Waste Water" means any water or other liquid, other than uncontaminated storm water, discharged from a premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.
44. "Water Body" means a river, lake, stream, creek, channel, or other water course for wetlands, or in which a flow of water occurs, either continuously or intermittently.
45. "Water System" means water lines, conduits, pumping, storage, and treatment devices or facilities, and all other facilities, and appurtenances thereto that are designed or used, singly or together in combination with one another, for the transmission, treatment, and distribution of potable water.

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**Section 17.03            Sewer and Water Service**

- A.    **Sectional Title & Purpose.** This Section and the general preceding provisions of this Code, including but not limited to Article 1 – General Provisions, Article 2 – Administration, and Article 7 – Enforcement, Offenses & Violations, shall constitute and be designated together as the “Sewer and Water Service Ordinance” for Royalton Township. This Ordinance together with those contracts, agreements, municipal boards, and memberships in any presiding authority prescribed under Public Act 233 of 1955, as amended, to which Royalton Township is a party are meant to regulate, control, coordinate and maintain, the construction, installation, extension, service connection, and operation of public water and sewer mains and public water and sewer service within Royalton Township; to prescribe procedures for securing such public water or sewer service and the rates and charges for the same.
- B.    **Procedure.**
1.    Application. Any person, firm or corporation desiring public water or sewer service shall file an application with the Township, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated for the water and the nature and/or type of waste to be discharged; the size of the water service connection pipes desired; the distance, if known, that the property is located from any existing public water or sewer main; the anticipated number of connections from the property contemplated in the foreseeable future.
  2.    Benefit Connection.
    - a.    No service connection, water or sewer, shall be allowed until the full benefit charge has been paid to the Township in such an amount as is determined by the Township Board. Such charges may be changed from time to time by the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects. The full benefit charge shall be collected at the time of construction permit issuance for the project or property.
    - b.    There shall be paid on behalf of any premises making direct private connection to any public sewer or water line that has not been either privately constructed and paid for on behalf of said premises or publicly financed at least in part by means of special assessment levied against the property on which said premises is located or where any connection is made in excess of the one connection contemplated by the special benefit charge in said special assessment district, for the privilege of making use of said public line as a sewer or water lateral, a lateral benefit charge shall be determined by the Royalton Township Board.

- c. The Township reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.
  - d. Any contract with an applicant shall contain, in addition to the foregoing, the following:
    - i) A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.
    - ii) A performance bond that shall be required in the event the installation is to be made by any one other than the Township, which shall be 150 percent of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workman-like manner in accordance with the plans and specifications of the Township and the furnishing of satisfactory evidence of the fact the project is free to present and future liens of contractors, subcontractors and material men.
    - iii) The amount and condition of any public liability and property damage insurance that shall be required to insure the Township in the event the installation is to be made by any one other than the Township, which shall be not less than \$300,000 and \$500,000 respectively.
    - iv) The amount, if any, to be paid the Township for administrative, legal and engineering cost or for the value of the availability of the water or sewer service to which the property of the applicant is to be connected.
  - e. Full hookup to the sewer or water system is dependant upon a fully inspected and approved plumbing connection by the Township Plumbing Inspector that is in compliance with the plumbing codes of the Township or State.
3. Plans and Permits. No public water or sewer main construction shall be commenced until all plans and specifications have been submitted to and approved by the Township and all required state, county and municipal permits have been obtained.

**C. Public Utility Funds.**

1. Revenues. The revenues of the respective systems (water and sewer) shall be collected and deposited in a separate fund for each system. In no instance shall water or sewer fund money be intermingled or applied to any account other than to the correct account for the service.
2. Funds. Each service, water or sewer shall have a separate bank account. All monies belonging to any of the foregoing funds or accounts, for either water or sewer, may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single water or sewer bank account. Income received from investments, (investments made in the manner and subject to the limitations provided by law, provided in P.A. 94 of 1933, as amended) shall be credited to the fund from which said investments were made.

**D. Rates.**

1. No Free Service. No free public sewer and water service shall be allowed and all those properties connected to public water or sewer system shall be subject to the payment of such water and/or sewer rates and charges as shall be determined by the Township Board.
2. Establishment of Rates. Rates charged for users of the system shall be reviewed by the Township Board from time to time, and shall at all times be sufficient, when added to other monies legally available for such purpose, to meet all costs of the system, including the contractual obligation of the Township to the County for interest and principal on the bonds issued by the County for the construction of the system.
3. Flat vs Water Based Sewer Rate. Property owners who are not connected to the public water system will be charged a flat rate for sewer service. If seventy-five percent (75%) or more of a property owner's interior water usage is derived from the public water system, they will be charged a sewer rate based upon their consumption of public water. If less than seventy-five percent (75%) of a property owner's interior water usage is derived from the public water system, then they shall be charged a flat rate sewer fee.
4. Discount or Penalty. Any discounts or penalty provisions provided for in ordinances of or resolutions of the City of St. Joseph, shall apply prorated to the Township of Royalton customers of the water or sewer service.
5. Additional Charges. The Township retains the right to establish additional charges or special rates where unusual circumstances warrant the same.

6. Termination of Charges. The above charges will continue, until:
  - a. The owner or agent shall notify the Township that uses of the water or sewer is terminated for said premises.
  - b. The plumbing inspection fee is paid.
  - c. The service line to the premises has been plugged in conformance with the requirements of the plumbing inspector,
  - d. A certificate that the work has been done is issued by the inspector.
7. Fire Protection Charge. A fire protection charge in the amount of \$1.00 per quarter is hereby established, to be included in all bills for service, which amount is retained by the City of St. Joseph.
8. Billing. Bills and accounts for water and sewer service shall be administered by the City of St. Joseph, and payable with the same grace and penalty provisions as are provided for users within the City of St. Joseph.
9. Delinquency. Whenever any charge against a property shall be delinquent for six (6) months, the Township shall certify annually, on October 15th of each year, to the delinquency to the tax assessing officer of the Township. The Township assessing officer shall entered on the next tax roll as a lien against such premises the delinquent charges and the charges shall be collected and the lien thereof enforced in the same manner as the general township taxes against such premises are collected. Where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered such premises until a cash deposit in the amount determined by resolution of the Township Board from time to time shall have been made as security for the payment of such charges and services.

E. Water Service.

1. Water Meters. All premises connected to public water or sewer system shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water and/or sewer charges.
2. Cross Connections. No cross connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private system.
3. Water Service Connections.

- a. *General.* Where, in the determination of the Township Board, public water service is reasonably available to a particular building in which water service is required, no new private wells shall be drilled to provide such water supply and such buildings shall be connected to the public water system, either at the time of construction, when the existing private well, if any, requires re-drilling, or at anytime, in the determination of the Township Board or the Berrien County Health Department, a health hazard exists or is fairly imminent from the existing water supply.
  - b. *Size and Installation.* All water service connections are to be made by the City of St. Joseph from the public transmission main to the required water meter and shall be in compliance with applicable State, County, and Township requirements.
  - c. *Use of Fire Hydrants.* No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the City of St. Joseph.
4. St. Joseph City Certification. No public water mains shall be made or become operational until the water flowing therefore has been certified as safe and free of any harmful contamination by the City of St. Joseph and a written verification attesting thereto is on file with the Township, the City of St. Joseph, and/or an Act 233 water authority to which this Township is a member.
  5. Water Conservation Regulations.
    - a. *Purpose.* To promote conservation and to ease demands on the public water supply, lawn or garden sprinkling using water from the public water system shall be regulated.
    - b. *Definitions.*
      - i) “Sprinkling” shall include all forms of directing water from the public water supply onto a lawn, yard, or garden, whether through an in-ground sprinkler system, through temporarily placed sprinklers, through a hose, or through any other system or mechanism. “Sprinkling” shall not include drip irrigation systems, the use of a container such as a watering can or pitcher, or use of a hose equipped with a spring-loaded shutoff device that automatically stops the flow of water if the hose is left unattended.
      - ii) “Street Address” or “Street Addresses” shall be the numerical address or addresses assigned to a property by the U.S. Postal



Service, or in the absence of same, that shall be assigned to the property by the Township Assessor's Office.

- c. *General.* Except as provided herein, sprinkling is prohibited.
- d. *Exemptions.* Sprinkling of newly planted grass, trees, or plants is exempt from this Section for the first 30 days following planting. Further, sprinkling of vegetable gardens is exempt from this Section.
- e. *Schedule of Permitted Sprinkling.*
  - i) Properties with "even" numbered street addresses, in which the last whole integer of the street address is 0, 2, 4, 6, or 8, may use water from the public system for the purpose of sprinkling only from midnight to midnight on even-numbered calendar days.
  - ii) Properties with "odd" numbered street addresses, in which the last whole integer of the street address is 1, 3, 5, 7, or 9, may use water from the public water system for the purpose of sprinkling only from midnight to midnight on odd-numbered calendar days.
- f. *Penalties.* In addition to any other penalty or remedy set forth by Ordinance, Resolution, Rule or Regulation, violations of this Section E.5. shall be civil infractions, punishable by a civil fine of not less than \$100.00 and not more than \$500, plus any costs and fees assessed by the court. All penalties and remedies shall be cumulative and the imposition of one shall not be a bar to any other.

F. **Sewer System.**

1. Sanitary Sewer Discharge.

- a. It shall be unlawful to discharge to any natural outlet, manhole or drain within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.
- b. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial waters to any sanitary sewer.
- c. No person shall discharge or cause to be discharged to any public sewer any harmful water or wastes, whether liquid, solid or gas capable of causing obstruction to the flow of sewers, damage or hazard to

structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

- d. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in an excessive amount or any flammable wastes, sand and other harmful ingredients. Where installed they shall be maintained to efficiently operated at all times by the owner of the property, at his expense.
  - e. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Township. The Township may prescribe limits on the strength and character of these waters or wastes. Where necessary, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat the wastes prior to discharge. All plans, specifications, and other pertinent information to preliminary treatment facilities shall be submitted for the approval of the Township, the County Health Department, and any other agencies having an interest. Prior to commencing construction, approvals must be submitted to the Township in writing and a permit issued. Where preliminary treatment facilities are provided; they shall be maintained continuously in effective operation by the owner, at his expense.
  - f. When required by the Township, the owner of the property service by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes in accordance with "Standard Methods for the Examination of Water and Sewage", at the control manhole. If no special manhole has been required, the control manhole shall be considered the nearest downstream manhole in the public sewer to which the building sewer is connected. All expenses incurred are the responsibility of the property owner.
- 2. Illegal Facilities. Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic take, cesspools or other facilities intended or used for the disposal of sewage.
  - 3. Use of Sewers Required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated with the Township, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within one year after the occurrence of the following events:

- a. Availability of the public sanitary sewage collection facility.
  - b. Improvement of the property so as to contain a building from which sanitary sewage emanates; provided that the public sanitary lines or sewer tap, whichever is closest, is within 200 feet of the property line or 200 feet from the building in the case of a single family dwelling.
  - c. The Township of Royalton shall install at the customer's expense paid by a lateral benefit tap in fee expense that portion of the service from the main to the road right-of-way, and the customer shall install at his expense that portion of the service from said road right-of-way to his premises. Maintenance and replacement, if necessary, of the service line to the main shall be at the customer's expense.
4. Private Sewage Disposal.
- a. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Township and the County Health Department.
  - b. The owner shall operate and maintain the private sewer disposal system per County Health Department requirements, at the owner's expense.
  - c. At such time as a public sewer becomes available to the property served by a private sewage system, a direct connection shall be made to the public sewer system in compliance with this Ordinance, and any septic tanks, cesspools, and similar private disposal facilities shall be abandoned, pumped out, and crushed and filled with sand.
5. Building Sewers and Connections. A separate and independent building sewer shall be provided for every building in the Township. An exception may be allowed only by special permission granted by the Township Board or its designated agent. All costs and expenses incidental to the installation and connection of the building to the sewer system shall be borne by the owner.
6. Unauthorized Connection. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Township. (MCL 750.160).
7. Supervision of Connection. The applicant for the building sewer shall notify the Township when the sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Township or its representative.

8. Standards for Sewer. The building sewer shall be constructed in accordance with the applicable standards of the *Michigan Building Code*, *Michigan Plumbing Code*, and the Joint Board of Commissioners of the Benton Harbor – St. Joseph Wastewater Treatment Plant, and other applicable state or federal standards, including but not limited to materials; joints and connections; size and slope; cleanouts; elevation; depth and location; trench work; drainage systems below sewer level; and excavations.
  9. Safety Standards. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
  10. Restoration. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township or any agency with an interest in the property.
  11. Cleanouts. When a sewer is on the same side of the street as the property, a cleanout is not needed. For properties on the opposite side of the street as the sewer, a cleanout is required at the right-of-way line. Another cleanout is options, either inside or outside of the building. Outside is preferred. Cleanouts are not to be spaced more than 50 feet apart, and installed at the expense of the owner.
  12. Damage Protection. No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewage collection facility. Any person violating this provision shall be guilty of a misdemeanor.
- G. **Powers and Authority of Inspectors.** The Building Inspector or other duly authorized employee of the Township bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.
- H. **Violations; Enforcement; Appeals**
1. Sanctions for Violations. Subject to the general provisions of Article 7 of the Township compiled Code of Ordinances, and those other more specific provisions provided herein, the following penalties shall be imposed for violations of this Water and Sewer Ordinance as follows:
    - a. *Violation; Municipal Civil Infraction.* Except as provided by Section H.1.f., below, and notwithstanding any other provision of the Township's laws, ordinances, and regulations to the contrary, a person who violates any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the authorized enforcement agency

under this Ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000 per day for each infraction and not more than \$10,000 per day for each infraction, plus costs and other sanctions.

- b. *Repeat Offenses; Increased Fines.* Increased fines may be imposed for repeat offenses. As used in this Section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (a) committed by a person within any twelve month period and (b) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
  - i) The fine for any offense that is a first repeat offense shall be not less than \$2,500 plus costs.
  - ii) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall not be less than \$5,000 plus costs.
- c. *Amount of Fines.* Subject to the minimum fine amounts specified herein, the following factors shall be considered in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Ordinance: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs of competitive advantage) of a violation; the violator’s recalcitrance or efforts to comply, the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstration the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.
- d. *Authorized Local Official.* Notwithstanding any other provision of the Township’s laws, ordinances, and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations (directly alleged violators to appear in district court) and/or notices for violations of this Ordinance (in addition to any other persons so designated by the Authorized Enforcement Agency, if applicable): the Ordinance Enforcement Officer; the Zoning Administrator; the Building Inspector, and any police officer.

- e. *Other Requirements and Procedures.* Except as otherwise provided by this Section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or, pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.
  - f. Any person who (1) at the time of a violation knew or should have known that pollutant or substance was discharged into the water or sanitary sewer system contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Township under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Township regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.
  - g. Any person who aids or abets another person in a violation of this Ordinance shall be subject to the sanctions provided in this Section.
2. Failure to Comply; Completion. The Township is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this Section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Township under other sections of this Ordinance.
3. Emergency Measures. If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Township for all of such costs.

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4. Cost Recovery for Damage to Water or Sanitary Sewer System. Any person who discharges to a water or sanitary sewer, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a water or sanitary sewer system, or causes or contributes to a violation of any federal, state, or local law governing the Township, shall be liable to and shall fully reimburse the Township for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Township as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the Township shall include, but shall not be limited to, all of the following:
- a. All costs incurred by the Township in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
  - b. All costs to the Township of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.
  - c. The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Township, or any Township representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.
  - d. The full value of any Township staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Township legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.
5. Collection of Costs; Lien.
- a. Costs incurred by the Township pursuant to Sections H.2, H.3, H.4, and H.6 shall constitute a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for 6 months or more may be certified annually to the Township Treasurer, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien

for taxes. In addition to any other lawful enforcement methods, the Township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.

- b. The failure by any person to pay any amounts required to be reimbursed to the Township as provided by this Ordinance shall constitute an additional violation of this Ordinance.

6. Suspension of Access to the Water or Sanitary Sewer System.

- a. *Suspension due to illicit discharges in emergency situations.* The Township, through its authorized employees, or officers, may, without prior notice, suspend access to the water or sanitary sewer system to any person or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the system itself. If the person fails to comply with a suspension order issued in an emergency, the Township may take such steps as deemed necessary to prevent or minimize damage to the water or sanitary sewer system or the environment, or to minimize danger to persons, and bill the person for the costs to the Township in taking such steps.
- b. *Suspension due to the detection of illicit discharge.* Any person discharging to the water system or sanitary sewer system in violation of this Ordinance may have their access to the system terminated, if the Township determines that such termination would abate or reduce an illicit discharge. The Township will notify a violator of the proposed termination of its access. It shall be unlawful for any person to reinstate access of the water or sanitary sewer system to a premises terminated pursuant to this Section without the prior written approval of the Township.

7. Appeals. Any person to whom any provision of this Ordinance has been applied may appeal in writing to the Zoning Board of Appeals, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Zoning Board of Appeals shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Zoning Board of Appeals may consider the recommendations of the Township Zoning Administrator, Building Inspector, or Enforcement Officer, and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Zoning Board of Appeals may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:



- a. The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the person appealing; provided, however, that unnecessary hardship shall not include the need for a property owner to incur additional reasonable expenses in order to comply with the Ordinance; and
  - b. The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of the water and sanitary sewer systems.
8. Judicial Relief. With the approval of the Township, the Ordinance Enforcement Officer or Zoning Administrator may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Ordinance Enforcement Officer or Zoning Administrator may also seek collection of fines, penalties and any other amounts due to the Township that a person has not paid.
9. Cumulative Remedies. The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of the Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Township, its Ordinance Enforcement Officer, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

#### **Section 17.04 Illicit Discharge and Connection – Storm Drains & Waterbodies**

##### **A. Findings.** The Township finds that:

1. Illicit discharges contain pollutants that will significantly degrade the waterbodies and water resources of the Township thus threatening the health, safety, and welfare of the citizenry.
2. Illicit discharges enter the storm water drainage system through either direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g. infiltration into the storm drain system or spills connected by drain inlets).

3. Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.
  4. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.
- B. **Sectional Title & Purpose.** This Section and the general preceding provisions of this Code, including but not limited to Article 1 – General Provisions, Article 2 – Administration, and Article 7 – Enforcement, Offenses & Violations, shall constitute and be designated together as the “Illicit Discharge and Connection Ordinance” for Royalton Township. This Ordinance together with those contracts, agreements, municipal boards, and memberships in any presiding authority prescribed under Public Act 233 of 1955, as amended, to which Royalton Township is a party are meant to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:
1. To regulate the contribution of pollutants to the storm water drainage system and waterbodies by storm water discharges by any user.
  2. To prohibit illicit discharges and connections to the storm water drainage system and waterbodies.
  3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.
  4. To provide appropriate remedies for failure to comply with this Ordinance.
- C. **Applicability and General Provisions.** This Ordinance shall apply to all discharges entering the storm water drainage system and waterbodies generated on any developed or undeveloped lands.
- D. **Prohibitions and Authorizations.**
1. Prohibited Discharges.
    - a. It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body any substance or material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water or an authorized discharge. This prohibition includes the commencement, conducting or continuance of any illicit discharge by any person to a storm water drainage system or water body.

- b. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- c. The authorized enforcement agency is authorized to require dischargers to implement pollution prevention measures, using storm water pollution prevention plans and BMPs, as determined necessary by the authorized enforcement agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.
- d. The discharge prohibitions of this Section shall not apply to any non-storm water discharge authorized under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

2. Prohibited Illicit Connections.

- a. It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance, or continued existence of ) an illicit connection.
- b. This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

3. Authorized Discharges. The following non-storm water discharges are permissible, but only if they do not result in a violation of State of Michigan Water Quality Standards and provided that they are undertaken in compliance with any applicable or required BMPs:

- a. Water supply line flushing;
- b. Landscape irrigation runoff;
- c. Diverted stream flows;
- d. Rising ground water;
- e. Uncontaminated ground water infiltration to storm drain;
- f. Uncontaminated pumped ground water;

- g. Discharges from potable water sources;
  - h. Foundation drains;
  - i. Air conditioning condensate;
  - j. Irrigation Water;
  - k. Springs;
  - l. Water from crawl space pumps;
  - m. Footing drains and basement sump pumps;
  - n. Lawn watering runoff;
  - o. Waters from non-commercial car washing;
  - p. Flows from riparian habitat and wetlands;
  - q. Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated;
  - r. Residual street wash water;
  - s. Discharges or flows from emergency fire fighting activities;
  - t. Discharges specifically authorized in writing by the authorized enforcement agency as being necessary to protect public health, welfare, and safety or the environment.
4. Storage of Hazardous or Toxic Materials in Drainageway. Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system or water body.

#### **E. Inspection, Monitoring, Reporting, and Record Keeping**

- 1. Inspection and Sampling. The authorized enforcement agency may inspect and/or obtain samples from any discharger's premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow properly identified representatives of the authorized enforcement agency to enter the premises of the discharger at all hours necessary for the purposes of such inspection or investigation, including but not limited to, smoke/dye testing, televising pipes, sampling, and excavation.

The authorized enforcement agency shall provide the discharger reasonable advanced notice of the need for such access, if possible, and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to the premises is a violation of this Ordinance.

2. Storm Water Monitoring Facilities. If directed in writing to do so by the authorized enforcement agency, a discharger of storm water runoff from any premises used for commercial or industrial purposes shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or storm water drainage system as specified by the authorized enforcement agency. The authorized enforcement agency may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained at the discharger's expense in accordance with applicable laws, ordinances, and regulations.
3. Accidental Discharges . Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the authorized enforcement agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the authorized enforcement agency within five days. The written report shall specify all of the following:
  - a. The composition of the discharge and the cause thereof.
  - b. The exact date, time, and estimated volume of the discharge.
  - c. All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.
  - d. The names and telephone numbers of the individuals making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.
4. Record Keeping Requirement. Any person that violates any requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memorandum, reports, correspondence, and records,

including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any premises connected with the violation or subject to monitoring.

## F. **Violations; Enforcement; Appeals**

1. Sanctions for Violations. Subject to the general provisions of Article 7 of the Township compiled Code of Ordinances, the following penalties shall be imposed for violations of this Ordinance as follows:
  - a. *Violation; Municipal Civil Infraction.* Except as provided by Section F.6., below and notwithstanding any other provision of the Township's laws, ordinances, and regulations to the contrary, a person who violates any provision of this Ordinance (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the authorized enforcement agency under this Ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000 per day for each infraction and not more than \$10,000 per day for each infraction, plus costs and other sanctions.
  - b. *Repeat Offenses; Increased Fines.* Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (a) committed by a person within any twelve month period and (b) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
    - i) The fine for any offense that is a first repeat offense shall be not less than \$2,500 plus costs.
    - ii) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall not be less than \$5,000 plus costs.
  - c. *Amount of Fines.* Subject to the minimum fine amounts specified in Sections 4.1A and B., the following factors shall be considered by a court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Ordinance: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs of competitive advantage) of a violation; the violator's recalcitrance or efforts to comply, the economic impacts of the fine on the violator; and such

other matters as justice may require. A violator shall bear the burden of demonstration the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

- d. *Authorized Local Official.* Notwithstanding any other provision of the Township's laws, ordinances, and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations (directly alleged violators to appear in district court) and/or notices for violations of this Ordinance (in addition to any other persons so designated by the Authorized Enforcement Agency, if applicable): the Ordinance Enforcement Officer; the Zoning Administrator; the Building Inspector, and any police officer.
- e. *Other Requirements and Procedures.* Except as otherwise provided by this section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or, pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.
- f. Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Township under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Township regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.
- g. Any person who aids or abets another person in a violation of this Ordinance shall be subject to the sanctions provided in this Section.

2. Failure to Comply; Completion. The Township is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this Section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Township under other sections of this Ordinance.
3. Emergency Measures. If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Township for all of such costs.
4. Cost Recovery for Damage to Storm Water Drainage System. Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Township, shall be liable to and shall fully reimburse the Township for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Township as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the Township shall include, but shall not be limited to, all of the following:
  - a. All costs incurred by the Township in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
  - b. All costs to the Township of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.
  - c. The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Township, or any Township representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.
  - d. The full value of any Township staff time (including any required overtime), consultant and engineering fees, and actual attorney fees



and defense costs (including the Township legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.

5. Collection of Costs; Lien.

- a. Costs incurred by the Township pursuant to Sections F.2, F.3, F.4, and F.6 shall constitute a lien on the premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for 6 months or more may be certified annually to the Township Treasurer, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.
- b. The failure by any person to pay any amounts required to be reimbursed to the Township as provided by this Ordinance shall constitute an additional violation of this Ordinance.

6. Suspension of Access to the Storm Water Drainage System.

- a. Suspension due to illicit discharges in emergency situations. The Township may, without prior notice, suspend access to the storm water drainage system to any person or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system or a water body. If the person fails to comply with a suspension order issued in an emergency, the Township may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the person for the costs to the Township in taking such steps.
- b. Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Township determines that such termination would abate or reduce an illicit discharge. The Township will notify a violator of the proposed termination of its access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a premises

terminated pursuant to this section without the prior written approval of the Township.

7. Appeals. Any person to whom any provision of this Ordinance has been applied may appeal in writing to the Zoning Board of Appeals, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Zoning Board of Appeals shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Zoning Board of Appeals may consider the recommendations of the Township Zoning Administrator, Building Inspector, or other authorized employee or officer, and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Zoning Board of Appeals may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:
  - a. The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the person appealing; provided, however, that unnecessary hardship shall not include the need for a property owner to incur additional reasonable expenses in order to comply with the Ordinance; and
  - b. The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.
8. Judicial Relief. With the approval of the Township, the Ordinance Enforcement Officer or Zoning Administrator may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Township may also seek collection of fines, penalties and any other amounts due to the Township that a person has not paid.
9. Cumulative Remedies. The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of the Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Township, its Ordinance Enforcement Officer, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil,

judicial, or administrative proceeding, conference, or hearing regarding the person.

**G. Performance and Design Standards.**

1. Responsibility to Implement BMPs. The owner or operator of a premises used for commercial or industrial purposes shall provide, at the owner or operator's expense, reasonable protection from an accidental discharge of prohibited materials or other wastes into the storm water drainage system or water body through the use of structural and nonstructural BMPs. Further, any person responsible for a premises that is, or may be, the source of an illicit discharge may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**Section 17.05 Michigan Gas Utilities Franchise**

The Township Board confirms after affording by public notice and public hearing, an opportunity for public participation the granting to Michigan Gas Utilities, a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in Royalton Township, as more fully described and incorporated herein by reference to the Michigan Gas Utilities Franchise in its entirety, attached to this Code as Appendix G.

**Section 17.06 Cable Television Franchise.**

The Township Board confirms after affording by public notice and public hearing, an opportunity for public participation the granting to Comcast of California/Connecticut/Michigan, its successors and assigns, a non-exclusive franchise, right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in Royalton Township, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Township of a Cable Television System for the purpose of distributing television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth. The specifics of said franchise agreement and applicable renewals are attached to this Code as Appendix I and made part of this Section and Ordinance by referenced incorporation.



## ARTICLE 18

### VACATION RENTAL REGULATIONS

#### Section 18.01 Purpose and Title.

Royalton Township finds that vacation rental properties provide a community benefit by expanding the number and type of lodging facilities available and assist owners by providing revenue that may be used for maintenance upgrades and deferred costs. The provisions of this Section are necessary to prevent the continued burden on services and impacts on residential neighborhoods posed by vacation rental homes. This Section may be known and referred to as the “Vacation Rental Property Ordinance” for Royalton Township.

#### Section 18.02 Definitions.

As used in and for this Article, the following words, terms and phrases shall have the meanings provided as follows, except where the context clearly indicates a different meaning:

1. “Local contact person” means a local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Ordinance.
2. “Premises” means land and building(s).
3. “Vacation Home Rental” means one (1) or more dwelling units, including either a single-family detached, or multiple-family attached unit, rented to the same party for the purpose of overnight or short-term lodging for a period of not less than 3 days and not more than 90 days for tenancy granted to the same renter.

#### Section 18.03 Regulations.

- A. **Permit Required.** An owner of a vacation home rental cannot rent a unit without first registering with the Township and receiving a valid vacation home rental permit. A separate permit is required for each vacation home rental unit. The permit requirements of this Section are in addition to any business license, hotel or motel tax registration, or any other permit or licensing requirements required by the County and/or the State.

B. **Permit Application.** An application for a permit must be filed with the Township for review and approval prior to use of the property as a vacation home rental. The following information is required:

1. Name, address, and contact information of the owner of the property for which the permit is issued.
2. Name, address, and contact information of the authorized local contact person for the property at which that party may be reached on a 24-hour basis.
3. The street address of the rental property.
4. The number of bedrooms and the maximum number of overnight occupants.
5. The number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
6. Acknowledgement by the owner or authorized local contact that the premises have been provided with:
  - a. Working smoke alarms.
  - b. Posted emergency evacuation plans for each sleeping room.
  - c. Operational fire extinguisher(s) for each kitchen or kitchenette area.
  - d. In addition, it is strongly recommended that 2<sup>nd</sup> story ladders be provided.
  - e. Posted parking rules, provisions for seasonal snow removal and emergency vehicle access.
  - f. Posted trash pick-up day and notice that trash and refuse must not be left or stored on the exterior of the property except 24- hours prior to pick-up day.
  - g. The addition of the following statement:

“It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family, by loud noise; to engage in any offensive conduct, or any unusual, abnormal, hazardous, malicious or neglectful activity within or upon the premises.”

C. **Pre-Permit Inspection.** Prior to issuance of a permit, the Building Inspector shall inspect the premises to ensure that the minimum standards of this Section are in place.

- D. **Fees.** An application for a vacation home rental permit must be accompanied by a fee established by the Township Board. An annual renewal fee will be required for renewing the permit.
- E. **Year.** A permit shall be valid for the calendar year in which it is applied for or renewed. All permit information must be updated to reflect current contact names and information.
- F. **Limitations on Persons/Vehicles.** The owner must by written agreement limit overnight occupancy of the vacation rental home to the specific number of occupants designated in the permit; not to exceed 2 persons per bedroom plus 4 additional persons per residence. In addition, the owner must by written agreement limit the number of vehicles of overnight occupants to the number designated in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces.
- G. **Additional Conditions.** The Township Board may impose additional standard conditions applicable to vacation home rentals, as necessary and reasonable to achieve the objectives of this Section. The Township Board has the authority to impose or restrict conditions on any permit in the event of any violation of the conditions of the permit or suspend or revoke said permit.
- H. **Post-Permit Inspection/Review.** The Building Inspector, and/or such other person so designated by the Township Board shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this Section, or other application standard of the Township Code or Zoning Ordinances. The investigation may include an inspection of the premises to ascertain compliance upon reasonable prior notice to the owner or agent and the tenant of the premises to be inspected.

#### Section 18.04 Enforcement; Violations; Penalties

- A. **Enforcement.** The Township Building Inspector shall be primarily responsible for the enforcement of the provisions of this Section. However, the Township Zoning Administrator or Enforcement Officer, in addition to the Building Inspector, may institute the legal remedies provided for in this Section to bring about compliance with this Section.
- B. **Responsibility of Owners for Violations.** An owner, or those interested parties listed on the tax record for the vacation home rental property shall be deemed prima facie responsible for a violation of any of the provisions of this Section committed by the owner, local contact person, or any renter of the vacation home rental.

**C. Permit Revocation/Suspended.**

1. The following conduct is a violation for which a permit may be suspended or revoked:
  - a. The owner or agent has failed to comply with the conditions and regulations of this Section for the maintenance of a vacation home rental, and/or those applicable standards of the Township Code and Zoning Ordinances.
  - b. The owner or agent has supplied false or misleading information in the application or renewal process.
  - c. Documented violations of local, state, or federal laws or ordinances.
2. If the investigation supports a finding of violation, a written notice of violation and intention to impose a penalty, suspend or revoke a permit must be served on the owner or local contact person and must specify the facts of the investigation, the time limit for compliance, and the consequences of non-compliance, i.e. penalties and/or permit suspension or revocation.
3. Any owner aggrieved by a decision or order of the appropriate investigating officer shall have the right to appeal such decision to the Township Board. Such appeal shall be filed within the time limit set for compliance, in writing, at the Township Hall.
4. A hearing shall be scheduled not less than 15 days nor more than 60 days at a Township Board of Trustees regularly scheduled meeting or at a special meeting called by the Board. The owner or local contact person shall be notified when the hearing is scheduled in writing at least 15 days in advance of the scheduled hearing. \
5. The Township Board shall be authorized to amend the conditions of a permit, suspend a permit for no longer than 6 months, or revoke a permit for a vacation rental property. Their decision is final.
6. An owner may petition the Township Board for reinstatement of a revoked permit no sooner than 12 months after revocation.

- D. Civil Infraction.** In addition, or alternatively to the above revocation penalty provision of Section 18.04(C), any person, persons, firm, or corporation who owns a vacation home rental, or anyone acting on behalf of said person(s), firm or corporation who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction, punishable under the provisions of Article 7 of the Code of Ordinances – Enforcement, Offenses and Violations, incorporated herein by reference.