

**REGULATORY ORDINANCES
FRUITLAND TOWNSHIP**

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ARTICLE R 1

SECTION R 1.01 HEALTH INSURANCE AND LIFE INSURANCE ORDINANCE

An ordinance to provide Health Insurance and Life Insurance Benefits for elected officers and full-time employees of Fruitland Township.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 1.02 HEALTH INSURANCE BENEFITS

1. This ordinance shall be known and cited as the Fruitland Township Health Insurance and Life Insurance Ordinance. (AMENDED: April 9, 2001)
2. Pursuant to Public Act 77 of 1989, as amended, the Township of Fruitland creates and establishes a plan for health insurance for its full-time employees and their dependents and elected officers and their dependents and authorizes the Township Supervisor and the Township Clerk to contract in the name of the township board with any company authorized to transact such business with the State of Michigan for health insurance. (AMENDED: April 9, 2001)
(AMENDED: March 31, 2021)
3. The health insurance plan created, established and contracted for under this ordinance shall cover all persons employed by the township who work thirty-six (36) hours or more per week on a regular basis and is employed for at least ninety (90) days and is at least eighteen (18) years of age or an elected officer of the Fruitland Township Board such as the Supervisor, Treasurer, and Clerk. (AMENDED: April 9, 2001)
(AMENDED: March 31, 2021)
4. The township of Fruitland shall pay eighty (80) percent of the premium or charges for the health insurance coverage for each person who qualifies for coverage. Each year, the township of Fruitland will also make a one-time deposit of an amount equal to the health insurance plan deductible for each covered individual or family into a health savings account (HSA) provided by the plan administrator. Premium and deductible charges shall be paid from the general fund of the Township. Each qualified person who chooses to accept coverage under the Fruitland Township Health Insurance Plan, for himself, herself, or family, shall pay twenty (2) percent of the cost of the premium of the health insurance coverage, payable to Fruitland Township through authorized payroll deductions. The Township of Fruitland shall have no further obligation to fund premiums or deductibles beyond what is provided herein. (AMENDED: September 17, 2012)
(AMENDED: March 31, 2021)
5. Should an employee or elected official select not to participate in this health insurance plan, they will receive a monthly incentive of \$275.00. Such premiums or charges shall be paid from the general fund of the township. (AMENDED: September 17, 2012)
(AMENDED: March 31, 2021)

SECTION R 1.03 LIFE INSURANCE BENEFITS

1. This section shall provide life insurance benefits.
2. The Township of Fruitland creates and establishes a plan for life insurance for its employees and the Fruitland Township Supervisor, Treasurer and Clerk and authorizes the Township Clerk to contract in the name of the Fruitland Township Board with any company authorized to transact such business.
(AMENDED April 16, 2007)
3. The life insurance plan created and established for under this ordinance shall cover all persons employed by the Township who work thirty (30) hours or more per week on a regular basis and who are employed for at least ninety (90) days, and members of the Fruitland Township Board.
(AMENDED: April 16, 2007)
4. The Township of Fruitland shall pay one hundred (100) percent of the premium or charges for the life insurance coverage for each person who has coverage. Such premium or charges shall be paid from the general fund of the Township.
5. This ordinance shall take effect on the date of its publication. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and effective immediately.

ADOPTED: December 23, 1997
PUBLISHED: December 29, 1997
EFFECTIVE: December 29, 1997

AMENDED: April 18, 2005 to amend numbering, article and section identification
PUBLISHED: April 24, 2005
EFFECTIVE: May 01, 2005

AMENDED: September 17, 2012
PUBLISHED: September 23, 2012
EFFECTIVE: September 23, 2012

AMENDED: March 31, 2021
PUBLISHED: April 11, 2021
EFFECTIVE: May 12, 2021

ARTICLE R 2

SECTION R 2.01 FISCAL YEAR ORDINANCE

AN ORDINANCE TO ESTABLISH THE FISCAL YEAR OF THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN AND THE SETTLEMENT DAY FOR SUCH TOWNSHIP PURSUANT TO MICHIGAN PUBLIC ACT 596 OF 1978:

THE TOWNSHIP OF FRUITLAND, ORDAINS:

SECTION R 2.02 FISCAL YEAR

Commencing in 1979, the fiscal year of the Township shall extend from March 31 of each year until April 1 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION R 2.03 ANNUAL SETTLEMENT DAY

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION R 2.04 ANNUAL MEETING

The annual meeting of the electors of the Township where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION R 2.05 EFFECT

This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted: February, 19, 1979

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE R 3
SECTION R 3.01 RETIREMENT ORDINANCE

STATE OF MICHIGAN

COUNTY OF MUSKEGON

In the County of Muskegon, Fruitland Township on the 15th day of July, 1991, the following, among other proceedings were had;

IN THE MATTER OF ESTABLISHING A DEFERRED COMPENSATION PLAN FOR THE TOWNSHIP OF FRUITLAND:

WHEREAS, the Township has considered the establishment of a Deferred Compensation Plan to be made available to all eligible Township employees, elected officials pursuant to section 457 of the Internal Revenue Code permitting such Plans; and

WHEREAS, certain tax benefits could accrue to employees, elected officials in said Deferred Compensation Plan; and

WHEREAS, such benefits will act as incentives to Township employees to voluntarily set aside and invest portions of their future financial requirements and supplement their Township retirement and Social Security (if applicable); and

NOW, THEREFORE THE TOWNSHIP GOVERNING BODY DOES HEREBY RESOLVE AS FOLLOWS:

The Township governing body, meeting in regular scheduled session, this 15th day of July, 1991, hereby adopts the Deferred Compensation Plan for the voluntary participation of all eligible Township employees, elected officials.

The PEBSCO DEFERRED COMPENSATION PROGRAM is hereby authorized to execute for the Township, individual participation agreements with each said employee requesting same, and to act as the "Administrator" of the Plan representing the Township, and to execute such agreements and contracts as are necessary to implement the program.

IT IS HEREBY FURTHER ORDERED, that a true copy of this Ordinance/Resolution be spread upon the Fruitland Township record of this date.

Adopted: July 15, 1991
Published: August 29, 1991

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

**FRUITLAND TOWNSHIP
ORDINANCE NO. 100-170**

At a meeting of the Fruitland Township Board, Muskegon County, Michigan, held at the Township Hall on January 20, 2026, at 6:00 p.m., Board Member Trustee Brower moved to adopt the following ordinance, which motion was seconded by Board Member Treasurer Roggero.

AN ORDINANCE TO AMEND THE UNIFORM WATER RATE ORDINANCE
FOR THE MUSKEGON COUNTY REGIONAL WATER SYSTEM TO BILL
CUSTOMERS BASED ON METER SIZE RATHER THAN RESIDENTIAL
EQUIVALENT UNITS

THE TOWNSHIP OF FRUITLAND ORDAINS:

Section 1. Amendment. The Uniform Water Rate Ordinance and all its related appendices are hereby amended to read in their entirety as provided in the attached document.

Section 2. Effective Date. This ordinance shall take effect immediately upon publication as provided by law following adoption by the Township Board.

Yeas: Board member: Trustee Cross, Trustee Brower, Trustee VanOosterhout, Treasurer Roggero, Clerk Steffes, Supervisor Marcinkowski

Nays: Board member: None.

Abstain: Board member: None.

Absent: Board member: Trustee Holman

CERTIFICATION

I certify that this is a true and complete copy of a resolution adopted by the Fruitland Township Board, Muskegon County, Michigan, at a regularly scheduled meeting held on January 20, 2026.

Jeff Marcinkowski, Township Supervisor

Alexa Steffes, Township Clerk

Attachment

ARTICLE R 4
SECTION R 4.01 UNIFORM WATER RATE ORDINANCE

SECTION R 4.02 PURPOSE

It is hereby determined to be desirable and necessary for the public health, safety and welfare of this Township that the Muskegon County Regional Water System be operated on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, being MCL 141.101 et. seq.

SECTION R 4.03 DEFINITIONS

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete facilities of the Muskegon County Regional Water System including all pump stations, pumps, mains, laterals, service lines and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "D.P.W. Board" are used in this ordinance, they shall be understood to mean the Muskegon County Board of Public Works.

Whenever the words "the Contract" are used in this ordinance, they shall be understood to mean the Muskegon County Regional Water System Management Contract ("Contract") dated April 14, 2005, as amended from time to time, between the County of Muskegon and the Townships of Dalton, Fruitland, Laketon and Muskegon.

Whenever the words "the Policy Board" are used in this ordinance, they shall understood to mean the Muskegon County Regional Water System Policy Board as established by the Contract.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

SECTION R 4.04 SYSTEM OPERATION

The operation and maintenance of the System shall be under the general supervision and control of the D.P.W. Board, subject to the terms of the Contract. Pursuant to the terms of the Contract, this Township has retained the exclusive right to establish, maintain and collect rates and charges for water supply service to its residents and in such capacity this Township Board may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

The D.P.W. Board shall conduct the above duties under policies formulated by the Policy Board established by the Contract. The Policy Board shall make such rules, regulations and by-laws governing the operation of the Water System, the collection of the charges therefor, and for the management and protection of the Water System as it may deem necessary. Such rules, regulations and by-laws shall have the same force and effect as ordinances once they are approved by the Townships and the Muskegon County Board of Public Works. The System Rules and Regulations are as stated in Appendix C.

SECTION R 4.05 RATES AND CHARGES

Rates and charges to be charged for service furnished by the System shall be as provided in Appendices attached to and made a part of this ordinance. Rates and charges may be changed from time to time by resolution of the various municipalities based on the needs of the system and recommendation of the Policy Board.

Water Rates

Monthly water rates for users of the System are as stated in Appendix B. The monthly ready-to-serve charge for water use shall be based upon meter size as stated in Appendix B. A commodity charge is imposed for all water used as set forth in the schedule based on the applicable meter size as stated in Appendix B.

Capacity Charge

A. Direct Connection: For each direct connection to lines of the System there shall be charged a fee as stated in Appendix B per 5/8" meter equivalent unit (MEU); provided, however, that credit against such charge shall be given for each unit of benefit specially assessed by law or contract, except the amount of such credit shall not exceed the amount of the capacity charge.

B. Indirect Connection: In order to defray the proportional share of the necessary oversizing of trunk lines and appurtenances, for each indirect connection to the System there shall be charged a fee of one-half the direct capacity charge for each 5/8" meter equivalent unit (MEU). The indirect connection is defined as one made to lines added to the System after its original construction, the cost of which is paid for by private funds or other funds not belonging to the System (*e.g.*, state grants).

C. Equivalent User Factor: Each premises shall pay either a direct or indirect capacity charge multiplied by a factor representing a ratio of the maximum water flow per minute of the meter size installed at the premises, to normal single family residential meter capacity, for a 5/8" or 3/4" meter as stated in Appendix A.

The Equivalent User Factor shall be calculated for any connection based on the meter size installed at the time of original application for water service. Whenever the meter size for the property increases, from that stated in the original application, the Township shall charge an additional capacity charge, based on the then current capacity charge schedule, for the additional equivalent user units over the number originally purchased with the initial application. However, the Equivalent User Factor Charge shall not be revised below that of the initial application.

D. Payment of Capacity Charge: Capacity charges as set forth above may be paid in cash upon application for connection to the System; or paid over a fifteen (15) year period in fifteen (15) approximately equal installments, the first such installment to be due and payable upon application for connection to System and the balance at yearly intervals thereafter, with each installment bearing interest at the rate established from time to time and stated in Appendix B.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Township Board in consultation with the System Policy Board.

Billing

Bills will be rendered monthly. The due date shall be determined by the Policy Board and shall be stated on each bill. The due date shall be no less than 15 days after the bill is mailed. Payments received after the due date shall bear a penalty of ten percent (10%) of the amount of the bill.

Enforcement

The charges for services which are pursuant to Section 21 of Act 94 of the Public Acts of 1933, being MCL 141.121, are hereby made a lien on all the premises served whenever such charges are delinquent for a period of six months. The Township official or officials in charge of the collection thereof shall certify annually on October 1 of each year such delinquencies to the tax assessing officer of the Township, and said assessing officer shall enter such charges on the tax roll, and said amount shall be collected in the same manner as real estate taxes are collected on the premises.

In addition to the foregoing, this Township shall have the right to shut off water service to any premises for which charges for water service are more than three (3) months delinquent, and such service shall not be re-established until all delinquent charges and penalties and a turn on charge, to be specified by this Township Board, have been paid. Further, such charges and penalties may be recovered by the Township by court action.

Transfer of Capacity Charge Lien

When a parcel of property which is subject to a lien agreement for the payment of the capacity charge in installments is acquired by a new owner, such owner has the right to assume the lien agreement under the following terms and conditions:

- A. The new owner pays a fee as stated in Appendix B to cover the cost of executing and recording of the necessary documents.
- B. The new owner signs a new lien agreement for the balance of the payments due and owing.
- C. The new owner shall provide the Township Clerk with the necessary documents showing the transfer of ownership.

Annual Rate Adjustment

Annually, the D.P.W. Board shall submit an Operations and Maintenance budget to the System Policy Board. On approval by that Board, the budget shall be submitted to each jurisdiction's legislative branch for formal approval as necessary.

The approval of the budget shall incorporate any necessary rate and fee schedules so as to provide sufficient funds to operate the System.

SECTION R 4.06 MANDATORY CONNECTION

A. “Available Public Water Supply” Defined: For purposes of this section, the term “available public water supply” means a System water main located within a right-of-way, easement, highway, street, or other public way that crosses or abuts upon the parcel on which a building is located, and which passes not more than 200 feet from the nearest point on the building to be served. For purposes of measuring the 200-foot distance, the measurement shall be taken from the nearest point on the boundary line of such right-of-way, easement, highway, street, or other public way to the nearest point on the building.

B. Events Requiring Connection: The owner of any building in which plumbing fixtures are installed and for which there is an available public water supply (*i.e.*, a water main within 200 feet as described in subsection A above) must, at the owner's expense, connect the building to the System in accordance with this section. Connection must occur:

- 1. Within 120 days of the conveyance (by deed, land contract, or other similar instrument) of the parcel upon which the building is located.
- 2. When the existing well serving the building runs dry, is contaminated, or otherwise fails. (The owner of the property may not, for the purpose of avoiding mandatory connection, improve, expand, rehabilitate, re-drill, deepen, or otherwise extend the useful life of a failed well).

3. For a newly constructed building with an available public water supply, connection to the System must be made before a certificate of occupancy is issued. The Township or any entity administering the Michigan Construction Code on the Township's behalf is authorized to withhold a building permit until the connection is made.

C. Continued Use of Wells After Connection: After a connection is made to the System, a noncontaminated well on the subject parcel may remain in use for irrigation and other similar uses occurring outside the building(s) on the parcel. For purposes of clarity, such wells may be used to clean animals, personal property, or the exterior of the premises, but shall in no event be used for human consumption or bathing.

SECTION R 4.07 FREE SERVICE

No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

SECTION R 4.08 EXPENSES

The rates established hereby are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the debt service obligations, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised by resolution of the Township board from time to time as may be necessary to produce these amounts.

SECTION 4.09 OPERATING YEAR

The System shall be operated on the basis of an operating year commencing on October 1 and ending on the last day of September next following.

SECTION 4.10 SYSTEM REVENUE

The revenues of the System shall be set aside as collected and deposited in a depository account in the Township's duly designated depository of Muskegon, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated MUSKEGON COUNTY REGIONAL WATER SYSTEM RECEIVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times specified in the Contract to the Muskegon County Regional Water System Pooled Account.

A. Operation, Maintenance and Debt Service: The D.P.W. Board shall pay from and charge to the said Pooled Account, first, all costs of operation, maintenance and management of the System and second, debt service costs of the bonds to be issued by the County to finance construction of the System. Operation, maintenance and management costs shall include but not be limited to costs of water purchased, wages and salaries for labor and administration related to the System, materials expense, supplies, utility charges and insurance.

B. Surplus Monies: Any surplus monies remaining from time to time in the Pooled Account shall be retained by the D.P.W. Board to pay other System costs, such as repair, replacement or extension and improvement of the System and as a debt service reserve.

C. Township Remittances: The Township treasurer shall remit to the Pooled Account all monthly collections of rates and charges other than charges for inspections of connections in the manner

and at the times specified in the Contract following such collection.

D. Bank Account: All moneys belonging to the Receiving Fund may be kept in one bank account, in which event the moneys shall be allocated on the books and records of this Township within this single bank account, in the manner above set forth. Any other public corporation acting as operating agent for this Township shall be authorized to act for this Township to establish, maintain and fund the aforesaid account.

SECTION R 4.11 HARDSHIP

The owner or owners of a single-family residence in which residence said owner or owners reside and upon which a capacity charge or special assessment has been imposed may submit a hardship application to this Township Board seeking a deferment in the partial or total payment of the capacity charge or special assessment provided for herein based upon a showing of financial hardship, subject to and in accordance with the following:

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

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

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

D. In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of this Township so that a further review of the matter may be made by this Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

1. A change in the financial status of any applicant which removes the basis for financial hardship.
2. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof.
3. A death of any of the applicants.

E. Upon a determination of this Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one (1) month after such determination, execute and deliver to this Township, as the secured party, a recordable security instrument covering the premises guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

SECTION R 4.12 CRIMINAL VIOLATION

Any unauthorized person who shall take water from the System without payment therefore, or disturb, tap into, change, obstruct, or interfere with the System and any person who shall intentionally damage the System shall be guilty of a misdemeanor, and upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 93 days, or both. Each day of violation shall be a separate offense.

SECTION R 4.13 SEVERABILITY

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION R 4.14 REPEAL

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

SECTION R 4.15 PUBLICATION

This ordinance shall be published, as necessary, in a newspaper of general circulation within the boundaries of the Township and qualified under State law to push legal notices, promptly after its adoption.

SECTION R 4.16 EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication.

ADOPTED: October 17, 2005

AMENDED: July 16, 2012
PUBLISHED: August 12, 2012
EFFECTIVE: September 11, 2012

AMENDED: October 21, 2013
PUBLISHED: October 27, 2013
EFFECTIVE: November 26, 2013

AMENDED: December 19, 2022
PUBLISHED: January 8, 2023
EFFECTIVE: February 7, 2023

AMENDED: January 20, 2026
PUBLISHED: January 29, 2026
EFFECTIVE: March 1, 2026

Muskegon County Regional Water System

APPENDIX A

EQUIVALENT USER FACTORS

The following table of equivalent user factors, based on water meter size, shall apply to capacity charges and monthly readiness to service charges.

<u>Meter Size</u>	<u>Capacity (gallons/ minute)</u>	<u>Equivalent Factors</u>
5/8 inch or 3/4 inch	20	1.0
1 inch	50	2.5
1.5 inch	100	5.0
2 inch	160	8.0
3 inch	300	15.0
4 inch	500	25.0
6 inch	1,000	50.0
8 inch	1,600	80.0
10 inch	2,300	115.0
12 inch	4,300	215.0
14 inch	6,400	320.0
16 inch	9,160	458.0
18 inch	14,650	732.5
20 inch	18,500	925.0

Muskegon County Regional Water System

APPENDIX B

Rates and Charges

Effective January 1, 2026

A. Water Use Rate

Water use rates shall be composed of a commodity charge plus a monthly ready-to-serve (RTS) charge based upon meter size pursuant to the following schedule:

<u>Meter Size</u>	<u>Monthly RTS (minimum charge)</u>
5/8"	\$23.70
3/4"	\$23.70
1"	\$59.25
1.5"	\$118.50
2"	\$189.60
3"	\$355.50
4"	\$592.50
6"	\$1,185.00
8"	\$1,896.00

A commodity charge is imposed for all water used at the rate of \$4.99 per 100 cubicfeet.

B. Capacity Charge

Direct connection capacity charge: \$7,300 per equivalent user factor.

NOTE: New service areas requiring a substantial extension of the System will be evaluated for capacity charge costs based on the cost required to serve the new area as provided in the ordinance, and as approved by the Muskegon County Regional Water System Policy Board. Capacity charges so determined shall be no less than those specified in paragraph B.

C. Interest Rate

Interest on the balance owed for deferred payment of capacity fees or other charges shall be paid at the rate of six percent (6%) per annum.

D. Installation Charges

Charges for the System to provide piping and appurtenances from the main line to the propertyline are as follows:

1. **Stub Fee** – (main line to property line)

1" existing	\$1,600
1-1/2" & 2" existing	\$3,700
New and/or larger	At time and materials*

2. **Meter Fee** – (includes remote readout)

Any Size Meter Cost of meter and installation

3. **Service Line** – (property line to structure)

All costs associated with design, permits, installation of service lines are the sole responsibility of the owner. Meter Pit is required for all non-copper service lines, service lines with joints, and structures which cannot be served by an interior meter as determined by the System Manager.**

4. **Transfer of Lien** - \$35

*Applicant shall provide a deposit in lieu of stub fee. Deposit shall be estimated by System Manager. Any adjustments due to actual costs will be billed or credited to the customer’s account. In no case shall actual charge be less than fixed cost for existing service.

**Cost of Meter Pits either requested by customer or required shall be paid by customer.

E. **Summary of Capacity and Installation Charges**

1. For properties with an existing stub connection to the water main

<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Stub Fee (Existing Tap)</u>	<u>Total System Charges</u>	<u>Meter Charge</u>
3/4" or 5/8"	\$ 7,300	\$ 1,600	\$ 8,900	Mkt rate
1"	\$ 18,250	\$ 1,600	\$ 19,850	Mkt rate
1.5"	\$ 36,500	\$ 3,700	\$ 40,200	Mkt rate
2"	\$ 58,400	\$ 3,700	\$ 62,100	Mkt rate

2. For new connections

<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Total System Charges</u>	<u>Stub Fee and Service Line</u>	<u>Meter Charge</u>
3/4" or 5/8"	\$ 7,300	\$ 7,300	contractor cost	Mkt rate
1"	\$ 18,250	\$ 18,250	contractor cost	Mkt rate
1.5"	\$ 36,500	\$ 36,500	contractor cost	Mkt rate
2"	\$ 58,400	\$ 58,400	contractor cost	Mkt rate
3"	\$ 109,500	\$ 109,500	contractor cost	Mkt rate
4"	\$ 182,500	\$ 182,500	contractor cost	Mkt rate
6"	\$ 365,000	\$ 365,000	contractor cost	Mkt rate
8"	\$ 584,000	\$ 584,000	contractor cost	Mkt rate

F. **Delinquent Accounts**

Delinquent water accounts shall be forwarded to the Township for placement on property taxroll.

G. **Local Water Fund**

.05 dollars per hundred cubic feet of the commodity charge shall be placed in a local water fund by the collecting agency for the Township. If the collecting agency is the County of Muskegon, the funds shall be held in an interest-bearing local fund and shall be available to the Township upon request for water related purposes.

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EFFECTIVE: March 1, 2026

Muskegon County Regional Water System

APPENDIX C

RULES AND REGULATIONS

Last Amendment Approved by
Water Policy Board: December 3, 2025

INDEX

PREFIX	DEFINITIONS
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SECTION VII	LIMITATION OF SERVICE
SECTION VIII	COLLECTIONS
SECTION IX	DISCONTINUANCE OF SERVICE

PREFIX
DEFINITIONS

In these Rules and Regulations, certain words shall have the following special meanings, regardless of whether the words are capitalized:

<u>APPLICATION</u> -	A form furnished by the townships to be filled out by anyone desiring water service.
<u>CAPACITY CHARGE</u> -	A fee paid by a property owner for the right to utilize water from the System.
<u>COUNTY</u> -	County of Muskegon.

<u>DPW BOARD</u> -	Muskegon County Board of Public Works.
<u>INSTALLATION OR HOOKUP</u> -	Includes the Stub Service, Service Lines, meter, remote reading device, and inspection necessary to complete the furnishing of water service to the property.
<u>MCDPW</u> -	Muskegon County Department of Public Works. Whenever this term is used, it represents those persons designated by the DPW Board to carry out the operation and maintenance of the System with the concurrence of the Policy Board (Public Works personnel, township personnel, or any other specifically designated party).
<u>ORDINANCE</u> -	The Uniform Water Rate Ordinance, as amended.
<u>POLICY BOARD</u> -	Muskegon County Regional Water System Policy Board.
<u>SERVICE LINES</u> -	Refers to that part of the service on the property from the property line to the structure.
<u>STUB SERVICE</u> -	That part of a service from the mains to the property line, including necessary valves and boxes.
<u>SYSTEM</u> -	The Muskegon County Regional Water System.
<u>TOWNSHIP</u> -	Township of Dalton or Fruitland or Laketon or Muskegon (collectively “Townships”).
<u>TRUNKS</u> -	Mains used to carry water to large areas, usually over 12”.
<u>UNMETERED SERVICE</u> -	Those services where a meter is not used. Usually fire protection lines or temporary services furnished for special purposes.

SECTION I
APPLICATION FOR SERVICE

1.1 Residents or owners desiring water service must file an application on appropriate forms with the Township. The application shall show the legal description, plat number, or street address of the property to be served, the size of service desired and any other pertinent data required by the Township or County.

1.2 The application must be accompanied by payment of the required service charges. No action will be started to install or provide service until all fees and charges are paid.

1.3 When the application is signed by the property owner, no guarantee deposit will be required. If the applicant is a tenant, the application must be accompanied by the required deposit

to guarantee payment of the service bills.

1.4 An application will be required of each new user even though water service may already be installed to the premises. Should the original application stipulate a billing address separate from the service address and a change in the billing address is desired, the request must be made in writing to MCDPW or the Township.

1.5 Every person, contractor, and premises requesting and/or being supplied with water service shall be subject to the Ordinance, these Rules and Regulations, as amended, the Michigan Plumbing Code, as amended, and the plumbing provisions of the Michigan Residential Code, as amended (where applicable). In addition, the MCDPW may apply the 10 States Standards for Water Works to the System and require an owner, contractor or other responsible person to comply with the standards where applicable.

SECTION II

INSTALLATION OF WATER SERVICES

2.1 Connections to the water distribution lines shall be made only by duly authorized personnel or by a licensed plumber or licensed contractor specially employed or designated by the MCDPW. A licensed plumber or licensed contractor designated to make such connections shall be required to file a bond and furnish evidence of workers' compensation insurance and public liability insurance coverage before proceeding with any work as outlined herein.

2.2 Except as otherwise approved by the MCDPW and the Policy Board in its discretion, not more than one (1) residence shall be placed on one (1) water meter, nor shall the service line be run from one residence to another but shall be run directly to the main adjacent to the premises served. Installation of water services (including connections and metering) for commercial or industrial applications, new residential or mixed-use developments, and multi-unit residential complexes shall be subject to review and approval on a case-by-case basis.

2.3 The size, type, location, depth, installation, and testing of service lines shall comply with all applicable laws, rules and regulations.

2.4 Every service line shall be furnished with a valve on the influent and effluent side of the meter.

2.5 If any application for service shall require a service line of a diameter of three (3) inches or larger, water shall not be turned on until the owner, at his or her own expense, shall have first furnished to the Plumbing Inspector the written results of tests conducted by qualified test operators certifying that the service lines and all the owner's connections thereto have been hydrostatically tested and disinfected in accordance with applicable rules and regulations.

2.6 Trenches shall remain open with service lines exposed until inspection and testing by the Plumbing Inspector. The curb cock or valve on any stub service shall not be opened (except to flush the valve at time of connection) and left open so that water may be supplied to the premises

through the service unless and until the service line and installation has been inspected and tested.

2.7 Upon completion and inspection of service connections, a meter will be installed by the MCDPW and the water will be turned on. All necessary fees and charges must be paid before this is done.

2.8 No person shall make any attachment or connection with the water distribution system or make any repairs, additions or alterations of any fixtures connected with the system except in accordance with the Plumbing Code. All work performed shall be subject to inspection by the Plumbing Inspector which will have the authority to order any part disconnected or changed if it does not comply with the code. No work will be performed on any part of the service between the main and the meter without written authorization of the MCDPW and the Plumbing Inspector.

2.9 Standpipes or other pipes for the automatic suppression of fires in buildings, and intended only for such use, may be attached direct to the water supply system without a meter. A separate application accompanied by a plan for the proposed installation must be submitted for approval. No changes will be made in the system after installation without prior approval. A special maintenance contract shall be written to cover service of this nature. A detector check must be installed.

2.10 Fire hydrants may be installed on private property to be used solely for fire purposes. Such installations must have prior written approval of the MCDPW and the Plumbing Inspector. An easement satisfactory to the DPW Board shall be dedicated to the System and the hydrants and mains shall become part of the System unless otherwise approved by the Policy Board and the DPW Board.

2.11 Water service may be installed beyond the end of an existing main when approved by the MCDPW and the Plumbing Inspector. A meter pit may be required. Such an extension does NOT eliminate such property from being assessed if the mains are extended past the property, if it is not already being assessed. When the mains are extended, a new stub service may be required. All expenses incurred with such a connection, including a new stub, will be the responsibility of the property owner requesting service.

2.12 Any person, partnership, firm or corporation desiring to perform work including the construction of service connections to structures of other persons or entities shall secure the required permit(s) prior to commencing work and shall perform all work in accordance with federal and state law, Township ordinances, and these rules and regulations. Any person, partnership, firm or corporation conducting work on behalf of the System shall perform the work in accordance with federal and state law, Township ordinances, and these rules and regulations and shall, prior to commencing work, execute a contract ("Agreement") on terms that are satisfactory to the County, which Agreement may require such things as a surety bond or other security for faithful performance of the work, certain insurance coverages, and any other terms as determined by the parties to the Agreement.

2.13 All work shall be performed in accordance with the permit(s) issued for such work and before expiration of such permit(s), including any lawful extensions that are granted by the issuing agency or official.

2.14 With respect to written or oral agreements, contracts or transactions between and among property owners, tenants, and licensed contractors, the Township and the County, notwithstanding any provisions contained in the Ordinance or these rules and regulations, shall not be deemed to have knowledge of an agreement or contract between said parties, and shall not be deemed a principal or master or the agent or servant of the licensed contractor. The Township and the County do not in any way act as guarantor or surety for any licensed contractor herein and does not extend warranties, expressed or implied, for the licensed contractors' performance other than duties and obligations assumed by the Township or County in the provisions of the ordinance. Licensed contractors shall hold harmless the Township and the County from any and all actions and statements.

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SECTION III
FEES AND CHARGES

3.1 The following fees and charges apply to the System, in addition to other fees and charges identified in the Ordinance, including Appendix B:

<i>INSTALLATION FEES:</i> All installation fees must be paid in full at time of application, along with capacity charges.	
Stub Service Fee	See Ordinance Appendix B
Meter Fee	See Ordinance Appendix B
Service Lines	Costs for installation and scheduling are the applicant's responsibility.
Other Fees	Other fees are listed in Ordinance Appendix B and may include but are not limited to estimates, detector checks, special meter pits, etc.
<i>RESETTING OR REPLACING METERS</i>	
A meter will be <u>reset</u> at the request of the property owner or after acts of the property owner or tenant necessitate resetting the meter	\$50.00
Replacement of meter due to damage caused by carelessness or neglect by the owner, tenant, agent, or invitee	Actual cost of meter plus reset charge of \$50.00
<i>TURN-ON CHARGE:</i> After service has been turned off for nonpayment (not required for new installations).	
Weekdays during regular business hours	\$50.00 or actual cost, whichever is higher
Weekdays after regular business hours and weekends or holidays	\$100.00 or actual cost, whichever is higher

TEMPORARY SERVICE FROM HYDRANTS: All such service must be approved in writing before actual use starts.	
Connection charge	\$150.00
Cost of water	Cost based on usage
Meter deposit	\$150.00 (if required by MCDPW)
SPECIAL WATER SERVICE	
Any water service not contemplated herein, or for which a charge or fee is not otherwise provided herein	To be determined on a time and materials basis
FROZEN SERVICE CALL: When water service freezes outside of the public right of way.	
First call to service address	\$0.00 (no charge)
Subsequent calls	\$200.00 per call
FIRE SUPPRESSION DEMAND CHARGE	
Fire suppression demand charge	To be issued based on the minimum billing for an equivalent meter size equal to 1/2 of the incoming fire lines (e.g., an 8-inch fire line will be charged at the minimum billing rate for a 4-inch meter), except as otherwise provided in the Plumbing Code, the 10 States Standards, or other applicable code or regulation.

3.2 UNAUTHORIZED USE OF WATER

The fines payable to the System for the unauthorized use of water or water theft, including illegal use of a fire hydrant or service line, which shall be in addition to any fine or penalty imposed under the Ordinance, a cross connection ordinance, or any other ordinance adopted with respect to operation of the System, shall be \$1,000 plus \$100 per day of violation for a first offense, and \$2,500 plus \$250 per day of violation for a second or subsequent offense.

3.3 LEASED PROPERTIES; RENTER'S SECURITY DEPOSIT

When a tenant is responsible for the direct payment of water bills, the tenant shall submit an affidavit to the Township along with a copy of a fully and legally executed lease containing the provision regarding payment of water bills by the tenant and the term or expiration date of the lease. Upon submission of the required documentation, the lessor or owner shall not be liable for payment of the water bill and the associated fees and charges shall not become a lien against the premises after that date. However, after the filing of the affidavit and lease, no further service shall be rendered to the premises until a cash deposit equal to ten times the monthly ready-to-serve charge for the property's water account is made as security for the payment of future charges. The renter's security deposit shall be refunded when service is discontinued or transferred and all bills are paid, and may be applied in part or in full to any water bills due and owing at the time the service is discontinued or transferred. The lessor and lessee shall give the Township twenty (20) days' notice of any cancellation, change in, or termination of the lease.

SECTION IV METERS

4.1 All permanent service connections with the water distribution system must be provided with an approved type of water meter. (See Section II, ¶ 2.10 for fire lines.)

4.2 All meters must be set in a horizontal position in a clean sanitary place that is easily accessible. They will not be installed in locked closets, coal bins, under toilet room floor, in pits below the basement floor, under buildings having no basement, under porches or in any other place difficult to access. Whenever practical, the meter will be installed in the basement where the service line enters the building.

4.3 All meters, when possible, will be equipped with an outside reading device and shall be of a type and design selected by the MCDPW. Meters shall be installed by the MCDPW after the property owner has provided an approved and inspected service from the stub line to the building and all fees and charges have been paid. If a meter pit is required for service greater than one inch, it will be provided by the property owner and approved by the MCDPW. All meters will remain the property of the MCDPW.

4.4 The MCDPW will maintain all meters and make all necessary replacements caused by normal wear. The owner will be held responsible for care and protection of the meter from freezing or hot water and from damage caused by any person while installed on his or her property. Repairs to meters will be made only by the MCDPW or its designated agent. Any meter damaged by carelessness or neglect on the part of the tenant, owner, agent or invitee will be repaired by the MCDPW and the cost of such repair, plus the resetting charge, will be assessed against the owner.

4.5 If the MCDPW determines that a meter has failed to register or failed to register consistently, the MCDPW shall estimate the amount of monthly consumption of water. In making such estimate, the user's billing history will be used. Special consideration will be given to the same month's usage in previous years. In the case of a faulty meter, the MCDPW shall have the authority to adjust the water bill(s).

4.6 A water meter shall be deemed accurate if it meets the American Water Works Association (“AWWA”) standard for water meter accuracy at the time of testing.

4.7 No person, other than MCDPW employees or designees, shall tamper with the meter, reroute the flow of water to bypass the meter, or remove the meter from the line. No person, other than MCDPW employees or designees, shall remove, tamper with, or break a seal placed on a meter by MCDPW, or permit any other person to break or remove or tamper with any such seal. Where a seal has been removed from a meter or the meter shows indication of tampering, the MCDPW may assume that the reading was changed and the maximum water bill previously issued may be assessed against the user.

SECTION V

OWNERSHIP OF WATER LINES

5.1 All water distribution lines, fire hydrants, and stub services, including the corporation cock, curb box and stop cock, and all meters shall be and remain the property of the MCDPW, and it shall have exclusive jurisdiction over their operation and maintenance.

5.2 All water distribution lines installed in subdivisions by the developer thereof shall become the property of the MCDPW when they are connected to the main.

5.3 It shall be unlawful for any person to disturb, remove, alter, or tamper with any water line or any municipality-owned attachment thereto, including the shut-off cocks and meters. No person other than an employee or designee of the MCDPW shall open or close any valve or gate in the water mains or open or shut any curb cock. No person other than a member of the Fire Department or MCDPW shall unlock or remove the cap or cover from any fire hydrant or open or close the valve thereof, except by written order from the MCDPW.

5.4 All water lines within the limits of the property line are the property of the owner of the premises. They must be maintained in proper condition at all times by the property owner.

5.5 Any extensions to the System shall meet the minimum standards for construction as established by the 10 States Standards.

SECTION VI

HYDRANTS AND UNMETERED USAGE

6.1 Water hydrants are provided primarily for fire protection and no other use shall obstruct or cause delay in the attaching of fire lines. Hydrants shall not be operated by anyone other than employees of the MCDPW, or members of the Fire Department except by written order of the MCDPW.

6.2 Temporary permits may be issued for water service from a fire hydrant to contractors or other responsible persons. This service may be either metered or unmetered according to the need. The user must submit a written request, in advance, to the MCDPW, which will arrange for the necessary connections and/or meter and instruct the user in the proper procedures.

6.3 In using water from a hydrant, the main valve shall be opened full each morning and closed each night at the cessation of work and shall be pumped down to eliminate any water in the barrel. The small valve on the connector will be used to control the flow of water. A hydrant wrench must be used to operate the hydrant valve and any damage to the operating nut caused by the use of improper tools will be charged to the user. PIPE WRENCHES ARE NOT ALLOWED.

6.4 A separate application must be made for each unmetered or hydrant connection desired. No permit will be made during freezing weather unless adequate protection from freezing is made by the applicant.

6.5 A request for a temporary water connection must be made in writing to the MCDPW and accompanied by the required fee. If a meter deposit is required, the deposit must be paid before the service is furnished.

6.6 The Fire Department shall notify the maintenance agency immediately after the use of any hydrant in case that hydrant may need pumping after its use.

SECTION VII **LIMITATIONS OF SERVICE**

7.1 The MCDPW reserves the right to limit the amount of water to any user should circumstances seem to warrant such action.

7.2 The MCDPW reserves the right to shut off all or any number of mains or service connections in the event of or to facilitate new connections, new construction, repairs, leakage tests, or in case of fire. Advance notice will be given when possible, but no liability will be assumed for discontinuing water service in cases of emergency, or by accident.

7.3 The MCDPW and the Townships shall not be liable for any damage or loss of any nature caused by any change in water pressure or water shutoff. Persons operating steam boilers, hot water tanks and other equipment supplied with water from the system are warned to provide such equipment with suitable safety valves or other devices to prevent damage from explosion or collapse and to install check valves to prevent the back flow of hot water or steam into the meter.

SECTION VIII **COLLECTIONS**

8.1 Water charges will be computed monthly based upon meter readings. Meter readings will be taken as nearly as possible on the same day of the month.

8.2 Monthly water bills will be mailed to the address at which service is rendered unless special notification has been provided. Failure to receive a bill does not avoid penalty. It shall be the recipient's responsibility to forward the bill to the responsible party.

8.3 Monthly bills for water service are due and payable on the due date. Bills may be paid in person or by mail. A penalty of 10% shall be added to all bills remaining unpaid after the due date. Any subsequent payment received will be first applied to any penalty owing.

8.4 All water rates shall be chargeable to and payable by the owners of the property in or on which service is rendered, and such charges shall constitute a lien on the property served by such connection, and may be collected in the same manner as general taxes as outlined in the Ordinance. Credit for water or water service beyond the regular monthly period shall not be extended to any property owner or user.

SECTION IX
DISCONTINUANCE OF SERVICE

9.1 A user wishing to discontinue service, either permanently or for a seasonal period is responsible for notifying the MCDPW. After the water is turned off, the RTS charge is discontinued but the capacity charge remains applicable to the property. Failure to notify the MCDPW will result in minimum billing although the property may be unoccupied.

9.2 In cold weather when the water is turned off and the property will be unheated, the meter will be removed to prevent freezing. Owner of the property is responsible for any damage to the meter caused by freezing if the MCDPW was not advised that the property was to remain unoccupied and/or unheated.

9.3 Promptly after notice, the meter will be read and the service turned off. The final billing will be mailed to the address given. Reinstatement of service and reinstallation of the meter, if required, will be made upon request and payment of the fees required.

9.4 Change of tenancy or ownership requires the filing of a new application whether or not the service is turned off. Failure to notify the MCDPW of any change does not relieve a tenant or owner whose application is on file from responsibility for charges even though he may have moved out.

9.5 Any of the above referenced changes must be requested in writing. No verbal requests will be honored except those requiring emergency status.

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PUBLISHED: NOT in 2005

PUBLISHED: February 21, 2010 when Appendix A & B were amended

EFFECTIVE: March 23, 2010

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AMENDED EFFECTIVE: October 1, 2019

ADOPTED: January 20, 2026

PUBLISHED: January 29, 2026

AMENDED EFFECTIVE: March 1, 2026

ARTICLE R 5

SECTION R 5.01 MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE

AN ORDINANCE, GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, 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 THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 5.02 GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.

Subject to all terms and conditions mentioned in the ordinance, consent is hereby given to Michigan Gas Company, a corporation organized under the laws of the State of Michigan (the company), and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys and other public places in the Township of Fruitland, Muskegon County, Michigan. And a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Fruitland for the purpose of conveying gas into and through, and supplying and selling gas in said Township of Fruitland and all other matters incidental thereto.

SECTION R 5.03 GAS SERVICE AND EXTENSION OF SYSTEM

If the provisions and conditions herein contained are accepted by the Company, as in Section six (6) hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable) and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

SECTION R 5.04 USE OF STREETS AND OTHER PUBLIC PLACES

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

- B. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township of Fruitland or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board or such other authority as may have jurisdiction to issue a permit to the Company to do the work proposed.

**SECTION R 5.05 STANDARDS AND CONDITIONS OF SERVICE; RULES,
REGULATIONS AND RATES**

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

**SECTION R 5.06 EFFECTIVE DATE: TERM OF FRANCHISE ORDINANCE;
ACCEPTANCE BY COMPANY**

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Fruitland at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after the date this ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

SECTION R 5.07 EFFECT AND INTERPRETATION OF ORDINANCE

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

Adopted: December 20, 1993
Published: December 27, 1993
Effective Date: January 27, 1994

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

ARTICLE R 6

SECTION R 6.01 CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 6.02 GRANT and TERM

The TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, hereinafter called "Grantor", hereby grants to Consumers Energy Company, its successors and permitted assigns, hereinafter called "Consumers", the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years subject to revocation by Grantor.

SECTION R 6.03 CONDITIONS

No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION R 6.04 HOLD HARMLESS

Consumers shall, at its sole cost and expense, defend, indemnify and hold harmless the Grantor from all claims, losses, costs and expenses to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Grantor on account of the permission given, Consumers shall, upon notice, defend the Grantor and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance. Grantor shall not be prevented from participating in the defense of any claim by its own attorney, the cost of which shall be Grantor's responsibility.

SECTION R 6.05 EXTENSIONS

Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION R 6.06 FRANCHISE NOT EXCLUSIVE

I, Alexa Steffes, Clerk of the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

Alexa Steffes, Township Clerk

Dated: August 18, 2025

Adopted: September 18, 1995
Published: September 25, 1995
Effective Date: September 26, 1995

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: August 18, 2025
Published: September 2, 2025
Effective: October 2, 2025

ARTICLE R 7
SECTION R 7.01 FRUITLAND TOWNSHIP CEMETERY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES WHICH CONFLICT WITH THE NEW ORDINANCE.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 7.02 TITLE

This ordinance shall be known and cited as the Fruitland Township Cemetery Ordinance.

SECTION R 7.03 DEFINITION OF CEMETERY LOT AND BURIAL SPACE

A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to eight (8) burial spaces.

- A. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet long.
- B. An infant or still born burial space shall consist of a land area four (4) feet wide and four (4) feet long in area specifically set aside for such burials.
- C. A cremains burial space shall consist of a land area four (4) feet wide and four (4) feet long. A cremains burial is the burial of ashes of a cremated body.
- D. Inurnment of Ashes shall be the internment of an urn inside a niche in a monument or headstone. Small objects, photographs and even drawings are also often kept in the niche.
- E. The cemetery has four sections. Block 1 has 104 lots; Block 2 has 126 lots; Block 3 has 135 lots, Block 4 has 121 lots. Each lot contains eight (8) burial spaces.

SECTION R 7.04 SALE OF LOT OR BURIAL SPACE

- A. All sales of cemetery lots and burial spaces shall be made on a form approved by the Township Board. The sale of a cemetery lot or a burial space conveys a right of burial only and does not convey any other right or title to the cemetery lot or burial space. All sales shall be approved by the Township Clerk in writing on the approved form.
- B. Burial rights may be transferred. Transfers may only be completed by using forms approved by the Township Board. All transfers must be approved by the Township Clerk. The transfer fee must be paid to the Township. The Township Board shall establish the fee, which may be revised from time to time.

- C. No person may purchase more than eight (8) burial spaces without the consent of the Township Board.

SECTION R 7.05 MARKERS OR MEMORIALS

- A. All markers, monuments, urns or other memorials must be made of granite or another approved, equally durable composition.
- B. Any large upright monuments, urns or other memorials must be located upon an approved foundation adequately designed to maintain the monument in an erect position.
- C. Only two (2) markers of 16 inches by 18 inches or one (1) double headstone of not more than 36 inches wide is allowed for each burial space with the exception of the placement of a veteran's bronze plaque(s) not to exceed 24 inches by 2 inches which may be attached to the back of upright monument(s) or marker(s) or be placed flush in the ground.
- D. A monument, marker or other memorial shall meet the following requirements:
 - 1. The location is at the head of the burial space, parallel to the head of the burial space line;
 - 2. The height of the memorial is not greater than 48 inches, the width of the memorial is not greater than 16 inches, and the length of the memorial is not greater than 80 inches for one memorial to cover two gravesites and 36 inches for a single gravesite.
 - 3. Veteran bronze plaque(s) may be placed either at the head of the burial space(s) line or in the middle of the gravesite flush on the ground.
- E. The footing or foundation upon which any monument, marker or other approved memorial shall be placed by the Township and the owner of the burial space shall pay the cost of placement.
- F. Monuments, markers and other memorials are not permitted on a burial space until the purchase price of the burial space has been paid in full.
- G. No mausoleum shall be erected without written approval from the Township Board.
- H. Inscriptions on monuments, markers, mausoleums or other memorials must not be offensive or improper, as determined by the Township Board. The owner of any such memorial shall be responsible for all expenses of removal.
- I. The Township Board has the authority to deem a marker, monument, mausoleum or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.

- J. If a marker, monument, or other memorial becomes unsafe in the opinion of the township, notice of the condition shall be sent to the last known address of the owner. The structure shall be removed or repaired at the owner's expense. Timeline to be determined by the Township Board.
- K. Winter decorations of burial spaces shall be placed after November 30 of each year and shall be removed no later than April 15 of the following year. All summer decorations for burial spaces shall be placed after May 15 and shall be removed no later than October 1. Any decoration remaining after the above deadlines will be immediately destroyed and/or discarded.

SECTION R 7.06 INTERMENT REGULATIONS

- A. Only one casket may be buried in a burial space, except for a mother and infant or two children buried at the same time.
- B. A maximum of two (2) cremains or one (1) casket and one (1) cremation; shall be allowed to be placed in one burial space along with no more than two (2) interment of ashes to be placed in a headstone or monument.
- C. The township shall receive at least 24 hours notice of the time of a funeral to allow for the opening of the burial space.
- D. A permit for the burial space and appropriate identification of the person to be buried shall be presented to either the township or the Township Clerk prior to interment. If a permit has been lost or destroyed, the Township Clerk shall be satisfied, from Township records, that the person to be buried in the space is an authorized and appropriate person before starting any interment.
- E. All burial spaces shall be located in an orderly and neat-appearing manner within the confines of the space involved.
- F. All burials shall be within a standard vault made of concrete, fiberglass or other material approved by the township, installed or constructed in the burial space before interment.
- G. No burial or interment of ashes shall take place unless the burial space fee, the fee for services required to open and close the burial space or documentation fee and all other fees have been paid in full to the township.
- H. Burial spaces shall not be opened or closed except under the direction and control of the township. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which is under the control of the local health department.
- I. The Township is not responsible for the following:
 - 1. Opening the wrong burial space when such error is caused by third parties;
 - 2. Damage to markers, monuments or memorials from cause beyond its control.

J. The scattering of cremains anywhere in the cemetery is prohibited.

SECTION R 7.07 REGULATIONS FOR BURIAL

- A. When delays would cause unreasonable hardship or inconvenience, burials may be arranged on Saturdays, Sundays, and holidays, but there is an additional fee.
- B. If immediate burial is required by the laws of the State or by a regulation of health department, an extra fee will be charged and entrance to the cemetery will be restricted to the hearse and cars in the funeral procession.
- C. Consideration for winter burial (November 15-March 15) will depend on ground and weather conditions at the discretion of the township.
- D. No burial space will be opened for a burial except on arrangement by a responsible member of the deceased person's family, or by order of a funeral director or his agent, to the township. A reasonable time for the preparation of the burial space must be given.
- E. Internment of ashes shall be performed only by a funeral director or his agent or monument company once arrangements and payment has been made with the township.
- F. Funeral directors or their agents will present the burial permit as required by law before proceeding with the committal services and also present full payment for burial space opening, plus any other charges incurred in preparing for the burial.
- G. No funeral director may open a casket inside the cemetery without the consent of a member of the deceased's family or on an order of a court.
- H. The Township is not responsible for incorrect instructions regarding the proper lot and burial space.
- I. Disinterment may not be made unless all necessary permits, or on order from a coroner directing a disinterment for the purpose of an inquest, have been provided to the township.

SECTION R 7.08 GROUND MAINTENANCE

- A. No flowers, decorations, shrubs, trees or vegetation of any type shall be planted or placed outside of a permitted urn. Any of the foregoing items planted or placed shall be immediately removed by the Township.
- B. No grading, leveling or excavating within the cemetery shall be allowed.
- C. 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 use of the cemetery.
- D. Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited and shall be removed.

- E. Surfaces other than earth or sod are prohibited.
- F. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 10 days after a burial.
- G. Littering and loitering are strictly prohibited.
- H. All urns are to be placed in line with monuments. The size of urns placed shall be determined by the township.
- I. All fences, shepherd's hooks, glass containers or glass items are prohibited and shall be removed.
- J. All free standing solar or other powered lights, markers, candles and oil lamps are prohibited and shall be removed.
- K. Any contractors working in the cemetery are subject to the cemetery rules and regulations and are subject to the authority of the township. All vehicles shall remain on a driveway at all times. Contractors must furnish their own carts to carry materials from the driveway to the burial space. Contractors or others causing damage to the cemetery, including damage to the lawn or turf, shall promptly pay any invoice for labor and material from the township.
- L. Children visiting the cemetery must be accompanied by an adult. All pets must be on a leash. Driveways shall be used for cemetery business only and not be used for bicycles, motorcycles, ATV's, skateboards, snowmobiles or other similar use.

SECTION R 7.09 DUTIES OF TOWNSHIP OFFICIALS

- A. The Township Clerk shall maintain records concerning burials, burial permits and any perpetual care fund. The records shall be separate and apart from any other records of the Township and such records shall be open to public inspection at all reasonable hours. All sales and transfers of lots or burial spaces are subject to approval of the Township Clerk.
- B. Except for matters pertaining to record keeping, this ordinance and all rules and regulations shall be enforced in the first instance by the Township Board. The Township shall have the authority to ban any person from the cemetery who has violated the ordinance or any rule or regulation.
- C. A decision of the Township Clerk may be appealed to the Township Board for a final decision.

SECTION R 7.10 CEMETERY HOURS

- A. The cemetery shall be open to the public each day from sunrise to sunset.

- B. No person is permitted in the Township cemetery when it is closed, except with the permission of the Township Board.

SECTION R 7.11 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 7.12 SEVERABILITY

The provisions of this ordinance are declared to be severable and should any provision, section or part of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the specific provision, section or party of the ordinance referenced in the court decision and shall not affect or invalidate the remainder of the ordinance.

SECTION R 7.13 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after the date of publication. All ordinances or parts of ordinances which conflict with this ordinance are repealed as of the effective date.

Adopted: June 15, 1998
Published: June 29, 1998
Amended Fees: May 20, 2002 Resolution 2002-03

Amended: September, 2002

Amended: January, 2003

Amended: January, 2004

Amended: April 18, 2005 numbering, article & section identification and Section R 7.08 C
Published: April 24, 2005

Amended: July 16, 2010
Published: August 29, 2010
Effective: September 28, 2010 (numbering, article & section identification, Fee & Escrow
Deposit Schedule)

Amended: December 20, 2010
Published: January 9, 2011
Effective: February 9, 2011

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

Amended: August 19, 2013
Published: August 25, 2013
Effective: September 24, 2013

Amended: August 18, 2014
Published: August 24, 2014
Effective: September 24, 2014

Amended: December 17, 2018
Published: December 23, 2018
Effective: January 24, 2019

ARTICLE R 8
SECTION R 8.01 FRUITLAND TOWNSHIP PROPERTY ORDINANCE

AN ORDINANCE TO REGULATE ACTIVITIES ON THE PROPERTY DESCRIBE HEREIN AND OWNED BY FRUITLAND TOWNSHIP.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 8.02 TITLE

This ordinance shall be known and cited as the Fruitland Township Property Ordinance.

SECTION R 8.03 PROHIBITED ACTIVITIES

All activities not specifically authorized herein are prohibited on all Fruitland Township owned property unless expressly authorized under another Township ordinance.

SECTION R 8.04 ALLOWED ACTIVITIES

A. The activities identified in R 8.04 B., are allowed on the following Fruitland Township owned property:

Parcel No. 06-115-100-0002-00 (63.75 acres on W. Michillinda Road);
Parcel No. 06-103-400-0002-00 (68.10 acres on W. Lakewood Road & Weber Road);
Parcel No. 06-103-300-0004-00 (42.34 acres on W. Lakewood Road & Blank Road); and
Parcel No. 06-118-400-0001-00 (38 acres on Nestrom Road).

B. Non-motorized mountain biking, horseback riding, dog walking, hunt with bows, shotguns or muzzle loaders shall be allowed in accordance with all applicable state and local laws and rules and regulations that pertain to hunting and the use of weapons and firearms.

C. All users of the above identified properties are to take notice of applicable hunting seasons for safety purposes and be mindful of non-hunting activities during those times.

FRUITLAND TOWNSHIP REGULATORY R 8-1 TOWNSHIP PROPERTY
SECTION R 8.05 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 8.06 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Adopted: April 19, 2010
Published: May 2, 2010
Effective: June 2, 2010

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

Amended: December 27, 2021
Published: January 9, 2022
Effective: February 8, 2022

Amended: June 17, 2024
Published: June 23, 2024
Effective: July 23, 2024

ARTICLE R 9

SECTION R 9.01 FRUITLAND TOWNSHIP TRAFFIC CODE ORDINANCE

AN ORDINANCE ENACTED PURSUANT TO MCL 257.951-257.955 AND MCL 41.181 TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES AS PROMULGATED BY THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF STATE POLICE PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, PUBLIC ACT 306 OF 1969, AS AMENDED (MCL 24.201-24.328) AND MADE EFFECTIVE OCTOBER 30, 2002, AND TO ADOPT BY REFERENCE CERTAIN STATE LAWS; AND TO REPEAL ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH.

FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

SECTION R 9.02 TITLE

This Ordinance and the provisions of the Uniform Traffic Code and State laws adopted by reference herein shall be collectively known and may be cited as the "Fruitland Township Traffic Code Ordinance".

SECTION R 9.03 ADOPTION OF UNIFORM TRAFFIC CODE BY REFERENCE

The Uniform Traffic Codes for Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, as amended (MCL 24.201-24.328), and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean Fruitland Township.

SECTION R 9.04 ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE

The following provisions of the Michigan Vehicle Code, Public Act 300 of 1949, as amended (MCL 257.1-257.923), are hereby adopted by reference:

- A. Chapter 1 (Words and Phrases Defined): MCL 257.1-257.82.
- B. Chapter II (Administration, Registration): MCL 257.225, 257.228, 257.243, 257.244, 257.255 and 257.256.
- C. Chapter III (Operator's and Chauffeur's License): MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326 and 257.328.
- D. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e and 257.716-257.724.
- E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e and 257.905.

SECTION R 9.05 ADOPTION OF OTHER STATE LAWS BY REFERENCE

The following provisions of state laws are hereby adopted by reference:

- A. Section 3102 of the Michigan Insurance Code of 1956, Public Act 218 of 1956, as amended, pertaining to required insurance (MCL 500.3102).
- B. Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, pertaining to off-road vehicles (MCL 324.81101-324.81147).
- C. Part 821 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, pertaining to snowmobiles (MCL 324.82101-324.82158).
- D. Section 703 of the Michigan Liquor Control Act, Public Act 58 of 1998, as amended, pertaining to minors and alcoholic liquor (MCL 436.1703).

SECTION R 9.06 PENALTIES

The penalties provided by the Uniform Traffic Code and the provisions of the State laws above being adopted by reference are hereby adopted as the penalties of violations of the corresponding provisions of this Ordinance.

SECTION R 9.07 SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code as a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

SECTION R 9.08 REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication as required by law. The Township shall also publish, at the same time, a notice stating the purpose of the Uniform Traffic Code and the Michigan Vehicle Code and the fact that a complete copy of both codes and all other state laws being adopted by reference are available to the public for inspection at the office of the Township Clerk. All ordinances or part of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Adopted: July 19, 2010
Published: July 25, 2010
Effective: August 24, 2010

ARTICLE R10

SECTION R 10.01 SEWER CONNECTION, USE AND RATE ORDINANCE

SECTION R 10.02 PURPOSE

Fruitland Township is a party to the Master Contract for the Muskegon County Wastewater System (“County Contract”), and it is necessary and conducive for the protection of public health, safety and welfare of the people of Fruitland Township to regulate and control all those persons and/or entities who are disposing human and other waste within the Township into the Muskegon County Wastewater System (“System”). It is the purpose of this Ordinance to comply with the Township’s obligations as set forth in the County Contract, to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.); to be operated by the Township under Act 185 of 1957, as amended, on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

SECTION R 10.03 SHORT TITLE

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

SECTION R 10.04 FINDINGS RE: PUBLIC HEALTH, SAFETY AND WELFARE

The Township hereby determines that the System is necessary to protect and preserve the public health, safety and welfare of the Township. This determination is based upon the express determination of the State legislature set forth in Section 12752 of the Michigan Public Health Code.

SECTION R 10.05 DEFINITIONS

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

“Available Public Sanitary Sewer” shall mean a Public Sanitary Sewer located in a right-of-way, easement, highway, street or public way, which crosses, adjoins or abuts, upon the property and passing not more than 200 feet at the nearest point from a Structure in which Sanitary Sewage Originates.

“B.O.D.5” or “Biochemical Oxygen Demand” shall mean the quantity of oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.

“Building Drain” shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pips inside the walls of the building and conveys it to be Building Sewer.

“Building Sewer” shall mean the extension from the Building Drain to the Sewer Service Lead (Stub) or other place of disposal.

“Combined Sewer” shall mean a Sewer receiving both surface runoff and Sewage.

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

“Control Manhole” shall mean the structure installed on the Building Sewer to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.

“Cost of Operation and Maintenance” shall mean all costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with applicable local, state and federal regulations.

“Cost of Replacement” shall mean all expenditures and costs for obtaining and installing equipment, accessories or appurtenances, which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

“County” shall mean the County of Muskegon.

“County Agreement” shall mean the Master Contract for the Muskegon County Wastewater System and the Township dated December 4, 2010, and all related amendments and extensions thereof, by and between the County and the Township for the discharge and treatment of Sewage at the County Wastewater Treatment Facility.

“Debt Service Charge” shall mean a component of the User Charge that represents the amount charged to Users of the Public Sewer to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for construction of or extension to the Public Sewer System.

“Direct Connection” shall mean the connection of the Building Sewer directly to the System.

“Health Department” shall mean the Muskegon County Health Department.

“Indirect Connection” shall mean the connection of a Building Sewer to a sewage collection system which is installed and paid for by special assessment or private funds, which sewage collection system is, after construction, turned over to the Township and becomes part of the System (e.g. if a developer constructs sanitary sewers in a plat and connects the sewer line to the System, the connection of each lot in the plat would be an Indirect Connection).

“Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

“Infiltration” shall mean any waters entering the System from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from Inflow.

“Inflow” shall mean any waters entering the System through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drains cross-connections.

“Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow.

“Inspector” shall mean any person or persons authorized by the Township to inspect and approve the installation of Building Sewers and their connection to the Public Sewer.

“MDEQ” shall mean the Michigan Department of Environmental Quality or its successor.

“Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or ground water.

“NPDES Permit” shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“Public Sewer or System” shall mean the sanitary sewer collection and transmission system in the Township, which includes all publicly-owned mains, lift stations, odor control facilities and all appurtenances thereto, and the Sewage Treatment Facility, necessary for the conveyance and treatment of Sewage from the Township, together with any such extensions, or improvements thereto currently existing or hereinafter acquired or constructed.

“Residential Equivalent Unit” or “REU” shall mean Sewer usage equivalent to that of a single-family residence.

“Septic Tank” shall mean a watertight tank or receptacle used to receive domestic Sewage and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.

“Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such surface and ground waters as may be present.

“Sewage Disposal Facilities” shall mean any Septic tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which, are not part of the System.

“Sewage Works” shall mean all facilities for collection, pumping, treating and disposing of Sewage.

“Sewer” shall mean a pipe or conduit for carrying Sewage.

“Sewer Rates and Charges” shall mean the Connection Fee, Inspection and Administration Fee, User Charge, Debt Service Charge, Sewage Meter Fee, if any, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to **SECTION R 10.10**.

“Sewer Service Lead or Stub” shall mean the service piping from the sewer main to the private property line or edge of easement to which the Building Sewer is connected.

“Special Assessment District” shall mean all Special Assessment Districts determined at any time by the Township Board for the provision of sanitary sewer service by the Public Sewer.

“Special Assessment Roll” shall mean all Special Assessment District Rolls confirmed at any time for a Special Assessment District by the Township Board.

“Storm Drain or Storm Sewer” shall mean a sewer, which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes, other than unpolluted cooling water.

“Structure in Which Sewage Originates” shall mean a building in which toilet, kitchen, laundry, bathing or other facilities which generate Sewage are used or are available for use for household, commercial or industrial purposes.

“Subsurface Disposal System” shall mean an arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a ‘drain field system’, ‘tile field’ or ‘dry well’ or a ‘soil absorption system’).

“Township” shall mean the Township of Fruitland, Muskegon County, Michigan, as represented by the Fruitland Township Board of Trustees.

“Unit or Units” shall mean a standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A listing of the relative relationship between the various Users of the System is hereby determined by the Township and is set forth in Appendix A to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by resolution of the Township Board, based upon the use to which the User’s property is put. Each User shall be assigned to a minimum of one (1) Unit. A building containing multiple Users shall be assigned a minimum of one (1) Unit for each User. The assignment of Units(s) for any use not enumerated in Appendix A shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix A.

“U.S. EPA” shall mean the United States Environmental Protection Agency or its successor agency.

“User” shall mean a recipient of services provided by the System including premises which are connected to and discharge Sewage into the System.

“User Charge” shall mean a charge, based on Units, charged to Users of the System. The charge represents (a) that User’s proportionate share of the cost of Cost of the Operation and Maintenance (including Cost of Replacement) of the System; (b) the benefit to that User derived from the availability and use of the System; and (c) includes the User O & M Charge and User Debt Service Charge, if any.

“User O & M Charge” shall mean the charge levied on all Users of the System for the Cost of Operation and Maintenance, including replacement of the System and Sewage Treatment Facility.

“User Debt Service Charge” shall mean the charge levied on all Users from the System for the cost of any bond debt of which debt repayment is to be met from the revenues of the System.

SECTION R 10.06 DISCHARGE OF SEWAGE

No Person shall place, deposit or permit to be deposited, in any unsanitary manner, upon public or private property within the Township or in any area under the jurisdiction of the Township, any Sewage, industrial Wastes or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA, the County Sewer Use Ordinance, and this Ordinance.

SECTION R 10.07 CERTAIN SEWAGE DISPOSAL FACILITIES PROHIBITED

Except as herein provided, no Person shall construct or maintain any privy, privy vault, septic tank cesspool or other facility intended or used for disposal of Sewage other than as specified in **SECTION R 10.06** through **SECTION 10.15** or in **SECTION 10.16** through **SECTION 10.19** of this Ordinance.

SECTION R 10.08 MANDATORY CONNECTION TO SYSTEM

The owner of any Structure in which Sewage Originates and for which there is Available Public Sanitary Sewer (*a Public Sanitary Sewer located in a right-of-way, easement, highway, street or public way, which crosses, adjoins or abuts, upon the property and passing not more than 200 feet at the nearest point from a Structure in which Sanitary Sewage Originates*) is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the Public Sewer, in accordance with the provisions of this Ordinance, when given official notice to do so.

- (a) Whenever possible, it is recommended that the Building Sanitary Sewer shall be brought to the Structure at an elevation below the basement floor. In all Structures in which the Building Sanitary Drain is too low to permit gravity flow to the Public Sanitary Sewer, Sanitary Sewage carried by such Building Sanitary Drain shall be lifted by a submersible sewage grinder pump or submersible sewage pump as approved by the Sewer Superintendent and discharged to the Building Sanitary Sewer.
- (b) All Structures existing prior to the Notice of Availability in which the existing elevation of the Building Sanitary Drain, where it exists the existing structure, cannot be connected by gravity to the Public Sanitary Sewer, as determined by the Township Engineer, shall be required to utilize a submersible sewage pump package. The Township shall give the Property Owner a credit against the sewer connection charge for the cost of these submersible pump packages (including pump, tank, controls, alarms and check valve). The amount of the credit shall be established by resolution of the Fruitland Township Board. The cost of connection of the pump package to the structure (including piping and code-approved electrical service), any charge for electricity, future maintenance, repair, and replacement shall be borne by the Property Owner.

SECTION R 10.09 MANDATORY CONNECTION OF PROPERTIES IN SPECIAL ASSESSMENT DISTRICT

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

SECTION R 10.10 CONNECTION DEADLINE

As a matter of public health, all connections to the System required hereunder, shall be completed no later than eighteen (18) months after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connection shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the System within such eighteen (18) month period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required.

SECTION R 10.11 ENFORCEMENT IN THE EVENT OF A FAILURE TO CONNECT

In the event a required connection to the System is not made within the time provide by **SECTION R 10.10**, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available Public Sewer and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the available Public Sewer. The property owner shall be responsible for all of the costs and attorney fees associated with the Township's enforcement of this section. If unpaid, such costs and attorney fees may be assessed as a tax against the real property and collected as provided by law.

SECTION R 10.12 EXTENSIONS OF PUBLIC SEWER SYSTEM TO SERVICE NEW DEVELOPMENTS

- (a) The owner of premises located within the Township but no served by an available Public Sewer may elect to extend the Public Sewer and connect his premises thereto, subject to the conditions for sewer extensions set forth in **SECTION R 10.14**.
- (b) The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Ordinance, shall be required to extend the Public Sewer and connect the premises so developed to the Public Sewer and connect the premises so developed to the Public Sewer subject to the conditions for

sewer extensions set forth in **SECTION R 10.14** if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the Public Sewer when divided by the number of Units proposed for the development equals one hundred feet or less. This subsection 10.12 (b) shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the Public Sewer.

SECTION R 10. 13 CONNECTION OF PREMISES NOT ABUTTING THE PUBLIC SEWER SYSTEM

Premises not abutting an existing Public Sewer shall be permitted to connection the Public Sewer System only upon the consent of the Township Board. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and shall be based upon the continued availability of capacity in the Public Sewer System and other considerations deemed appropriate by the Township Board and consistent with this Ordinance, including, but not limited to, the terms of the County Agreement. To the extent an extension of the Public Sewer is required; the conditions set forth in **SECTION R 10.14** shall apply. In its discretion, the Township Board may require the person requesting the connection of a premises not abutting an existing Public Sewer to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

SECTION R 10.14 CONDITIONS FOR EXTENSION OF PUBLIC SEWER BY PROPERTY OWNER

If connection to the Public Sewer is required by **SECTION R 10.12(b)** of this Ordinance, but there is no available Public Sewer adjacent to the premises, or if a property owner elects to extend the Public Sewer, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Township and the property owner pursuant to **SECTION R 10.15**;

- (a) The sewer main shall be extended to the premises in a public right of way, or in an easement owned by the public to the premises in question. If the sewer is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right of way.
- (b) If a sewer main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located

within an easement dedicated to the public, if not located in a public street right of way.

- (c) The sewer main shall be constructed in accordance with specifications approved by the Township.
- (d) The design, planning and construction of the sewer main and related facilities shall comply with all State, County and Township requirements, approval procedures, and agreements.
- (e) Upon completion of the sewer main, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Township, without cost to the Township. Upon acceptance of dedication, the Township shall thereafter be responsible for maintenance of the sewer main. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.
- (f) The person responsible for installing the sewer shall reimburse the Township for all costs incurred by the Township to review plans and specifications of the sewer extensions including, but not limited to, costs of the Township's engineer to review said plans and specifications, the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings, and any costs incurred by the Townships' attorneys to prepare and/or review any necessary agreements or amendments relating to the sewer extension. The person responsible for installing the sewer shall pay an amount to the Township, in advance, at least equal to the estimated fees for such review and acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.
- (g) The entire cost of installation of the sewer main, including but not limited to engineering, construction, permits and restoration shall be paid by the owner or owners of the premises to whom sewer is being extended.
- (h) In addition to the extension of a sewer main as required, the owner of premises to be connected to the System shall reimburse the Township for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connection proposed to be made by the owner of the premises or by a development which will be provided with public sewer, including but not limited to increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the Sewage Treatment Facility. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required

to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

- (i) In its discretion, the Township Board may require the person requesting the extension or required to construct an extension to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.
- (j) In the event that any sewer meter is installed in conjunction with any connection made under this section, whether at the direction of the Township or at the request of the owner of the premises, the owner of the premises upon which such meter is installed shall be responsible for insuring that such meter is properly calibrated, and shall provide proof of such calibration to the Township not less frequently than every six (6) months, or as often as may be required by the Township. The cost of calibrating any such meter shall be paid by the owner or owners of the premises upon which such meter is installed.

SECTION R 10.15 SEWER EXTENSION AGREEMENTS

The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, with agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 20 years and similar matters.

SECTION R 10.16 PRIVATE SEWAGE DISPOSAL FACILITIES

Where a Public Sewer is not available under the provisions of **SECTION R 10.06** through **SECTION R 10.15**, the Building Sewer shall be connected to private Sewage Disposal Facilities complying with all requirements of the Health Department and MDEQ.

SECTION R 10.17 CONNECTION TO PUBLIC SEWER; ABANDONMENT

At such time as the Public Sewer becomes available under the provisions of **SECTION R 10.08** to a property served by a private sewage disposal system, a Direct Connection shall be made to the Public Sewer in compliance with this Ordinance, and any private Sewage Disposal Facilities shall be abandoned and filled with suitable material.

SECTION R 10.18 OPERATION AND MAINTENANCE

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

SECTION R 10.19 OPERATION AND MAINTENANCE

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

SECTION R 10.20 PERMIT REQUIREMENT

No person, except a licensed and insured contractor authorized by the Township or the property owner, shall uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof, without first obtaining a written permit from the Township. Before a general license or a particular permit may be issued for excavating for plumbing or drain lying in a public street, way or alley, the Person applying for such permit shall apply for and obtain a permit from the Township for such connection.

SECTION R 10.21 PERMIT APPLICATION

An owner of a structure in which Sewage Originates of his or her agent shall make application for a permit on a special form furnished by the Township. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Township and shall be accompanied by payment of the applicable Connection Fee determined in accordance with **SECTION R 10.37**, any civil penalty which has accrued pursuant to **SECTION R 10.10** above, the applicable permit fee, the plans and specifications of all plumbing construction within the premises, when requested, and all other information required by the Township.

SECTION R 10.22 APPROVAL OF APPLICATION

The approval of a permit application for connection to the System shall be subject to compliance with all terms of this Ordinance, rules and regulations of the County, Health Department and the MEDQ; and the availability of capacity in the System.

SECTION R 10.23 COST OF INSTALLATION OF BUILDING SEWER AND CONNECTION TO PUBLIC SEWER; INDEMNIFICATION

All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner. The owner or the person installing the Building Sewer for said owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer and connection to the Public Sewer.

SECTION R 10.24 INSPECTION

The applicant for connection of the Building Sewer shall notify the Township when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his or her representative. If the Inspector determines that the Building Sewer has been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected to the Public Sewer under the observation of the Inspector. The inspection shall include the installation of all required components, including without limitation, wiring, conduit, sealants, riser, discharge liens and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by this Ordinance and Health Department.

SECTION R 10.25 PUBLIC SAFETY REQUIREMENTS; RESTORATION

All excavations for Building Sewer installation and connection to the Public Sewer shall be adequately guarded with barricades to protect the public from hazard. Streets, sidewalks,

parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township, the County Road Commission and all other governmental entities having jurisdiction.

SECTION R 10.26 AVAILABILITY OF CAPACITY IN SYSTEM AND SEWAGE TREATMENT FACILITY

No connection to the Public Sewer will be permitted unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and the Sewage Treatment Facility, including the capacity for B.O.D.5 and suspended solids in the Sewage Treatment Facility, as determined by the Township and/or the County.

SECTION R 10.27 CONNECTION OF CERTAIN DRAINS PROHIBITED

No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a Building Sewer or Building Drain, which in turn is connected directly or indirectly to the System unless authorized in writing by the Township.

SECTION R 10.28 PROPERTY OWNER'S RESPONSIBILITY FOR REPAIRS, OPERATION AND MAINTENANCE

The Township shall not be responsible for the construction, operation, maintenance or repair of the Building Drain, Building Sewer, hookups, connections or leads, and any defect or blockage therein.

SECTION R 10.29 PROHIBITED DISCHARGE OF STORM WATER

No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters, to the Public Sewer unless authorized in writing by the Township.

SECTION R 10.30 PERMITTED DISCHARGE OF STORM WATER

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as Combined Sewers or Storm Sewers, or to a natural outlet approved by the appropriate State agency and the Township.

SECTION R 10.31 PROHIBITED DISCHARGE TO THE PUBLIC SEWER

No Person shall discharge any waters or wastes to the System that are prohibited to be discharged by the Township, the County, MDEQ or the U.S. EPA.

SECTION R 10.32 DISCHARGE PERMIT LIMITATIONS

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

SECTION R 10.33 REMEDIES; PRE-TREATMENT

If any waters or wastes are discharged, or are proposed to be discharged, to the System, which waters contain the substances or possess the characteristics prohibited by the Township or the County, and which waters, in the judgment of the Township or the County, may have deleterious effect upon the System and/or the Sewage Treatment Facility, its processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Township may reject the wastes or require pretreatment to a level acceptable to the Township and County.

SECTION R 10.34 REVIEW AND APPROVAL OF PRE-TREATMENT FACILITIES

If the Township and the County permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Township and the County, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION R 10.35 GREASE, OIL AND SAND INTERCEPTORS

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 great in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of any type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION R 10.36 PUBLIC UTILITY BASIS; FISCAL YEAR

The System shall be operated and maintained by the Township on a public utility basis pursuant to the state law under the supervision and control of the Township Board. The Township Board may employ such person or persons in such capacity or capacities as it deems advisable or contract with another entity to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the System. The System shall be operated on the same fiscal year as the Township.

SECTION R 10.37 CONNECTION FEE

The owner of all premises required by **SECTION R 10.06** through **SECTION R 10.15**, to connect to the System shall pay a Connection Fee.

- (a) **Computation.** The Connection Fee shall be computed in the following manner:
 - (1) For a Direct Connection to the Public Sewer System, the Connection Fee shall be a rate per Unit that is established by resolution of the Township Board from time to time.
 - (2) For an Indirect Connection to the Public Sewer System, the Connection Fee shall be a fractional rate per Unit that is

established by resolution of the Township Board from time to time.

- (b) **Special Assessments.** Those parcels located in a Special Assessment District and subject to a full special assessment on the Special Assessment Roll shall be deemed to have paid the Connection Fee; provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the Special Assessment Roll, unless specifically established by the Township at the time the Special Assessment Roll was confirmed by the Township; provided further that a partial special assessment (levied for example, on a vacant lot) shall be offset against the Connection Fee.
- (c) **Payment.** The Connection Fee shall be paid in cash, to the extent not offset by a credit, prior to the issuance by the Township of a permit to connect to the Public Sewer pursuant to **SECTION R 10.21** through **SECTION R 10.28**, provided, however, that said charges for other than new construction may be payable in fifteen (15) equal installments with interest at the rate of 6% per annum on the unpaid balance. If paid in installments, the first installment of said connection charge shall be payable upon application for connection, and all subsequent installments plus interest shall be payable annually, and shall be placed upon the tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.
- (d) **Hardship deferrals.** The owner or owners of a single-family residence, in which residence said owner or owners reside and upon which a connection charge has been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the connection charge provided herein, based upon a showing of financial hardship, subject to and in accordance with the following:
 - (1) The owners of the premises shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the township Board not less than 60 days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal an equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
 - (2) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

- (3) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- (4) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - (a) A change in the financial status of any applicant which removes the basis for financial hardship;
 - (b) A Conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
 - (c) A death of any of the applicants.
- (5) Upon a determination of the Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, guaranteeing payment of the deferred amounts on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

SECTION R 10.38 USER CHARGE

Sewer use charges for each single-family residential premises (one REU) and frequency of billing shall be established by resolution of the Township Board. Each user other than a single-family residence shall pay the single REU charge multiplied by a factor representing a ratio of sewage use by such class of users to normal single-family residential sewage use, as reflected in Appendix A, which may also be amended from time to time by resolution of the Township Board. The rates and charges shall be based upon a methodology that complies with the applicable federal and state statutes and regulations. The amount of the rates and charges shall be sufficient to provide for debt service and for the expenses of operation, maintenance and replacement of the system as necessary to preserve the same in good repair and working order. The amount of the rates and

charges shall be reviewed periodically and revised when necessary to insure system expenses are met and that all users pay their proportionate share of the operation, maintenance and equipment replacement expenses.

SECTION R 10.39 MISCELLANEOUS USER FEE

The Township may, from time to time, establish by resolution of the Township Board and impose on one ore more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and the Sewage Treatment Facility and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the permit fee, costs of repairing and/or replacing damaged components of the System and the Sewage Treatment Facility, costs of abating a nuisance pursuant to **SECTION R 10.58** hereof, costs incurred by the Township to shut off and turn on sewer services, and costs of the Township's attorney or engineering fees for services related to any of the foregoing.

SECTION R 10.40 INSPECTION AND ADMINISTRATION FEE

The Inspection and Administration Fee shall be determined from time to time by resolution of the Township Board and shall be based upon the actual costs borne by the Township for inspection of connections to the System by the Township or Inspector.

SECTION R 10.41 UNPAID SEWER RATES AND CHARGES; PENALTY

If Sewer Rates and Charges are not paid on or before the due date then a penalty, in an amount which shall be established by resolution of the Fruitland Township Board, shall be added to the balance due.

SECTION R 10.42 UNPAID SEWER RATES AND CHARGES; REMEDIES

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

- (a) Discontinue, or cause to be discontinued, the services provided by the System by disconnecting the Building Sewer from the System, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township;
- (b) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- (c) Enforce the lien created in **SECTION R 10.43** below.

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

Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, penalties and interest, invalidate or waive the lien created by **SECTION R 10.43** below.

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

SECTION R 10.43 LIEN

The Sewer Rates and Charges shall be a lien on the respective premises served by the System. Whenever any Sewer Rates and Charges shall remain unpaid on November 1, they shall be considered delinquent. The Township shall certify all delinquent Sewer Rates and charges and penalties thereon each year as of November 10, to the tax assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, interest and penalties, together with an additional penalty equal to 15% of the total, upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

SECTION R 10.44 NO FREE SERVICE

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

SECTION R 10.45 RENTAL PROPERTIES

A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the User Charge for the preceding annual billings. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in **SECTION R 10.41** and **SECTION R 10.42** of this ordinance shall be applicable with respect to the unpaid Sewer Rates and Charges, including interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

SECTION R 10.46 CANCELLATION OF PERMITS; DISCONNECTION OF SERVICE

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

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.

- (b) Nonpayment of Sewer Rates and Charges.
- (c) Failure to keep Building Sewers and Control Manholes in a suitable state of repair.
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System.

SECTION R 10.47 SECURITY DEPOSIT

If the sewer service supplied to a User has been disconnected for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, interest and penalties, and the turn on charge has been paid. The Township may, as a condition to reconnecting said service, request that a sum equal to the User Charge for the preceding four billing periods be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including interest and penalties. The User shall immediately make sufficient payment to the Township to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in **SECTION R 10.41, R 10.42 and R 10.45** of this Ordinance shall be applicable when respect to any unpaid Sewer Rates and Charges, including interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of four consecutive quarters.

SECTION R 10.48 BILLING ADDRESS

Bills and notices relating to the conduct of the business of the Township will be mailed to the User at the address listed on the permit application filed pursuant to **SECTION R 10.21** unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

SECTION R 10.49 INTERRUPTION OF SERVICE; CLAIMS

The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of payment refunded for any interruption.

SECTION R 10.50 ESTIMATED RATES; SUFFICIENCY

The User Charges established shall be sufficient to provide for the Cost of Operation and Maintenance and payment of Debt of the System and as are necessary to preserve the same in

good repair and working order. Such rates shall be fixed and revised by resolution of the Township Board from time to time as may be necessary to produce these amounts.

SECTION R 10.51 REVENUES; DEPOSITORY

The revenues of the System shall be collected and deposited by the Township and, after payment to the County for costs incurred by the County in accordance with the County Agreement, may be maintained in separate accounts for the System. All moneys belonging to any of the System accounts may be kept in one bank account.

SECTION R 10.52 INVESTMENT OF FUNDS

Moneys in any fund or account established by the provisions of this Ordinance may be invested in the manner provided in the Township Investment Policy, subject to the limitations set forth in Act 94, Public Acts of Michigan of 1933, as amended. Income received from such investments shall be credited to the fund from which said investments were made.

SECTION R 10.53 NOTICE AND CLAIM PROCEDURES APPLICABLE TO OVERFLOW OR BACKUP OF THE PUBLIC SEWER SYSTEM

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

- (a) A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have discovered by the Claimant.
- (b) The written notice under subsection (a) shall contain the Claimant’s name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.
- (c) The written notice under subsection (a) shall be sent to the Township Supervisor, who is hereby designated as the individual at the Township to receive such notices pursuant to Section 19 of Act 222.
- (d) If a Claimant who owns or occupies affected property notifies the Township orally or in writing of a Sewage Disposal System Event before providing a

notice of claim that complies with subsections (a), (b) and (c), the Township Supervisor shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

- (e) If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Township receives the Claimant's notice under subsection (a).
- (f) If the Township receives a notice from a Claimant, the Township may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Township or its duly authorized representatives to inspect damaged property or investigate a physical injury.
- (g) Prior to a determination of payment or compensation by the Township, the Claimant shall provide to the Township additional documentation and proof that:
 - (1) At the time of the Sewage Disposal System Event, the Township owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused damage or physical injury;
 - (2) The Public Sewer System had a defect;
 - (3) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;
 - (4) The Township, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer System; and
 - (5) The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.
- (h) Prior to a determination of payment of compensation by the Township, the Claimant shall also provide to the Township additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:
 - (1) An obstruction in a Building Drain or a Building Sewer that was not caused by the Township; or,
 - (2) A connection of the affected premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharge any storm water, surface

water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.

- (i) If the Township and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.
- (j) To facilitate compliance with this Section, the Township shall make available to the public information about the notice and claim procedures under this Section.
- (k) The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.
- (l) The Township does not own or operate any Storm Sewer, Storm Drain or combined sewer and, accordingly, the notice and claim procedures set forth in this Section, with the exception of subsection (e), do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a combined sewer.
- (m) In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.
- (n) As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.
- (o) Any word, term or phrase used in this Section, if defined in Act 222, shall have the same meaning provided under Act 222.

SECTION R 10.54 INSPECTION BY TOWNSHIP

The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Township Supervisor, the Township's engineer, the Inspector or his/her designee, the Health Department, authorized County officials, and representatives of the MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties served by the System for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the Township shall be deemed to have given consent for all such activities including entrance upon that Person's property.

SECTION R 10.55 DAMAGE TO SYSTEM

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer.

SECTION R 10.56 NOTICE TO CEASE AND DESIST

Except for violations of **SECTION R 10.55** hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION R 10.57 CIVIL INFRACTION

Any violation of **SECTION R 10.55**, or any violation beyond the time limit provided for in **SECTION R 10.56**, shall be a municipal civil infraction. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned because of such violation.

SECTION R 10.58 NUISANCE; ABATEMENT

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

SECTION R 10.59 LIABILITY FOR EXPENSES

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

SECTION R 10.60 REMEDIES ARE CUMULATIVE

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

SECTION R 10.61 REPEAL OF CONFLICTS

All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer are hereby repealed.

SECTION R 10.62 SEVERABILITY

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

SECTION R 10.63 STATE AND FEDERAL LAW REQUIREMENTS

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

SECTION R 10.64 SECTION HEADINGS

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

SECTION R 10.65 RESERVATION OF RIGHT TO AMEND

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

SECTION R 10.66 PUBLICATION

A true copy or a summary of this Ordinance shall be published in a newspaper of general circulation within the boundaries of the Township qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Township. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which the Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.

SECTION R 10.67 EFFECTIVE DATE

This Ordinance shall become effective within thirty (30) days of publication.

ADOPTION DATE: FEBRUARY 20, 2012

PUBLICATION DATE: FEBRUARY 26, 2012

EFFECTIVE DATE: MARCH 27, 2012

ARTICLE R11

**SECTION R 11.01 MUNICIPAL ORDINANCE VIOLATIONS BUREAU
ORDINANCE**

AN ORDINANCE ADOPTED PURSUANT TO ACT 12 OF THE PUBLIC ACTS OF 1994 OF THE STATE OF MICHIGAN TO ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU FOR THE PURPOSE OF ACCEPTING ADMISSIONS OF RESPONSIBILITY FOR ORDINANCE VIOLATIONS DESIGNATED AS MUNICIPAL INFRACTIONS FOR WHICH MUNICIPAL ORDINANCE VIOLATION NOTICES HAVE BEEN ISSUED AND SERVED BY AUTHORIZED OFFICIALS: AND TO COLLECT AND RETAIN CIVIL FINES/COSTS FOR SUCH VIOLATIONS AS PRESCRIBED HEREIN.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 11.02 TITLE

This ordinance shall be known and cited as the “Municipal Ordinance Violations Bureau Ordinance”.

**SECTION R 11.03 ESTABLISHMENT, LOCATION AND PERSONNEL OF
MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

- A. Establishment. The Fruitland Township Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Act 12 of the Public Act of 1994 of the State of Michigan, as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.
- B. Location. The Bureau shall be located at the Township Hall or such other location in the Township as may be designated by the Township Board.
- C. Personnel. All Personnel of the Bureau shall be Township employees or elected officials. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise delegated by the Township Board.

SECTION R 11.04 BUREAU AUTHORITY

The Bureau shall only have authority to accept admission of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain this scheduled civil fines and costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

**SECTION R 11.05 ORDINANCE VIOLATION NOTICE REQUIREMENTS
ADMISSION/DENIAL OF RESPONSIBILITY**

- A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:
1. The violation;
 2. The time within which the person must contact the Bureau for purpose of admitting or denying responsibility for the violation;
 3. The amount of the scheduled fine/costs for the violation;
 4. The methods by which the violation may be admitted or denied;
 5. The consequences of failing to pay the required fines and costs or contact the Bureau within the required time;
 6. The address and telephone number of the Bureau, and
 7. The days and hours that the Bureau is open.
- B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the designated time period, the Bureau Clerk or other designated Township official or employee shall, if approved by the Township Attorney, advise the complainant to issue and file a municipal infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violators last known address. The citation shall thereafter be processed in the manner required by law.

SECTION R 11.06 SCHEDULE OF CIVIL FINES AND COSTS

- A. Fines. Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admission of responsibility by persons served with municipal ordinance violation notices shall be determined by resolution of the Township Board and such resolution is attached hereto as Appendix A.
- B. Costs. In addition to the above-prescribed civil fines, costs for \$10.00 shall be assessed by the Bureau if the fines and costs are paid within 10 days of service of the municipal ordinance violation notice. Otherwise, costs of \$20.00 shall be assessed by the Bureau.

SECTION R 11.07 RECORDS AND ACCOUNTING

The Bureau Clerk or other designated Township official or employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines and costs collected with respect to such violations. The civil fines and costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

SECTION R 11.08 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS

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

SECTION R 11.09 SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION R 11.10 REPEALER PROVISION

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

SECTION R 11.11 EFFECTIVE DATE

This Ordinance shall become effective as of August 1, 2012.

SECTION R 11.12 PUBLICATION

This Ordinance is ordered to be given publication in the manner prescribed by and to be given publication in the manner prescribed by law.

SECTION R 11.13 ADOPTION DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Fruitland, Muskegon County, Michigan at a regular meeting held on the 20th day of February 2012, and is ordered to be given publication in the manner prescribed by law.

PUBLISHED: February 26, 2012

ARTICLE R 12

SECTION R 12.01 ORDINANCE ENFORCEMENT OFFICER ORDINANCE

AN ORDINANCE TO ESTABLISH THE OFFICE OF ORDINANCE ENFORCEMENT OFFICER; TO PRESCRIBE THE DUTIES OF SAID OFFICE; TO AUTHORIZE THE TOWNSHIP BOARD TO APPOINT ANY PERSON OR PERSONS TO SAID OFFICE; AND TO AMEND ANY ORDINANCES OF FRUITLAND TOWNSHIP WHICH CONFLICT WITH THE PROVISIONS HEREOF.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 12.02 TITLE

This ordinance shall be known and cited as the “Ordinance Enforcement Officer Ordinance”.

SECTION R 12.03 ORDINANCE ENFORCEMENT OFFICER

There is hereby established the office of Ordinance Enforcement Officer within the Township of Fruitland, Muskegon County, Michigan.

SECTION R 12.04 APPOINTMENT

The Fruitland Township Board is hereby authorized to appoint by resolution at any regular meeting of the Board any person or persons to the office of Ordinance Enforcement Officer for such terms as may be designated in said resolution. The Board may further, by resolution, remove any person from said office, in the discretion of the Board.

SECTION R 12.05 AUTHORITY

The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of the Township of Fruitland, whether heretofore or hereafter enacted, and whether such Ordinances specifically designated 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 their Authority shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance, and the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer’s duties be subordinate and responsible to the Supervisor or such other Township Board member as the Supervisor may from time to time designate.

SECTION R 12.06 DUTIES

The Ordinance Enforcement Officers duties herein authorized shall include, among others, the following:

- A. Investigation of Ordinance violations;

- B. Serving notice of violations;
- C. Serving appearance tickets as authorized in court or other judicial proceedings to assist in the prosecution of Ordinance violators; and
- D. Such other Ordinance enforcing duties as may be delegated by the Township Supervisor or assigned by the Township Attorney.

SECTION R 12.07 SAVING CLAUSE

The provisions of the within Ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or Ordinance.

SECTION R 12.08 EFFECTIVE DATE

This Ordinance shall be effective on August 1, 2012. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance.

ADOPTED: February 20, 2012

PUBLISHED: February 26, 2012

ARTICLE R 13

SECTION R 13.01 MUNICIPAL CIVIL INFRACTIONS PROCEDURES

AN ORDINANCE PROVIDING FOR MUNICIPAL CIVIL INFRACTIONS OF CERTAIN TOWNSHIP ORDINANCES AND PENALTIES PURSUANT THERETO; ESTABLISHING PROCEDURES RELATING THERETO; AUTHORIZATION OF WHICH TOWNSHIP OFFICIALS CAN ISSUE CIVIL INFRACTION TICKETS AND APPEARANCE TICKETS; PENALTIES; AND PROCEDURES RELATING TO SUCH MATTERS.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

SECTION R 13.02 TITLE

This Ordinance shall be known as the “Fruitland Township Municipal Penalty, Civil Infraction and Appearance Tickets Ordinance.”

SECTION R 13.03 DEFINITIONS

As used in this Chapter:

- “Act” means Act No. 236 of the Public Acts of 1961, as amended, and Public Acts 12 26 of 1994, as amended.
- “Authorized township official” means a township official, police officer or other personnel or agent of the township authorized by this Ordinance or any ordinance to issue municipal civil infraction citations.
- “Municipal civil infraction action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- “Municipal civil infraction citation” means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- “Township” means Fruitland Township, Muskegon County, State of Michigan.

SECTION R 13.04 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT

A municipal civil infraction may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court.

SECTION R 13.05 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

- A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- B. The place for appearance specified in a citation shall be the 60th District Court, Muskegon, Michigan.
- C. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the District Court. Copies of the citation

shall be retained by the township and issued to the alleged violator as provided by Section 8705 of the Act.

- D. A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing of the complaint and if the citation contains the following statement immediately above the date and signature to the official: “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.”
- E. An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- F. An authorized township official may issue a citation to a person if:
 - (i) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (ii) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approved in writing the issuance of the citation.
- G. Municipal civil infraction citations shall be served by an authorized township official as follows:
 - (i) Except as otherwise provided below, an authorized township official shall personally serve a copy of the citation upon the alleged violator.
 - (ii) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner’s last known address.

SECTION R 13.06 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS

- A. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (i) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (ii) Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance or, in person, or by representation.
 - (iii) Deny responsibility for the municipal civil infraction by doing either of the following:

- (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
- (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

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

- (i) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance, and obtain a scheduled date and time for an appearance.
- (ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance, and obtain a scheduled date and time to appear for hearing, unless a hearing date is specified on the citation.
- (iii) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.
- (iv) That an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- (v) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

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

SECTION R 13.07 GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF TOWNSHIP ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF

- A. Unless a violation of an ordinance of Fruitland Township is specifically designated on the ordinance as a municipal civil infraction, the violation shall be deemed to be a criminal misdemeanor.
- B. The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 93 days, or both, unless a specific penalty is otherwise provided for the violation by the ordinance involved.
- C. The sanction for violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinances involved, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, Public Acts 12-26 of 1994, as amended, and other applicable laws.

- (i) Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine for a municipal civil infraction violation shall be not less than \$100.00 plus costs and other sanctions, for each infraction.
 - (ii) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by the same person for the same property within any twelve (12) month period (unless some other period is specifically provided by an Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (a) The fine for any offense, which is a first repeat offense, shall be not less than \$100.00, plus costs.
 - (b) The fine for any offense, which is a second repeat offense or any subsequent repeat offense, shall be not less than \$200.00, plus costs.
- D. A “violation” includes any act which is prohibited or made or declared to be unlawful or any offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
- E. Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. 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 any Township ordinance.

SECTION R 13.08 AUTHORIZED PERSONS – CIVIL INFRACTIONS TICKETS

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Fruitland Township ordinance to the contrary, the following officials are hereby designated as the authorized Township officials to issue and serve municipal civil infraction citations for violations of the Township ordinances, which provide for a municipal civil infraction for a violation thereof:

- Township building inspector
- Muskegon county sheriff and all other deputy county sheriffs of said county
- Township fire marshal
- Township supervisor
- Township mechanical and electrical inspectors
- Township ordinance enforcement officer
- Township zoning administrator
- Township clerk

SECTION R 13.09 AUTHORIZED PERSONS – MISDEMEANOR APPEARANCE TICKETS

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Fruitland Township ordinance to the contrary, the following officials are empowered to issue and serve appearance tickets for violations of Township ordinances that contain criminal misdemeanor penalties for violations of the ordinance involved:

- Township building inspector
- Muskegon county sheriff and all other deputy county sheriffs of said county
- Township fire marshal
- Township supervisor
- Township mechanical and electrical inspectors
- Township ordinance enforcement officer
- Township zoning administrator
- Township clerk

SECTION R 13.10 APPLICABILITY OF THE ACT

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

SECTION R 13.11 SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION R 13.12 EFFECTIVE DATE

This Ordinance shall become effective August 1, 2012.

ADOPTED: February 20, 2012
PUBLISHED: February 26, 2012

ARTICLE 14

SECTION R 14.01 MEDICAL MARIHUANA DISPENSARY ORDINANCE

AN ORDINANCE PROHIBITING MEDICAL MARIHUANA DISPENSARIES AND RELATED PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

SECTION R 14.02 TITLE

This Ordinance shall be known as the “Fruitland Township Medical Marihuana Dispensary Ordinance.”

SECTION R 14.03 DEFINITIONS

For purposes of this Article, the following definitions shall apply:

- A. “Act” means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 *et seq.*, as well as any and all amendments thereto, and also any legislation enacted into law to implement that statute.
- B. “Debilitating Medical Condition” means a debilitating medical condition as defined in the Michigan Medical Marihuana Act, MCL 333.26423(a).
- C. “Enclosed, locked facility” means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- D. “Family” is defined as persons related by blood, marriage, or adoption, together with foster children.
- E. “Marihuana” means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106. Marihuana is also sometimes known as Marijuana or Cannabis.
- F. “Medical Marihuana” means marihuana that is grown, processed or possessed by a registered primary caregiver for the purpose of distributing to a registered qualified patient.
- G. “Marihuana Dispensary” is any operation, facility or location, regardless of what it is called, where marihuana is grown, processed or possessed for the purpose of distributing marihuana in any form or paraphernalia to visitors of the location where the marihuana is being grown, cultivated, or possessed; or any operation, facility or location where marihuana is grown, processed, or possessed, regardless of what it is called, where a means is provided for the purpose of distributing, or facilitating the distribution of, marihuana to more than a cumulative total of five (5) registered qualified patients. Such dispensaries go by different names and include but are not limited to collectives; clubs,

cooperative grow facilities, smokehouses, compassion centers and the like. A marihuana dispensary does not include the lawful dispensation of marihuana by a registered primary caregiver personally dispensing to not more than five (5) registered qualifying patients so long as the primary caregiver personally delivers the lawful amount of marihuana to the registered qualifying patient for medical use to the place where the registered qualifying patient resides and is done in full compliance with the Fruitland Township Zoning Ordinance, The Act, and all applicable Michigan and federal laws and regulations.

- H. “Medical Use” is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by The Act.
- I. “Primary caregiver” means a person who is at least 21 years old and who has agreed to assist with a patient’s medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- J. “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition.
- K. “Residential Premises” is any building, its accessories and appurtenances, and the real property upon which such structures are located, which is occupied as a home, legal residence or sleeping place, either permanently or transiently and by reference includes the definition of “dwelling” as set forth in the Fruitland Township Zoning Ordinance.
- L. “Registered Primary Caregiver” means a primary caregiver who has been issued a registry identification card by the Michigan state department of community health pursuant to The Act and/or the administrative rules promulgated thereunder.
- M. “Registered Qualifying Patient” means a qualifying patient who has been issued a registry identification card by the Michigan state department of community health pursuant to The Act and/or the administrative rules promulgated thereunder.
- N. “Township” means Fruitland Township, Muskegon County, State of Michigan.

SECTION R 14.04 PURPOSE AND INTENT

- A. Voters in the State of Michigan approved a referendum authorizing the use of marihuana (“marihuana”) for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.* (“The Act”).
- B. The specified intent of The Act is to enable certain identified persons who comply with the registration provisions of The Act to acquire, possess, cultivate, grow and use medical marihuana, as well as to assist specifically registered individuals identified in The Act without being subject to criminal prosecution under state law in limited, specific circumstances.

- C. Despite the specific provisions of The Act, MCL 333.26421, *et seq.* fails to regulate many aspects associated with the possession and use of medical marihuana, including, but not limited to, locations and methods of distribution, sale, processing, use and ingestion of medical marihuana.
- D. If not closely monitored or regulated, the presence of marihuana, even for the purposes specified by The Act, may present an increase of illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Fruitland Township.
- E. Furthermore, the unregulated distribution, sale, processing, use and ingestion of medical marihuana can create many problems in areas adjacent thereto, including threats to public peace.

SECTION R 14.05 SCOPE

- A. This ordinance is meant to proscribe marihuana dispensaries, collectives, clubs, cooperative grow facilities, smokehouses, compassion centers and the like, whether fixed or mobile and whether for-profit or non-profit, from being operated within the Township.
- B. So long as performed in a location and manner authorized by this ordinance, nothing herein shall be read to prevent the dispensation of marihuana by a registered primary caregiver who is personally dispensing to not more than five (5) registered qualified patients in strict accordance with The Act; nor to prevent smoking, consuming or ingesting marihuana by a registered qualified patient in strict accordance with The Act; nor to prevent a person authorized by The Act from possessing in an enclosed, locked facility an amount of medical marihuana authorized by The Act.

SECTION R 14.06 PROHIBITION OF MARIHUANA DISPENSARIES

- A. It shall be unlawful for any person or entity to operate any marihuana dispensary, collective, club, cooperative growing facility, smokehouse, compassion center and the like, or other similar facility that meets the definition of Marihuana Dispensary in Section 14.03, G., above.
- B. It shall be unlawful for any person or entity to join as a member, employee, contractor, agent, volunteer, or participate in any other manner or capacity, in any facility or operation identified in section 14.06, A., above.
- C. It shall be unlawful for any person or entity to frequent, patronize, obtain or purchase marihuana from any facility or operation identified in Section 14.06, A., above.

SECTION R 14.07 LOCATION AND MANNER OF USE AND DISTRIBUTION OF MEDICAL MARIHUANA FOR MEDICAL USE

- A. Unless the registered qualifying patient legally resides with the registered primary caregiver, no use, sale, delivery nor distribution of marihuana in any form shall be conducted on or within the residential premises of the registered primary caregiver.

- B. The growing, processing, distribution, sale and handling of medical marihuana for medical use shall comply at all times and all circumstances with The Act and any applicable regulations or requirements by the Michigan Department of Community Health or any other Michigan agency.
- C. Not more than one (1) primary caregiver shall be permitted to grow, process, handle or distribute medical marihuana at or from a given residential premises.
- D. All medical marihuana shall be contained within the primary caregiver's residential premises (except when being delivered by the primary caregiver to a qualifying patient off site) and in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver. Any person under eighteen (18) years old shall not have any access to any medical marihuana.
- E. No on-site consumption or smoking of marihuana is allowed within the residential premises (or on the lot or parcel) of a primary caregiver except for any medical marihuana consumption by the primary caregiver himself/herself if he/she is a qualifying patient and in full compliance with The Act.
- F. No medical marihuana shall be grown, processed or handled at, from or through the residential premises of the primary caregiver beyond that which is needed or allowed by law (whichever is less) for the qualifying patients of that particular primary caregiver.
- G. No sign identifying the dwelling as being a place where medical marihuana is grown, sold, processed, kept, or distributed shall be visible outside of the residential premises or within any of the windows of the residential premises.
- H. A registered primary caregiver may grow and process medical marijuana only upon or within his or her residential premises and only for his or her registered qualified patients so long as performed in compliance with this ordinance and The Act.
- I. Only residential premises may be utilized for the cultivation, use, sale, delivery, processing, and distribution of marihuana for medical use. Residential premises upon or within which marihuana is grown or processed for medical use must meet the following requirements. The registered primary caregiver shall be responsible (and shall be deemed to be in violation of this Ordinance) for any violation of this Ordinance or The Act. A registered primary caregiver residential premises hereunder must:
 - 1. Be the registered primary caregiver's residential dwelling, defined as a detached single-family residential dwelling. No apartment building, multi-family residential building or similar housing building or development may be utilized to grow or process marihuana by a registered primary caregiver;

2. Be occupied only by the registered primary caregiver and family of the registered primary caregiver. No persons outside of immediate family may reside upon a residential premises used to grow and process marihuana for registered qualified patients;
3. Be used primarily as a dwelling. Use of the residential premises for marihuana growth and processing shall be clearly incidental and subordinate to its use for single-family residential purposes, with no more than 25% of the gross finished area of the dwelling utilized for marihuana growth and processing;
4. No qualifying patient shall visit, come to or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana; rather, the primary caregiver must personally deliver any marihuana to a qualifying patient at the residence of that qualifying patient;
5. No person shall deliver marihuana to a qualifying patient other than the primary caregiver for that qualifying patient. The primary caregiver must personally deliver the marihuana to his/her qualifying patient;
6. There shall be no visible change to the outside appearance of the primary caregiver's residence or other visible evidence of the conduct of the medical marihuana operation occurring inside the dwelling;
7. Show no signs or visible indications that medical marihuana is grown or processed therein; lighting, marihuana plants, paraphernalia, signage and growing apparatuses may not be visible from outside the residential premises;
8. Be equipped with an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered primary caregiver. Except when being delivered or ingested in accordance with this ordinance and The Act, any and all marihuana in any stage of growth or form whatsoever must be contained within said enclosed, locked area and accessed only by the registered primary caregiver;
9. Not interfere in any way with the use and enjoyment of surrounding property. No equipment or processes utilized in growing, processing or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference may be detectable to the normal senses from outside the residential premises. No equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or which causes fluctuation of line voltage off the premises;
10. Be located more than 1,000 feet from any half-way house, correctional facility, college, trade or vocational school, public park, child daycare center, foster care center, school, church or library as defined by Michigan law. This ensures

community compliance with federal “Drug-Free School Zone” requirements and minimizes negative impacts to the health, safety, and welfare of the community. Measurements shall be taken from the outside parameter of the residential dwelling (or accessory building) within which medical marihuana is being grown and the surrounding property lines.

- J. A registered primary caregiver must personally deliver any medical marihuana to his or her registered qualifying patient(s) at the residence of the registered qualifying patient(s). Under no circumstances may anyone other than the registered primary caregiver of the registered qualifying patient deliver medical marihuana to a registered qualifying patient; nor may a registered qualifying patient leave his or her place of residence for the purpose of receiving marihuana from the registered primary caregiver.

SECTION R 14.08 REGISTERED QUALIFYING PATIENTS

- A. Medical marihuana may not be used or ingested outdoors or in any public place.
- B. A registered qualifying patient who relies on a registered primary caregiver for his or her supply of medical marihuana may only receive medical marihuana by delivery to the registered qualifying patient’s legal residence and only from his or her registered primary caregiver. It is unlawful to purchase or otherwise obtain medical marihuana from any source not registered and authorized under The Act to dispense medical marihuana to that particular person.
- C. A registered qualifying patient who has not specified that a primary caregiver will be allowed to grow or process marihuana on his or her behalf, as authorized by The Act, may grow and process marihuana for his or her personal use within his or her residential premises so long as:
 - 1. The residential premises is equipped with an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered qualifying patient. Except when being ingested in accordance with this ordinance and The Act, any and all medical marihuana in any stage of growth or form whatsoever must be contained within said enclosed, locked area and accessed only by the registered qualifying patient;
 - 2. There are no outward signs or visible indications that medical marihuana is grown or processed therein; lighting, marihuana plants, paraphernalia, signage and growing apparatuses may not be visible from outside the residential premises;
 - 3. There is not any interference in any way with the use and enjoyment of surrounding property. There can be no equipment or processes utilized in growing, processing or handling medical marihuana which create noise, vibration, glare, light, fumes, odors or electrical interference which are detectable to the normal senses from outside the residential premises. No equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or which causes fluctuation of line voltage off the premise; and

4. Otherwise in full compliance with The Act.

SECTION R 14.09 SEVERABILITY

If any provision, clause or portion of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidation shall not affect any other portion of this Ordinance and the balance of this Ordinance shall remain in full force and effect.

SECTION R 14.10 PENALTIES

A violation of this Ordinance constitutes a municipal civil infraction. Any person, who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a municipal civil infraction and subject to the fines published by the Township from time to time. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

SECTION R 14.11 PUBLIC NUISANCE AND NUISANCE PER SE

The violation of any provisions of this Ordinance or The Act shall be deemed to constitute a nuisance per se and shall be subject to abatement.

SECTION R 14.12 REQUIRED COMPLIANCE WITH FEDERAL LAW

- A. Nothing in this Ordinance is intended to grant, nor shall any provisions of this Ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marihuana which is not in strict compliance with The Act, this Ordinance and all other applicable laws and regulations.
- B. Nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law, applicable state penal laws and The Act. This Ordinance does not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use or marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

SECTION R 14.13 EFFECTIVE DATE

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance or a notice of adoption of this Ordinance appears in the newspaper as provided by law.

ADOPTED: January 22, 2013
PUBLISHED: February 3, 2013
EFFECTIVE: February 5, 2013

ARTICLE R 15

SECTION R 15.01 FRUITLAND TOWNSHIP SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND IN THE TOWNSHIP OF FRUITLAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION STANDARDS; PROVIDING FOR MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE TOWNSHIP BOARD IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS:

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 15.02 GENERAL PROVISIONS

Short Title: This Ordinance shall be known and may be cited as the “Fruitland Township Subdivision Ordinance.”

- A. Purpose: The purpose of this Ordinance is to regulate and control the subdivision of land within the Township of Fruitland, in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:
1. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
 2. Achieve individual property lots of maximum utility and livability.
 3. Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.
- B. Legal Basis: This Ordinance is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended: Act 191, P.A. 1939 providing for publication of Ordinances; Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public, health, safety, and general welfare.
- C. Scope: This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.
- D. Administration: The approval provisions of this Ordinance shall be administered by the Township Board in accordance with Act 288, P.A. 1967, as amended.

- E. Schedule of Fees: The schedule of fees for review of plats shall be determined by the Township Board.

SECTION R 15.03 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The word “shall” is always mandatory and not merely discretionary.

- A. ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- B. DEDICATION: The intentional appropriation of land by the owner to public use.
- C. IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision.
- D. LOT: A measured portion of a parcel of tract of land, which is described and fixed in a recorded plat.
- E. LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- F. LOT WIDTH: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.
- G. OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purpose other than a building site, park or other land dedicated to public use or reserved to private use.
- H. PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, Act 288, P.A. 1967 as amended.

SECTION R 15.04 PLATTING PROCEDURE AND DATE REQUIRED

- A. PRELIMINARY PLATS: Preliminary plats shall be submitted and filed for final approval under Sections 112 and 120 of the Subdivision Control Act. The fee provided for in this Ordinance for review of plats shall be deposited with the Township Clerk at the time of filing. The preliminary plat shall be referred to the Planning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, notice shall be given in accordance with Section 21.04 of the Fruitland Township Zoning Ordinance.

The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the Planning Commission. If applicable standards under the State of Michigan Land Division Act, 1967 PA 288, MCL 560.101 to 560.293 and the requirements of the Fruitland Township Subdivision Ordinance are met, the Planning Commission shall recommend approval of the plat.

If the Planning Commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Planning Commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the Planning Commission.

The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall be referred to the Township Board.

B. ACTIONS: Township Board

1. The Township Board shall consider the preliminary plan at its next meeting, but no later than twenty (20) days after receipt.
2. The Township Board shall within twenty (20) days either reject the preliminary plat and give its reasons, or set forth in writing the conditions for granting approval.

C. CONDITIONS AND DURATION OF APPROVAL:

1. Approval of a preliminary plats shall not constitute approval of the final plat, but rather than final plat approval shall be conditioned on all requirements being met.
2. Approval of the preliminary plat by the Township Board shall be for a period of one year from the date of its approval after approval by the other required authorities.
3. The Township Board may extend the one (1) year period if applied for and granted in writing but only concerning its own requirements.

D. FINAL PLATS – REQUIREMENTS AND ACTIONS

1. Final Plats shall be prepared and submitted s provided for in the Subdivision Control Act.
2. A written application of approval and the recording fee shall accompany all final plats.
3. The sub-divider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
4. The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
5. The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the plat.

6. The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the sub-divider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this Ordinance.
7. The Township Board shall instruct the Clerk, to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificates on the approved plat on behalf of the Township Board.

Section R 15.05 REQUIREMENTS FOR LOTS

- A. **LOT SIZE:** The lot width, depth, and area shall not be less than the particular district requirements of the Township or any applicable County Zoning Ordinance. In addition, no lot shall be less than one hundred (100) feet wide, and less than thirty thousand (30,000) square feet in area. Provided, however, that lots containing not less than twenty thousand (20,000) square feet may be approved by the Township Board based on a determination that sewage facilities are adequate to service and lots.
- B. **LOT LINES:** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
- C. **WIDTH RELATED TO LENGTH:** Narrow deep lots shall be avoided. The depth of a lot generally should not exceed three (3) times the width as measured at the building line.
- D. **CORNER LOTS:** Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.
- E. **UNINHABITABLE AREAS:** Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes or for uses that may in the judgement of the Township Board increase the danger to health, life or property or increase the flood hazard. Such land within a sub-division may be set aside for other uses, such as parks or other open space.
- F. **LOT FRONTAGE:** All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers, or streams. The front line shall be the street or road unless otherwise shown on the plat.
- G. **LOT DIVISION:** The division of a lot in a recorded plat is prohibited, unless approved following applications to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township Zoning Ordinance. Provided however, that the division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

SECTION R 15.06 PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

Nothing herein contained shall prevent the Township Board or any other public officials or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Subdivision Control Act.

SECTION R 15.07 AMENDMENTS

The Township Board may, from time to time, amend, supplement, or repeal the regulation and provisions of this Ordinance, as provided by law.

SECTION R 15.08 MISCELLANEOUS PROVISIONS

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

SECTION R 15.09 EFFECTIVE DATE

This Ordinance shall take effect in the Township after adoption by the Township Board, publication within ten (10) days after adoption, entry in the Township Ordinance Book and certification by the Clerk as to the date of adoption, vote and publication, within seven (7) days of publication. The effective date shall be thirty (30) days after date of publication.

Passed: June 10, 1971

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: February 16, 2009

Published: February 22, 2009

Effective: March 1, 2009

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012

ARTICLE R 16

SECTION R 16.01 FRUITLAND TOWNSHIP LAND DIVISION ORDINANCE

SECTION R 16.02 TITLE, SCOPE AND PURPOSE

- A. This Ordinance shall be known and may be cited as the “Fruitland Township Land Division Ordinance”. The regulations of this Ordinance are adopted pursuant to the statutory authority of Act No.288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- B. This Ordinance shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with the Fruitland Township Zoning Ordinance or any other applicable ordinance or regulation.
- C. It is not intended by this Ordinance to repeal, abrogate, annul or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed or other private agreement; provided, however, that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, than the provisions of this Ordinance shall govern.
- D. The purpose of this Ordinance is to regulate the division of land within Fruitland Township to promote the public health, safety and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites and public improvements; that provisions are made for adequate drainage, ingress and egress; and to ensure that land divisions are correctly and accurately approved, recorded and filed.

SECTION R 16.03 DEFINITIONS

- A. The definitions of the Land Division Act of 1967, as amended, are hereby included and made a part of this Ordinance.
- B. *Attorney* means the legal counsel for Fruitland Township.
- C. *Board or Township Board* means the Fruitland Township Board of Trustees.
- D. *Clerk* means the Fruitland Township Clerk.
- E. *Commission or Planning Commission* means the Fruitland Township Planning and Zoning Commission.
- F. *County* means Muskegon County.
- G. *County Road Commission* means the Muskegon County Road Commission.
- H. *Engineer* means the professional consulting engineer for Fruitland Township.
- I. *Planner* means the professional consulting planner for Fruitland Township.
- J. *Township* means Fruitland Township.
- K. *Zoning Administrator* means the Zoning Administrator for Fruitland Township.
- L. *Zoning Ordinance* means the Zoning Ordinance of Fruitland Township.

SECTION R 16.04 LAND DIVISION APPROVALS

A. Applications

1. The approvals and requirements of this Ordinance shall be satisfied prior to the issuance of a land division approval within Fruitland Township. The approvals and requirements of this Ordinance shall be satisfied prior to the recording of any land division with the County.
2. An application for land divisions shall be submitted through the Township Clerk. Each application shall be accompanied by the following, unless deemed unnecessary by the Zoning Administrator:
 - a. the payment of a fee as established by the Township Board;
 - b. a completed application form as provided by the Township;
 - c. a complete and accurate legal description of each proposed lot or parcel created by the land division;
 - d. a detailed written description of the development planned for such land divisions, including a description of any proposed association or other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities;
 - e. a graphic or written description of any previous land divisions from the parent parcel, including the size, number and date of such division;
 - f. evidence of approvals from the County Health Department for on-site water supply and sewage disposal, and
 - g. three (3) copies of a complete tentative parcel map drawn to scale which shall not be less than:
 - 1"=20' for property totaling under three (3) acres and at least 1"=100' for those totaling three (3) acres or more.The parcel map shall be prepared by a registered engineer or land surveyor or other such person determined by the Township to be qualified to complete such parcel maps.
 - h. The tentative parcel map shall include, at a minimum:
 1. Date, north arrow, scale and name of the individual or firm responsible for the completion of the tentative parcel map.
 2. Proposed lot lines and their dimensions.
 3. Location and nature of proposed ingress and egress locations to any existing public or private streets.
 4. The location of any public or private street, driveway or utility easements to be located within any proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 5. General topographical features, including contour intervals no greater than ten (10) feet.
 6. Any existing buildings, public or private streets and driveways within one hundred (100) feet of all proposed property lines.

7. The zoning designation of all proposed lots or parcels.
 8. Small scale sketch of properties and streets within one quarter (1/4) mile of the area.
 9. Proposed method of providing storm drainage.
3. Applications for the land divisions shall not be accepted unless all of the required materials are submitted and are complete.
 4. The application, along with the required materials, shall be forwarded to the Zoning Administrator.
- B. Land divisions shall be reviewed and approved by Zoning Administrator. The Zoning Administrator shall review the applications and such other information available, including recommendations or reports from the Township Planner, Attorney, Engineer or other party and shall approve, approve with conditions or deny the request and incorporate the basis for the decision and any conditions which should be imposed.
 - C. The approval, approval with conditions or denial of a land division application shall be accomplished within forty-five (45) days after a complete application is filed with and accepted by the Township Clerk.
 - D. Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Fruitland Township Zoning Ordinance or any other applicable ordinances or regulations.
 - E. Land division approvals shall be valid for a period of one year from the date of approval by the zoning administrator. If such lots or parcels proposed by the land division are not properly recorded and accepted by Muskegon County Register of Deeds within this period, the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this Ordinance. (Effective July 28, 1999)
(Ordinance NO. 100-21)

SECTION R 16.05 LAND DIVISION REQUIREMENTS

- A. Maximum Width to Depth Ratio
 1. No lot shall be created with a lot depth that exceeds four times the lot width, except as permitted by the Township Zoning Ordinance.
- B. Access
 1. Any land division shall front upon a public street or private right-of-way or easement meeting the requirements of the Fruitland Township Zoning Ordinance for the minimum lot width required by the zone district in which the lot or parcel is located.

2. Any proposed points of ingress or egress to a lot or parcel created by the land division must meet the location and design standards of the County Road Commission, Fruitland Township, State of Michigan or other authority having jurisdiction over the roadway to which access is planned.
- C. A lot or parcel created by a land division shall comply with all requirements of this Ordinance and other applicable ordinances and regulations.
- D. The Zoning Administrator may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this Ordinance and Land Division Act. The Zoning Administrator may require the applicant to record a notice to potential purchasers that they may need additional approvals from Fruitland Township or other governmental agencies to make use of parcels created by a land division.

SECTION R 16.06 REMEDIES AND ENFORCEMENT

- A. Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.
- B. A violation of any provision of this ordinance is declared to be a nuisance per se. Any person who violates this ordinance shall also be subject to a civil action to invalidate land divisions or for other appropriate equitable or legal remedies, including injunctive relief.

SECTION R 16.07 ADOPTION AND EFFECTIVE DATES

This Ordinance was adopted on May 19, 1997 and shall take effect thirty (30) days after publication.

Adoption Date: May 19, 1997
Publication Date: June 2, 1997
Effective Date: July 2, 1997
Ordinance No. 100-13

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

ARTICLE R 17

SECTION R 17.01 FRUITLAND TOWNSHIP TRANSFER STATION AND RECYCLING CENTER ORDINANCE

AN ORDINANCE TO REGULATE THE DISPOSAL OF CERTAIN MATERIALS AT ANY FRUITLAND TOWNSHIP TRANSFER STATION AND RECYCLING CENTER

SECTION R 17.02 TITLE AND AUTHORITY

This ordinance shall be referred to as "Fruitland Township Transfer Station and Recycling Center Ordinance: (hereinafter "Ordinance").

SECTION R 17.03 DEFINITIONS

"ATTENDANT" shall mean a person appointed by the Township Board of Trustees to manage the disposal of municipal solid waste and recyclable materials at any Transfer Station or Recycling Center.

"MUNICIPAL SOLID WASTE" shall mean all solid wastes including garbage, rubbish and other non-recyclable material.

"PERSON" shall mean any individual, corporation, partnership or any other entity recognized by the laws of the State of Michigan or by the United States of America.

"RECYCLING CENTER" shall mean any area of land owned or utilized by the Township for the disposal of recyclable materials to be recycled.

"RECYCLABLE MATERIALS" shall mean any material deemed as such and published by the Township Board of Trustees from time to time.

"REFUSE" shall mean municipal solid waste, recyclable materials and yard waste.

"TOWNSHIP" shall mean Fruitland Township, a general law township located in Muskegon County, State of Michigan.

"TRANSFER STATION" shall mean any area of land owned or utilized by the Township, presently or at any time in the future, which is designated for the disposal of municipal solid waste, recyclable material and/or yard waste and attended by an Attendant employed by the Township.

"YARD WASTE" shall mean grass clippings, hedge clippings, yard vegetation, sod without dirt, twigs and brush (less than 4" in diameter) and leaves.

SECTION R 17.04 PURPOSE

The purpose of this Ordinance is to ensure efficient and economical disposal of Municipal Solid Waste, Recyclable Materials and Yard Waste generated in the Fruitland Township and to provide of a mechanism for the payment for such disposal.

SECTION R 17.05 POLICIES

- A. Hours of Operation: Transfer Station and Recycling Centers shall be open during such times as determined by the Fruitland Township Board of Trustees and as published by the Township from time to time. Hours of operation shall be posted on the access gate to any Transfer Station. No Refuse shall be disposed at any Transfer Station or Recycling Centers except during hours of operation. Any person leaving Refuse at any Transfer Station or Recycling Center entrance or when any such facility is closed shall also be deemed a violation of this ordinance.

- B. Holidays: Transfer Stations shall be closed on the following holidays: New Year's Eve Day, New Year's Day, Martin Luther King Day, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day Following Thanksgiving, Christmas Eve Day and Christmas Day.

- C. No Refuse shall be placed in, at or upon any Transfer Station or Recycling Center unless it has been generated from within the geographical limits of Fruitland Township.

- E. No Person shall deposit any amount of prohibited items at any Transfer Station or Recycling Center. The Township Board of Trustees may promulgate and publish from time to time a list of prohibited items (in addition to the prohibited items set forth herein) which shall be unlawful to deposit at any Transfer Station or Recycling Center and such list shall be posted on the Township's website and made available at any Transfer Station and Recycling Center. A list of all prohibited items shall be posted on the Township's Website at www.fruitlandtwp.org and be available for review at the Township Hall, Transfer Station or Recycling Center.

- F. Disposing of Refuse can be a dangerous job. Splinters from wood, broken glass, rusting scrap metal, sharp objects, etc. are potentially dangerous and shall be handled with care. No person shall loiter in the vicinity of any disposal equipment and/or compactor while in operation. All persons using any Transfer Station or Recycling Center shall follow the directions of the Attendant and adhere to the following safety procedures:
 - 1. All persons shall wear appropriate footwear while on site. Bare feet are absolutely prohibited.
 - 2. All children (under the age of 16) shall be accompanied by an adult.
 - 3. No person is allowed to enter any prohibited, restricted or closed area, within the Transfer Station or climb onto any drop off container or wall.
 - 4. Vehicles within any Transfer Station or Recycling Center shall be limited to a maximum speed of 10 miles per hour.
 - 5. Removal of items from the Transfer Station or Recycling Center "dump picking" is prohibited.
 - 6. Persons entering any Transfer Station do so at their own risk.

SECTION R 17.06 TRANSFER STATION PUNCH CARDS AND FEE SCHEDULE

- A. No Refuse shall be disposed of at any Transfer Station or Recycling Center unless a Fruitland Township Punch Card is first displayed to the Attendant in amounts sufficient to cover the cost of disposal.
- B. Punch Cards can be purchased at any Transfer Station or Recycling Center while in operation or at the Township Hall located at 4545 Nestrom Road during normal business hours and are used to make payment for the disposal of Refuse at any Transfer Station or Recycling Center.
- C. Payment for the purchase of any Punch Card at any Transfer Station or Recycling Center must be made by way of cash, personal check or bank draft. Failure to present a Punch Card for payment of the disposal of Refuse shall be a violation of this ordinance.
- D. Refuse disposal Fees shall be approved and published by the Township Board of Trustees from time to time and shall be posted on the Township's website at www.fruitlandtp.org and available for review at the Township Hall, Transfer Station or Recycling Center.

SECTION R 17.07 DISPOSAL PROCEDURES

- A. No Refuse shall be disposed of without first obtaining the approval of the Transfer Station or Recycling Center Attendant. Failure to dispose of any Refuse at any Transfer Station Recycling Center without the Attendant's authorization shall be deemed a violation of this Ordinance.
- B. All Refuse shall be disposed of at the designated area as directed by the Attendant.

SECTION R 17.08 RECYCLING

Recyclable Materials may be disposed of at any Transfer Station or Recycling Center as directed by the Attendant. The cost for disposal of Recyclable Materials shall be approved and published by the Township Board of Trustees from time to time and payment for disposal shall be made by Punch Card. In the general sense, Recyclable materials include glass, paper, plastic and metal. The specific policies regarding the disposal of Recyclable materials may be found at the Township Website at www.fruitlandtp.org and are also available for review at any Transfer Station, Recycling Center or the Township Hall.

SECTION R 17.09 YARD WASTE

These items may be disposed of as directed by the Attendant.

SECTION R 17.10 UNACCEPTABLE MATERIALS

The following materials will not be accepted at any Transfer Station or Recycling Center:

- 1. Refrigerators, freezers or air conditioners.
- 2. Industrial waste, household hazardous waste, asbestos, medical and veterinarian waste.

3. Liquids of any kind.
4. Hazardous material.
5. Dead animals or carcasses of any kind.
6. Stumps.
7. Brush and small branches greater than 4 inches in diameter.
8. Solid fill, including brick and concrete demolition debris.
9. Junk cars, engines, chassis, transmissions, axles, etc.
10. Propane tanks larger than 20 lb. capacity.
11. Acetylene and oxygen tanks.
12. Any refuse which in the opinion of the Attendant constitutes a serious hazard to other users, to the property of the Town or to the operation of the property of the Township, or to the operation of the Transfer Station.

SECTION R 17.11 PENALTIES FOR VIOLATION

Any person, firm or corporation who violates a provision of this Ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a as a municipal civil infraction and subject to fines as adopted by the Fruitland township Board of Trustees and as published by the Township from time to time.

SECTION R 17.12 SEVERABILITY

The invalidity of any provision of this regulation shall neither affect the validity of any other provision hereof, nor the validity of the regulation as a whole.

SECTION R 17.13 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication.

ADOPTED: DECEMBER 16, 2013
PUBLISHED: DECEMBER 22, 2013
EFFECTIVE: JANUARY 21, 2014

ADOPTED: NOVEMBER 16, 2020
PUBLISHED: DECEMBER 6, 2020
EFFECTIVE: JANUARY 5, 2021

ARTICLE R 18

SECTION R 18.01 PROHIBITION OF MARIJUANA ESTABLISHMENTS

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 18.02 INTENT OF ORDINANCE

This ordinance is intended to define words; to prohibit marijuana establishments within the boundaries of Fruitland Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et. Seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

SECTION R 18.03 NAME OF ORDINANCE

This ordinance shall be known as and may be cited as the “Fruitland Township Prohibition of Marijuana Establishments Ordinance.”

SECTION R 18.04 DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION R 18.05 PROHIBITION OF MARIHUANA ESTABLISHMENTS

Fruitland Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION R 18.06 VIOLATIONS AND PENALTIES

- A. Any person who disobeys neglects or refuses to comply with any provisions of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

SECTION R 18.01 SEVERABILITY

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

SECTION R 18.01 REPEAL

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

SECTION R 18.01 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after the date of publication.

Adopted: December 17, 2018
Published: December 23, 2018
Effective: January 24, 2019

ARTICLE R 19

SECTION R 19.01 PARKING AT WHITE RIVER LIGHT STATION

AN ORDINANCE TO REGULATE THE PARKING OF VEHICLES IN THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN AT THE WHITE RIVER LIGHT STATION.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 19.02 DEFINITIONS

A vehicle, for the purposes of this Ordinance, shall mean any device in, upon, or by which any person or property, is or may be transported or drawn upon a highway.

SECTION R 19.03 PARKING PROHIBITED

No person shall park any vehicle in the Township of Fruitland at the White River Light Station parking lot or in the drive entering said parking lot between the hours of 10:00 p.m. and 5:00 a.m.

SECTION R 19.04 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 19.05 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Amendment Adopted: April 28, 1997

Effective: May 6, 1997

Published: May 5, 1997

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012

ARTICLE R 20

SECTION R 20.01 PARKING ON SCENIC DRIVE

AN ORDINANCE TO REGULATE THE PARKING OF VEHICLES WITHIN FRUITLAND TOWNSHIP AS FOLLOWS: ON SCENIC DRIVE BETWEEN TODD ROAD AND DUCK LAKE ROAD; ON SCENIC DRIVE NEAR THE INTERSECTION OF SOUTH SHORE DRIVE; AND ALSO ON PORTIONS OF SOUTH SHORE DRIVE AND MURRAY ROAD NEAR THE INTERSECTION OF SCENIC DRIVE.

SECTION R 20.02 DEFINITIONS

A vehicle for the purpose of this ordinance shall be any device in, upon or by which any person or property, is or may be transported or drawn upon a highway. A trailer, for the purpose of this Ordinance, shall mean any device that is typically towed by a vehicle for the purpose of carrying a watercraft or any other objects. All distances in this ordinance are measured from the center of the applicable road.

SECTION R 20.03 PARKING REGULATIONS ON SCENIC DRIVE BETWEEN TODD ROAD AND DUCK LAKE ROAD

- A. No person shall park any vehicle or trailer within the westerly one half of the right of way of Scenic Drive from a point located 1,600 feet southerly of Todd Road to a point located 4,750 feet southerly of Todd Road.
- B. No person shall park any vehicle or trailer within the westerly one half of the right of way of Scenic Drive from a point located 4,750 feet southerly of Todd Road to Duck Lake Road.
- C. No person shall park any vehicle or trailer within the easterly one half of the right of way of Scenic Drive from a point located 2,060 feet southerly of Todd Road to a point located 3,466 feet southerly of Todd Road.
- D. No person shall park any vehicle or trailer within the easterly one half of the right of way of Scenic Drive from a point located 3,466 feet southerly of Todd Road to a point located 4,199 feet southerly of Todd Road between the hours of 10:00 p.m. and 5:00 a.m.
- E. No person shall park any vehicle or trailer within the easterly one half of the right of way of Scenic Drive from a point 4,199 southerly of Todd Road to a point located 4,776 feet southerly of Todd Road.
- F. No person shall park any vehicle or trailer within the easterly one half of the right of way of Scenic Drive from a point located 4,776 feet southerly of Todd Road to a point located 5,101 feet southerly of Todd Road between the hours of 10:30 p.m. and 5:00 a.m.
- G. No person shall park any vehicle or trailer within the easterly one half of the right of way of Scenic Drive from a point located 5,101 feet southerly of Todd Road to Duck Lake Road.

**SECTION R 20.04 PARKING REGULATIONS NEAR THE INTERSECTION OF
SCENIC DRIVE, SOUTH SHORE DRIVE AND MURRAY
ROAD**

- A. No person shall park any vehicle or trailer on the easterly side of the Scenic Drive right of way from a point 100 feet southerly of South Shore Drive to a point 290 feet northerly of South Shore Drive.
- B. No person shall park any vehicle or trailer on the westerly side of the Scenic Drive right of way from a point 100 feet southerly of South Shore Drive to a point 100 feet northerly of South Shore Drive.
- C. No person shall park any vehicle or trailer along either side of Scenic Drive from a point 750 feet northerly of South Shore Drive to the water's edge of White Lake.
- D. Only vehicles with a trailer attached may park along the westerly side of Scenic Drive from a point 100 feet northerly of South Shore Drive to a point 750 feet northerly of South Shore Drive. No person shall park any vehicle or trailer within this area unless they are attached.
- E. No person shall park a vehicle with a trailer attached along the easterly side of Scenic Drive from a point 290 feet northerly of South Shore Drive to a point 600 feet northerly of South Shore Drive. Vehicles, but no trailers may be parked within this area.
- F. No person shall park a vehicle along the easterly side of Scenic Drive from a point 600 feet northerly of South Shore Drive to a point 750 feet northerly of Scenic Drive unless such vehicle is parked at an angle within the angle parking lines located within this area. Trailers or vehicles with trailers shall not be parked in this area in any manner.
- G. No person shall park any vehicle or trailer along South Shore Drive between Scenic Drive and a point 100 feet easterly of Scenic Drive.
- H. No person shall park any vehicle or trailer along Murray Road between Scenic Drive and a point 100 feet westerly of Scenic Drive.

SECTION R 20.05 PENALTIES FOR VIOLATION

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 20.06 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication.

All ordinances which are inconsistent with this ordinance are repealed.

Adoption date: July 16, 2002
Publication date: July 21, 2002

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: May 14, 2008
Published: May 18, 2008
Effective: June 17, 2008

Amended: July 21, 2008
Published: July 27, 2008
Effective: August 26, 2008

Amended: July 18, 2011
Published: July 24, 2011
Effective: August 23, 2011

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

ARTICLE R 21

SECTION R 21.01 NESTROM PARK, MARCUS PARK AND DUCK LAKE ROAD PARK ORDINANCE

SECTION R 21.02 INTENT

An ordinance to regulate activities within the boundaries of Nestrom Park, Marcus Park and Duck Lake Road Park.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

A new ordinance entitled Parks Ordinance is adopted and shall read as follows:

SECTION R 21.03 HOURS OF OPERATION

The Park shall operate during the following hours:

May 1st through September 1st shall be from 7:00 a.m. to 10:00 p.m.
October 1st through April 30th shall be from 8:00 a.m. to 8:00 p.m.

No persons, other than authorized personnel, shall be in the Park when it is not in operation.

SECTION R 21.04 PARKING REGULATIONS

Parking is prohibited in the Park except in designated locations. Exceptions may be made for special events by the Parks and Recreation Commission.

SECTION R 21.05 PROHIBITED ACTIVITIES

The following activities are prohibited in the Park:

- a. The use of any ATVs and snowmobiles;
- b. The use of any bicycle or other motorized vehicle on any surface other than a paved surface designed for vehicle traffic or designated parking areas;
- c. Littering;
- d. The possession of any glass container other than within the Pavilions;
- e. Unleashed pets;
- f. Horseback riding;
- g. Hunting including trapping, shooting and archery;
- h. Golfing/Disc Golf;
- i. Ground fires, fireworks, sparklers or incendiary devices;
- j. Camping;
- k. Desecration, such as graffiti, vandalism and theft of Township Property;
- l. Dragging watercraft/fish shanty's along stairways;
- m. Alcohol consumption other than within thirty (30) feet of any picnic pavilion that has been reserved and used pursuant to a rental agreement with Township of Fruitland.
- n. Firearms of any kind;
- o. Structures requiring staking such as tents, inflatables, etc. except as may be allowed by permit.

SECTION R 21.06 PLANNED ACTIVITES AND EVENTS

Any person or organization wishing to hold or sponsor a planned activity or event must seek approval at least 45 days in advance from the Park and Recreation Commission.

SECTION R 21.07 PENALITIES

Any person, firm or organization who violates a provision of this ordinance or any of these entities that aids or abets another of these entities in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township of Fruitland from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 21.08 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication.

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 19, 2010 to add language in Section R 21.03
Published: July 25, 2010
Effective: August 24, 2010

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

Amended: August 19, 2013
Published: August 25, 2013
Effective: September 24, 2013

Amended: May 19, 2014
Published: May 25, 2014
Effective: June 24, 2014

Amended: June 20, 2018
Published: July 1, 2018
Effective: July 31 2018

Amended: July 20, 2020
Published: August 2, 2020
Effective: September 1, 2020

ARTICLE R 22
SECTION R 22.01 MOBILE FOOD BUSINESSES

AN ORDINANCE TO REGULATE MOBILE FOOD BUSINESSES DOING BUSINESS IN THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 22.02 TITLE

This article shall be known and cited as the “Township of Fruitland Mobile Food Business Ordinance.”

SECTION R 22.03 DEFINITIONS

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

“*Mobile food business*” means a kitchen within a licensed and operable motor vehicle or trailer and food carts whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

“*Person*” means a human being and all business entities including partnerships, corporation, and associations.

SECTION R 22.04 APPLICATION OF ARTICLE

The provisions of this article apply to mobile food businesses engaged in the business of cooking, preparing, and distributing food or beverages with or without charge on public or private property. This article does not apply to vehicles which dispense food by moving from place to place and are stationary for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts.

SECTION R 22.05 PERMIT REQUIRED

It is unlawful for any person to operate within the Township a mobile food business without having obtained a mobile food business permit from the Township Clerk. At a minimum any person applying for a mobile food business must possess all permits required by the State of Michigan and the County of Muskegon to operate a mobile food business and must satisfy all requirements of Fruitland Township. Further all person operating a mobile food business must comply with the Michigan food law. See MCL 289-1101 *et seq*; P.A.2000, NO.92 § 1101, Eff. Nov. 8, 2000. Amended by P.A. 2012, NO. 178, Eff. Oct. 1, 2012.

A person desiring to operate a mobile food business shall make written application for such permit to the Township Clerk. The application for a permit shall be on forms provided by the Township Clerk and must designate the location of where such mobile food business will operate. Mobile food business must:

- A. Demonstrate that the applicant’s mobile equipment/vehicle has passed an annual inspection from the fire department and must provide written approval from the White Lake Fire Authority or State Fire Marshal.

- B. Pay an annual fee as set and published from time to time by the Township Board of Trustees.
- C. Comply with any other requirement as adopted and published from time to time by the Township Board of Trustees.
- D. Mobile food business vendor must be licensed by the Muskegon County Health Department.
- E. Proof of Insurance listing Fruitland Township as additionally insured.

A mobile food business permit is required annually. Permits are valid January 1 to December 31 of each year.

A permit issued under this article shall not be transferable from person to person.

A permit is valid for one business only and shall not be transferred between businesses.

SECTION R 22.06 RULES AND REGULATIONS

Permitted areas of operation: Nestrom Park

Business hours, restrictions. No vendor shall conduct business before the hour of 7:00 a.m. or after the hour of 10:00 p.m. or as otherwise restricted on a by-location basis by resolution of the Township Board of Trustees. If the vendor has private property owner permission, they may operate between 7:00 a.m. and 2:00 a.m.

Private property. Mobile food vendors conducting business on private property may operate without a permit as part of a private event that is hosted by a residential use but its not open to the public.

Traffic. Mobile food vendors shall maintain a 20' setback from all fire hydrants and mobile food vendors shall not:

- a) obstruct the use of any street intersection or pedestrian crosswalk;
- b) impede the ingress or egress of any driveway;
- c) obstruct pedestrian space;
- d) impede or obstruct the ingress or egress of any building, and
- e) impede or obstruct any fire lane.

Signage. Mobile food vendors may have one portable sign that is 6 square feet, with no dimension greater than 3' and no height (with legs) greater than 4', located within 5' of the unit. Any and all signage must be contained to the property on which the vendor is operating. At no time shall any signage be placed in the public right-of-way.

Waste. Mobile food vendors must provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis. Such receptacle shall be located no more than ten feet from the mobile food vendor. No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets

or other public places, or municipal waste receptacles located within any public sidewalk or right-of-way. Failure to maintain a site free of waste may be grounds for revocation of current vendor permits or withholding the issuance of new permits.

Lights. No flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

Noise. No loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard are permitted. The decibel levels for any generator(s) used shall not exceed 80 dBA.

Parking. The issuance of a mobile food business permit does not grant or entitle the vendor to the exclusive use of any service route or parking space to the permit holder. When parked on public streets, a mobile food business shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles. Mobile food vendor vehicles shall not be left unattended while on a public street, highway, or public parking space. Any mobile vending unit shall be removed from the public street, highway, or public parking space during the hours of non-operation.

Merchandise sales. The retail sale of merchandise related to the food truck may be permitted as an accessory to the primary sales of food.

Alcohol sales. The sale of alcoholic beverages shall be permitted when licensed in accordance with Township and State of Michigan regulations.

Enforcement.

Violation; fines. Any permit holder operating a mobile food business in violation of any provision of this article, or any rules and regulations promulgated by the Township is responsible for a municipal civil infraction and is subject to a civil fine of \$100.00 for first offence, \$300.00 for second offence and \$500.00 for the third offence and as may otherwise be published by the Township Board from time to time. Each day a violation shall constitute a separate and distinct offense.

Permit is revocable. Once a permit has been issued, it may be revoked, suspended, or not renewed by the Township for failure to comply with the provisions of this article and any rules or regulations promulgated by the Township.

Severability. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Adopted: November 20, 2023

Published: June 23, 2024

Effective: July 23, 2024

ARTICLE R 23

SECTION R 23.01 PARKING ON LAMOS ROAD AND SOUTH SHORE DRIVE

AN ORDINANCE TO REGULATE THE PARKING OF VEHICLES AND TRAILERS WITHIN FRUITLAND TOWNSHIP AS FOLLOWS: ON LAMOS ROAD AND SOUTH SHORE DRIVE AT THE INTERSECTION OF LAMOS ROAD AND SOUTH SHORE DRIVE ON THE ROAD RIGHT OF WAY ADJACENT TO THE FRUITLAND TOWNSHIP COMMUNITY BUILDING.

SECTION R 23.02 DEFINITIONS

A vehicle for the purpose of this ordinance shall be any device in, upon or by which any person or property, is or may be transported or drawn upon a highway. A trailer, for the purpose of this Ordinance, shall mean any device that is typically towed by a vehicle for the purpose of carrying a watercraft or any other objects. All distances in this ordinance are measured from the center of the applicable road.

SECTION R 23.03 PARKING REGULATIONS ON THE ROAD RIGHT OF WAY ON THE SOUTHWEST CORNER OF THE LAMOS ROAD AND SOUTH SHORE DRIVE INTERSECTION ADJACENT TO THE FRUITLAND TOWNSHIP COMMUNITY BUILDING.

- A. No person shall park any vehicle or trailer within the Lamos Road and South Shore Drive right of way adjacent to the Fruitland Township Community Building located on the southwest corner of the Lamos Road and South Shore Drive.
- B. No person shall park any vehicle or trailer within the westerly one half of the right of way of Lamos Road from a point located at the center of South Shore Drive to a point 212 feet south on Lamos Road.
- C. No person shall park any vehicle or trailer within the southerly one half of the right of way of South Shore Drive from a point located at the center of Lamos Road to a point 165 feet west on South Shore Drive.
- D. This regulatory ordinance will be enforced except on authorized and posted Voting Days.

SECTION R 23.04 PENALTIES FOR VIOLATION

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 23.05 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication.

All ordinances which are inconsistent with this ordinance are repealed.

Adopted: September 15, 2025

Published: October 9, 2025

Effective: November 8, 2025

ARTICLE R25

SECTION R 25.01 LICENSING OF USED CAR LOTS

AN ORDINANCE TO PROVIDE FOR THE LICENSING OF USED CAR LOTS, AND THE BUYING, SELLING OR DEALING IN MOTOR DRIVEN VEHICLES AND TRAILERS; TO PRESCRIBE THE AMOUNT OF ANNUAL LICENSE FEES; TO PROVIDE THE FORM OF APPLICATION FOR LICENSE; TO ADOPT RULES, REGULATIONS AND CONDITIONS FOR THE OPERATION OF USED CAR LOTS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 25.02 TITLE

This Ordinance shall be known as the Fruitland Township Used Car Lots Ordinance.

SECTION R 25.03 PURPOSE

The fundamental purpose of this Ordinance is to protect the public health, interests and general welfare of the Township of Fruitland.

SECTION R 25.04 APPLICATION FOR LICENSE

The application for such license shall be made by the applicant upon blanks to be furnished by the Township Clerk and shall contain:

- a. The full name and address of the applicant, and if the applicant be an individual, or partnership, the ages of the applicant or applicants.
- b. The business location at which such business is to be conducted.
- c. The date and number of the license issued by the Secretary of State, of the State of Michigan, authorizing the buying, selling or dealing in motor vehicles or parts thereof.
- d. The date and number of the license issued by the State of Michigan, authorizing the applicant under provisions of Act 167 of the Public Acts of Michigan of 1933, to engage in the business of selling tangible personal property at retail.
- e. The "Dealers License Plate Number" issued by the Motor Vehicle Division of the State of Michigan.

SECTION R 25.05 DEALERS LICENSE PLATES

Each licensee shall have purchased from the Secretary of State of the State of Michigan at least two sets of dealers license plates, and shall use such dealer plates on all motor vehicles not currently registered, whenever such motor vehicles are being driven upon the highways of the Township of Fruitland.

SECTION R 25.06 ANNUAL LICENSE FEES

The annual license fee shall be \$25.00 per year for each location in the Township of Fruitland and shall be payable on May 1 of each year, in advance or portions thereof.

SECTION R 25.07 INSURANCE

Each licensee shall carry a policy of Public Liability and Property Damage insurance in a company licensed to operate in the State of Michigan, conditioned to pay on behalf of the insured all sums which the insured shall become obligated to pay by reason of the liability imposed upon him by law for damages of bodily injury, including death therefrom, sustained by any person or persons caused by accident and arising out of the obligations of licensee, to a limit of liability for damages due to injuries to or death of any one person, and to a limit of \$20,000.00 covering more than one person thus injured including death therefrom in any one accident, and to pay on behalf of the insured all sums which the insured shall become obligated to pay by damages to and destruction of property caused by accident and arising out of the operation of the licensee to a limit not to exceed \$5,000.00. The Township Clerk shall be provided with a copy of such insurance policy of policies.

SECTION R 25.08 RECORD OF PURCHASE

Each licensee shall keep at the principal place of business named in the license issued to said licensee, a record of the purchase or sale of all motor vehicles sold, owned or purchased or offered by the licensee for sale, which record shall be open to the inspection of the Constable of Fruitland Township, or the Sheriff of Muskegon County, during the usual business day of each licensee, without the formality of legal process.

SECTION R 25.09 EFFECTIVE DATE AND PUBLICATION

This Ordinance shall take effect thirty (30) days after the first publication, and publication of said Ordinance shall be made by causing a true copy thereof to be inserted once in the Whitehall Forum, a newspaper circulated within said Township, which insertion shall be made within ten (10) days after the passage thereof. Within one week after the first publication as hereinafter provided the Township Clerk shall record said Ordinance in a book of Ordinances kept by him for that purpose and record the date of the passage thereof, the names of the members voting thereon and how each member voted. Said Clerk shall also under said ordinance in a blank space provided thereof, made and sign a certificate stating the date of publication thereof and the name of the newspaper in which it was published.

SECTION R 25.10 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

Passed: July 17, 1958
Published: July 24, 1958

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

ARTICLE R 26

SECTION R 26.01 SLOW – NO WAKE ZONE ON DUCK LAKE

AN ORDINANCE FOR THE CONTROL OF WATERCRAFT ON THE WATERS OF DUCK LAKE.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 26.02 SLOW – NO WAKE SPEED

On the waters of Duck Lake, Sec. 24 T11 N, R 18 W; Sec 18 and 19; T 11 N, R 17 W, Township of Fruitland, County of Muskegon, State of Michigan, west of a line beginning at a point on the north shore of Duck Lake, eight hundred (800) feet west of Lamos Road and running due south to the opposite shore, no operator of any motorboat shall exceed a slow – no wake speed, which means a very slow speed whereby the wake or wash created by the motorboat would be minimal.

SECTION R 26.03 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Published: November 26, 1969

Adopted: December 26, 1969

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE 27
SECTION R 27.01 CABLE COMMUNICATIONS ORDINANCE

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 27.02 GENERAL

SECTION R 27.03 TITLE

This chapter shall be known as the Cable Communications Ordinance.

SECTION R 27.04 PURPOSE

The purposes of this Ordinance is to:

- A. Provide for the franchising and regulation of cable television within the Township of Fruitland;
- B. Provide for a cable communications system that will meet the current needs of the Township and that can be improved and upgraded to meet future needs;
- C. Provide for the payment of fees and other valuable consideration to the Township for the use of the public ways and for the privilege to construct and operate cable communications systems;
- D. Provide for the regulation by the Township of certain rates to be charged to subscribers for certain cable communications services;
- E. Provide for the development of cable communications as a means to improve communication between and among the members of the public and public institutions of the Township; and to
- F. Provide remedies and prescribe penalties for violation of this Ordinance and any franchise granted hereunder.

SECTION R 27.05 APPLICABILITY

This Ordinance is applicable to any application for a cable franchise filed on or after the effective date of this Ordinance and to any such franchise granted thereafter and to any franchised renewed thereafter.

SECTION R 27.06 DEFINITIONS

For the purpose of this Ordinance the following terms, phrases, words, and their deviations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive. Words not defined shall be given their common and ordinary meanings.

- A. “Application” shall mean a proposal seeking authority to construct and operate a cable television system within the Township pursuant to this Ordinance. It shall include the initial proposal plus all related subsequent amendments and correspondence with the Township.
- B. “Basic service” shall mean subscriber cable television services which includes the delivery of local television broadcast signals, access channels, leased channels, and local origination channels, as covered by the regular monthly charge paid by all subscribers to any service tier, excluding premium services, two-way services and FM radio services.
- C. “Cable Commission or Commission” shall mean a governmental or an intergovernmental authority that may be established by local legislative action that shall have the authority to police the provisions of an Agreement and make recommendations for enforcement or improvement on behalf of the Township in an advisory manner. “Cable Commission” and “Commission” may include the Township.
- D. “Cable television services” shall mean the one-way transmission of video programming and associated non-video signals to subscribers together with subscriber interaction, if any, which is provided in connection with the video programming.
- E. “Cable communications system” shall mean a non-broadcast facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers cable television services, institutional services, or other communications services, but such term shall not include:
 - 1. a facility or combination of facilities that serves only to retransmit the television signals of one or more television broadcast stations;
 - 2. a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities use any public right-of-way;
 - 3. a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or
 - 4. any facilities of any electric utility used solely for operating its electric utility system.
- F. “Connection” shall mean the attachment of the drop to the radio or television set or other communications device of the subscriber.

- G. “Construction, Construction is Completed, Construction has been Completed, and Construction shall be Complete” shall mean that strand has been put up and all necessary cable, including trunk and feeder cable, has been lashed; for underground construction, that all cable has been laid and trenches refilled, all road surfaces restored and, except as prevented by weather conditions or delayed because of seasons, landscaping restored, that all amplified housings and modules have been installed, including modules for return path signals if proposed, that power supplies have been installed and all bonding and grounding has been completed; that all necessary connectors, splitters, and taps have been installed; that construction of the head ends or hubs has been completed and all processing equipment has been installed; and that any and all other construction necessary for the system to be ready to deliver cable television service to subscribers in a safe and reliable manner has been completed consistent with the terms of this Franchise and industry standards. The term “completion of construction” does not include marketing and installation of subscriber service.
- H. “Council” shall mean the governing body of the Township of Fruitland.
- I. “Dedication” shall mean those dedications and easements for public roadways and utilities and other rights of way maintained for the benefit of the public and controlled by the Township; the terms, conditions, or limitations of which are not inconsistent with the erection, construction, or maintenance of a cable television system, its structures, or equipment.
- J. “Drop” shall mean the cable that connects a subscriber’s premises to the nearest feeder line of the cable system.
- K. “Easement” shall mean a right to use all public rights of way, including public utility easements.
- L. “Feeder Line” shall mean the coaxial or fiber optic cable running from the trunk line to line extenders and taps for the purpose of interconnecting with individual subscribers.
- M. “FCC” shall mean the Federal Communications Commission or any legally appointed or designated agent or successor.
- N. “File” shall mean the delivery, by mail or otherwise, to the appropriate office, officer, or agent of the Township of any document or other instrument which this Agreement requires the Grantee to file with the Township. The date of receipt by the Township shall be considered the file date.
- O. “Force majeure” shall mean acts of God, strikes, acts of a public enemy, wars, blockades, insurrections, riots, unusual delays in transportation, reasonable inability of Grantee to procure materials, and earthquakes or any other natural causes beyond Grantee’s reasonable control and which could not have been reasonably anticipated. The settlement of strikes or labor disturbances shall be entirely within the discretion of the party having the difficulty. Any requirement

that force majeure shall be remedied with all reasonable dispatch shall not require settlement by acceding to the demands of the opposing party or parties when such course is inadvisable in the discretion of the party having the difficulty.

- P. “Franchise” shall mean the nonexclusive right and authority to construct, maintain, and operate a cable communications system through use of the public streets, dedications, public utility easements, other public rights of way, or public places in the Township pursuant to a contractual agreement executed by the Township and a Grantee.
- Q. “Gross revenues” shall mean all revenue from the cable communications system derived directly or indirectly by Grantee, its affiliates, subsidiaries, parent, and any other person in which Grantee has a financial interest in association with the provisions of cable communications services within the Township. Gross revenues shall include, but not be limited to, basic service monthly fees, institutional service fees, program service fees, installation, studio rental, production equipment and personnel fees, reconnection fees, leased channel fees, converter rentals, advertising revenues, and copyright fees. Gross revenues shall also include, value at retail price levels, the value of any goods, services, or other enumeration in non-monetary form, received by Grantee or other described above in consideration of performance by the Grantee or others described above any advertising or other service in connection with the cable system. Gross revenues shall not include any taxes on services furnished by Grantee payable to the State of Michigan or any other governmental unit and collected by Grantee on behalf of said governmental unit, or any revenues from the provision of cable communications services outside the Township.
- R. “Installation” shall mean the connection of the system at the subscriber’s premises.
- S. “Person” shall mean an individual or legal entity, such as a corporation or partnership.
- T. “Premium service” shall mean pay television offered on a per channel or per program basis.
- U. “Service tier” shall mean a specific set of cable subscriber services which are made available as, and only as, a group for purchase by subscribers at a separate rate for the group.
- V. “Street” or “public way” shall mean the surface of and the space above and below any public street, road, highway, path, sidewalk, alley, court, or easement now or hereafter held by the Township for the purpose of public travel or public utilities and shall include public easements or rights of way.
- W. “Subscriber” shall mean a recipient of cable communications services or other services provided over a cable communications system.

- X. "Township" is the Township of Fruitland, Michigan. "Township" may include "Cable Commission" or "Commission".
- Y. "White Lake Area" shall mean all those governmental units in the vicinity of White Lake; specifically the City of Montague, City of Whitehall, Blue Lake Township, Fruitland Township, Montague Township, Whitehall Township, and White River Township.

SECTION R 27.07 AUTHORITY

SECTION R 27.08 REQUIREMENT OF A FRANCHISE

It shall be unlawful to construct, install, maintain or operate a cable communications system or part of a cable communications systems or part of a cable communications system within the Township without a valid franchise obtained pursuant to the provisions of this Chapter.

SECTION R 27.09 TERM

The term of a franchise shall be as specified in the franchise agreement, but it shall not exceed a period of fifteen (15) years.

SECTION R 27.10 USE OF PROPERTY

- A A Franchise grants to Grantee the authority to use the Township's public streets, sidewalks, easements, and other rights of way for the purposes of this Agreement. No property right is bestowed by a franchise.
- B. A franchise shall authorize the use of the public ways for installing cables, wires, lines, and other facilities in order to operate a cable television communications system but shall neither expressly nor impliedly be deemed to authorize the Grantee to provide service to, or, install cables, wires, lines, or any other equipment or facilities upon private property without an applicable easement or the owner's consent, or to utilize publicly or privately owner utility poles or conduits without a separate agreement with the owners thereof.

SECTION R 27.11 NON-EXCLUSIVE

The grant of authority for use of the Township's public streets, sidewalks, easements, and other rights of way is not exclusive and does not establish priority for use over other franchise holders, permit holders, or the Township's own use of public property. A Grantee shall respect the rights and property of the Township and other authorized users of public streets, sidewalks, easements, and rights of way. Disputes over the use of the public streets, sidewalks, easements, and other rights of way shall be submitted to the Township for resolution, which decision shall be final.

SECTION R 27.12 FRANCHISE APPLICATIONS

SECTION R 27.13 FILING OF APPLICATIONS

Applications for a cable television franchise will be considered pursuant to the following procedures:

- A. An application may be filed at any time or pursuant to a request for proposals (RFP) issued by the Township.
- B. The Township may request additional information from an applicant for a franchise at any time.
- C. All applications to be acceptable for filing must be accompanied by a filing fee of \$1,000. The Township shall apply all filing fees received against all costs associated with its evaluation of any pending application. In the event that total costs are less than total filing fees, the Township shall refund a portion of the filing fee.

SECTION R 27.14 CONTENT OF APPLICATIONS

To be acceptable for filing, an application must conform to any applicable RFP and all the information specified therein. Where an application is not filed pursuant to an RFP, it shall contain, at minimum, the following information:

- A. Identification of the ownership of the applicant, if not a natural person, including the names and addresses of all persons with one (1) percent or more ownership interest and the ultimate controlling natural persons and identification of all officers and directors and any other primary business affiliation of each.
- B. An indication of whether the applicant, or any entity controlling the applicant, including any officer of a corporation or major stockholder thereof, has been adjudged bankrupt, has had a cable franchise revoked, or been found guilty by any court or administrative agency in the United States of: (1) a violation of a security or antitrust law; or (2) a felony or any other crime involving moral turpitude. Identify any such person or entity and fully explain the circumstances.
- C. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed cable facility.
- D. A description of the physical facility proposed, including channel capacity (one-way and two-way if any), the area to be served, a summary of technical characteristics and headend and access facilities.
- E. A description of how any construction will be implemented, identification of areas having above ground or below ground cable facilities, the proposed construction schedule and a description (where appropriate) of how service will be converted from any existing facility to a new facility.

- F. A description of the services to be provided over the system, including identification of television signals (both broadcast and non-broadcast) to be carried and all non-television services to be provided initially. Where service will be offered by tiers, identify the signals and/or services to be included on each tier.
- G. The proposed rates to be charged, including rates for each service tier, as appropriate, and charges for installation, converters and other services.
- H. Information as necessary to demonstrate compliance with all relevant requirements contained in this Chapter.
- I. A demonstration of how the proposal is reasonable to meet the future cable-related community needs and interests. In particular, the application should describe how the proposal will satisfy the needs as analyzed in any recent community needs assessment commissioned by the Township.
- J. A demonstration that the proposal is designed to be consistent with all federal and state requirements.
- K. Pro forma financial projections for each year of the Franchise term. The projections shall include a statement of income, balance sheet, statement of sources and uses of funds and schedule of capital additions. All significant assumptions shall be explained in notes or supporting schedules that accompany the projections.
- L. A complete list of all cable communications systems in which the applicant, or a principal thereof, holds an equity interest.
- M. An affidavit of the applicant or duly authorized officer thereof, certifying, in a form acceptable to the Township, the truth and accuracy of the information contained in the application and acknowledging the enforceability of application commitments.
- N. In the case of an application by an existing franchisee for a renewed franchise, a demonstration that said franchisee has substantially complied with the material terms of the existing franchise and with the applicable law.
- O. Other information that the Township, or its agents, may request of the applicant.

SECTION R 27.15 APPLICANT REPRESENTATIVES

Any person who files an application with the Township for a cable television franchise shall forthwith, at all times, disclose to the Township, in writing, the names, addresses and occupations of all persons who are authorized to represent or act on behalf of the applicant in those matters pertaining to the application. The requirement to make such disclosure shall continue until the Township shall have rejected an applicant's application or until an applicant withdraws its application.

SECTION R 27-16 CONSIDERATION OF APPLICATIONS

- A. The Township will consider each application for a franchise where the application is found to be acceptable for filing and in substantial compliance with the requirements of this Chapter and any applicable RFP. In evaluating an application, the Township will consider, among other things, the applicant's past service record in other communities, the nature of the proposed facilities and services, proposed rates and whether the proposal would adequately serve the public needs and the overall interests of the citizens of the Township. Where the application is for a renewed franchise, the Township shall consider whether: (1) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law; (2) the quality of the operator's service, including signal quality, response to consumer complaints and billing practices (but without regard to the mix, quality or level of cable services or other services provided over the system) has been reasonable in light of community needs; (3) the operator has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in the operator's proposal; and (4) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interest.

- B. Where the Township determines that an applicant's proposal, including the proposed service area, would serve the public interest, it may grant a franchise to the applicant. The franchise agreement will constitute a contract, freely entered into, between the Township and the grantee. Said franchise agreement shall incorporate by reference the relevant provisions of this Chapter. Any such franchise must be approved by Ordinance of the Council.

- C. In the course of considering an application for a renewed franchise, the Council shall hold a public hearing, following at least 14 days prior notice, in which the public and the franchisee seeking renewal shall be offered an opportunity to speak, offer evidence and question witnesses. A recording shall be made of such hearing. Based on the record of such hearing and the application (including any negotiations relative thereto), the Council shall determine whether to grant a renewed franchise and shall issue a written opinion stating the reasons for its decision.

- D. A franchise granted pursuant to this Chapter shall not take effect until the applicant pays a grant fee to the Township. The grant fee shall be equal to the Township's direct costs in the franchising process less the application filing fees received. The Township shall provide to the grantee a statement summarizing such costs prior to the execution of the franchise.

SECTION R 27.17 ACCEPTANCE

A franchise and its term and conditions shall be accepted by a grantee by written instrument, in a form acceptable to the Township Attorney and filed with the Township within thirty (30) days after the granting of the franchise by the Township. In its acceptance, the grantee shall declare that it has carefully read the terms and conditions of this Ordinance and the franchise and accepts all of the terms and conditions of this Ordinance and the franchise and agrees to abide by same.

In accepting a franchise, a grantee shall indicate that it has relied upon its own investigation of all relevant facts, that it was not induced to accept the franchise and that it accepts all reasonable risks related to the interpretation of the franchise.

SECTION R 27.18 FRANCHISE CONDITIONS

SECTION R 27.19 NON-TRANSFERABILITY OF RIGHTS

- A. A franchise issued pursuant to this Chapter shall not be sold, assigned, transferred, leased, or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger, consideration, or otherwise hypothecated in any manner, nor shall title thereto, either legal or equitable, or any right, interest, or property therein pass to or vest in any person or entity, or the controlling interest in any corporation holding a franchise hereunder be changed, without the prior consent of the Township, which shall not be unreasonably withheld. Such a transfer of control is not limited to major interest holders but includes actual working or de facto control by minor interest holders in whatever manner exercised. Every change, transfer, or acquisition of control of Grantee shall make the Franchise subject to cancellation unless and until the Township shall have consented. Change in control by virtue of inheritance shall not come into the provisions of this section. A rebuttable presumption that a change in controlling interest has occurred shall arise upon the acquisition or accumulation by any person or group of persons of five (5%) percent of the voting shares of the Grantee, except where such person or group of persons own fifty (50%) or more of the voting stock, singularly or collectively, before such acquisition or accumulation,
- B. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the Township may inquire into all qualifications of the prospective controlling party, and Grantee shall assist the Township in any such inquiry. The Township may require any reasonable conditions which it deems necessary at the time of review to ensure that the cable communications system will comply with the provisions of this Agreement for the balance of the term of the Franchise.
- C. Any unauthorized transfer in violation of this section shall be deemed a material breach in default of this Agreement and shall subject the Grantee to all applicable penalties and to all other remedies, legal and equitable, which are available to the Township.
- D. Grantee shall notify the Township of any occurrence which constitutes an unauthorized transfer under this Article, or of the entry of any judgment, petition, or order described in this Article, within four (4) days of the occurrence of such event.

SECTION R 27.20 LETTER OF CREDIT

- A. Before commencing any construction, Grantee shall deposit with the Township a cash bond of Letter of Credit from a financial institution chosen by the Grantee and approved by the Township in the amount of Five Thousand Dollars (\$5,000). The Letter of Credit may not be revoked or terminated until completion of the system plus an additional sixty (60) days except with written approval of the Township. Thereafter a Two Thousand Five Hundred Dollars (\$2,500) cash bond shall be maintained. The form and content of

such cash bond or Letter of Credit shall be approved by the Township Attorney. The cash bond or Letter of Credit shall be used to insure the faithful performance of Grantee of all provisions of this Chapter, compliance with all orders, permits, and directions of any agency, authority, board, department, division, or office of the Township having jurisdiction over its acts or defaults under the license, and the payment by Grantee of any costs, claims, liens, liquidated damages, and taxes due the Township which arise by reason of the construction, operation, or maintenance of the system, or breach or termination of the franchise.

- B. If grantee fails to make timely payments to the Township or its designee of any amount due, or fails to make timely payment to the Township of any taxes due, or fails to repay the Township for damages, costs, or expenses which the Township shall be compelled to pay by reason of any default of Grantee, or fails to comply with any provisions this Franchise which the Township reasonably determines can be remedied by the draw on the irrevocable Letter of Credit, the township may draw upon the Letter of Credit in the amounts sufficient to repay the Township, with interest and any penalties, plus costs and reasonable attorney fees incurred thereby.
- C. Not later than thirty (30) days after the mailing of notification to Grantee of drawing pursuant to the above subsections, the Grantee shall cause the Letter of Credit to be restored to the full amount required hereby. Failure to effect timely restoration of the Letter of Credit shall constitute a material breach of this Chapter and the Franchise.
- D. Upon termination of the Franchise, the Letter of Credit shall be delivered to the Grantee within ninety (90) days of such termination, provided there are not outstanding defaults on the part of the Grantee which results or may result in assessment of liquidated damages. The remainder of the Letter of Credit, less such assessment, shall be forthwith delivered to Grantee.
- E. The rights reserved to the Township with respect to the Letter of Credit are in addition to all other rights of the Township, whether reserved by this Agreement or related documents or authorized by law, and no action, proceeding, or exercise of a right with respect to such Letter of Credit shall affect any other right the Township may have.
- F. Failure to deposit said Letter of Credit as required above, or the failure to maintain said Letter of Credit, in the full amount required hereby in effect during the entire term of this Agreement, and of any renewal or extension thereof, shall constitute a material breach of this Agreement.

SECTION R 27.21 INSURANCE AND INDEMNITY

- A. After the granting of the Franchise and following simultaneously with the filing of the acceptance of the Franchise and prior to the commencement of construction and at all times during the term of the Franchise, Grantee shall obtain and deliver to the Township, written evidence of payment of premiums for and the originals or duplicate originals of the following:

1. A general comprehensive public liability or policies indemnifying, defending, and holding harmless the Township, its officials, boards, authorities, agents, and employees from and against all claims by any person whatsoever, including the costs, defense costs, attorney fees, and interest arising therefrom, on account of injury to or death of a person or persons occasioned by the operations of the Grantee under the Franchise herein granted, or alleged to have been so caused or occurred, with a minimum liability of One Million Dollars (\$1,000,000.00) per person injury or death of any one (1) person and in any one (1) accident or occurrence.
 2. A property damage insurance policy or policies indemnifying, defending, and saving harmless the Township, its officials, boards, authorities, agents, and employees from and against all claims by any persons whatsoever, including the costs, defense costs, attorney fees and interest arising therefrom, for property damage occasioned by the operation of the Grantee under the Franchise herein granted, or alleged to have been so caused or occurred, with a minimum liability of Five Hundred Thousand Dollars (\$500,000.00) for property damage to the property of any one (1) person in any one (1) accident or occurrence.
- B. All insurance policies called for herein shall be in a form reasonably satisfactory to the Township Attorney.
- C. Failure to comply with the provisions of this section shall constitute a material breach of this Chapter and the Franchise.

SECTION R 27.22 PAYMENT OF FEES AND COSTS

- A. Grantee in consideration of the privilege granted under this Franchise of the use of public ways and the privilege to construct and operate a cable television system, shall pay the Township not more than five percent (5%) of its total revenues for the entire term of this Franchise.
- B. Grantee shall file with the Township, by the end of each year, a financial statement showing the total revenues received by Grantee during the preceding calendar year. Grantee shall pay the yearly portion of the Franchise fee to the Township on or before the time such financial statement is due to be filed. Grantee shall also file, no later than one (1) month after the end of its fiscal year, a statement of its total basic service revenues for the preceding fiscal year, audited by an independent public accountant, certified in the State of Michigan, if so requested by the Township. Grantee shall bear the cost of such audit. Any Franchise fee payment in adjustment for any shortfall of the total annual payment for the year shall be made at that time. Adjustments for any overpayment shall be by credit to subsequent yearly payments.
- C. In the event the Franchise is revoked or otherwise terminated prior to its expiration date, the Grantee shall file with the Township, within ninety (90) days of the date of revocation or termination, an audited financial statement showing the gross revenues received by the Grantee since the end of the previous year and shall make adjustments at that time for the franchise fees due up to the date of revocation or termination.
- D. Nothing in this Ordinance or franchise agreement shall limit the Township's authority to tax Grantee.

- E. No acceptance of any payment shall be construed an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the Township may have for further or additional sums payable under the provisions of this Ordinance or franchise agreement. All amounts paid shall be subject to auditing and revision by the Township.
- F. Failure to comply with this section shall constitute a material breach of the Ordinance or franchise agreement and shall subject the Grantee to all measures, legal or equitable available to the Township.

SECTION R 27.23 FORFEITURE AND TERMINATION

In addition to all other rights and powers retained by the Township under this Ordinance and any franchise issued pursuant thereto, the Township reserves the right to forfeit and terminate the franchise and all rights and privileges of the franchisee, with reasonable cause, by majority vote of the Council after at least 30 days prior written notice, with reasons if any, and an opportunity to appear and make arguments at a public hearing.

SECTION R 27.24 FORECLOSURE

- A. Upon the foreclosure or other judicial sale of all or a substantial part of the cable communications system facilities, or upon the termination of any lease covering all or a substantial part of the cable communications system, or upon the occasion of additional events which effectively cause termination of the systems operation, Grantee shall notify the Township of such fact and such notification or the occurrence of such terminating events shall be treated as a notification that a change in control of the Grantee has taken place, and the provisions of this Agreement governing the consent of the Township to such change in control of Grantee shall apply.
- B. In the event that a secured creditor of the Grantee forecloses upon the Grantee's interest in the system and proceeds to operate the system by receivership or otherwise, such action shall not be deemed grounds for termination of the franchise agreement.

SECTION R 27.25 RECEIVERSHIP

- A. The Township shall have the right to cancel this Franchise one hundred twenty (120) days after the appointment of a receiver to take over and conduct the business of Grantee, unless such receivership shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:
 - 1. Within one hundred twenty (120) days after the election or appointment, such receiver shall have fully complied with all of the provisions of this Franchise and remedies and defaults thereunder; and
 - 2. Within said one hundred twenty (120) days, such receiver shall have executed an agreement, duly approved by the court having jurisdiction, whereby such receiver assumes and agrees to be bound by each every provision of this Franchise as granted to Grantee except where expressly prohibited by Michigan law.

- B. Grantee shall immediately notify the Township in writing if:
1. Grantee files a voluntary petition in bankruptcy, a voluntary petition to reorganize its business, or a voluntary petition to effect a plan or other arrangement with creditors;
 2. Grantee files an answer admitting the jurisdiction of the Court and the material allegations of an involuntary petition filed pursuant to the Bankruptcy Code, as amended; or
 3. Grantee is adjudicated bankrupt, makes an assignment for the benefit of creditors, or applies for or consents to the appointment of any receiver or trustee of all or any part of its property including all or any part of the cable system.
- C. In the event that a secured creditor of the Grantee forecloses upon the Grantee's interest in the system and proceeds to operate the system by receivership or otherwise, such action shall not be deemed grounds for termination of the franchise agreement.

SECTION R 27.26 REMOVAL OF CABLE COMMUNICATION SYSTEM

At the expiration of the term for which the Franchise issued hereunder is granted or upon its termination as provided herein, Grantee shall, within one hundred eighty (180) days after notice by the Township, remove at its own expenses all designed portions of the cable communications system from all streets and public ways within the Township and shall restore said streets and public ways to their former condition. Grantee shall have the right to sell the physical plant to a subsequent Grantee, subject to Township approval, in which case said plant need not be removed. If Grantee fails to remove all facilities within one hundred eighty (180) days after notice by the Township, the Township may perform the work at Grantee's expense or assume ownership of any and all of Grantee's physical properties not properly removed in accordance with this section.

SECTION R 27.27 RATES

- A. The initial rates which the Grantee shall charge shall not be increased for a period of two (2) years from the date of granting of a Franchise or renewal.
- B. The Township reserves the right to reasonably regulate by ordinance or resolution the rates for any service or equipment, as allowed by state and federal law. Such rates and charges subject to regulation shall be just and reasonable, considering Grantee's costs, including reasonable return on investment over the remaining term of the Franchise, and shall not give preference or advantage to any subscriber or class of subscribers. Fees and charges subject to regulation by the Township pursuant to state and federal law shall not be increased without prior approval of the Township. The Township shall promptly respond to any request for an increase in fees and to charges subject to such regulation.
- C. Rates and charges not regulated by the Township may be changed by Grantee following a minimum thirty (30) days prior written notice to the Township and each subscriber.

SECTION R 27.28 RECORDS

Grantee shall maintain a complete set of books and records within Muskegon County. Upon reasonable notice to Grantee, the Township will have the right to inspect all records relating to cable operations pursuant to the Franchise at any time during normal business hours.

SECTION R 27.29 PUBLIC DROPS

- A. Grantee shall provide, without charge, one (1) drop to any four (4) school district buildings and to any four (4) municipal buildings as determined by the District and Township. Grantee shall furnish public drops with two-way modulators limited to the public governmental/school access channel. A character generator, purchased by the Cable Commission, shall be installed by Grantee at a location and time to be determined by the Commission with an additional unit provided to the School District if a second public access channel is provided.
- B. The cable television system installed by Grantee shall include an emergency alert audio override capability which will permit designated officials of the Commission to override by remote control the audio of all channels for the purposes of public notification of emergency conditions only. The Commission shall pay for all costs, excluding installation and the monthly dedicated phone line charge which shall be paid for by Grantee, associated with the emergency alert audio override.

SECTION R 27.30 PARENTAL CONTROL

Grantee shall provide subscriber controlled lock out devices, audio and visual, at no additional cost to subscribers upon their request. These devices should provide the greatest degree of parental discretion and control. The Township may designate by resolution specific devices by brand and model and may revise its designations as improved devices become available.

SECTION R 27.31 ADMINISTRATION

SECTION R 27.32 SERVICE OF NOTICE

- A. All notices required to be given to the Township under any provision of this Agreement shall be in writing and shall be deemed served when delivered by hand or mailed by certified mail, return receipt requested, to the Township Clerk.
- B. All notices required to be given to the Grantee under any provision of this Agreement shall be in writing and shall be deemed served when delivered by hand or mailed by certified mail, return receipt requested, to Grantee's address for service of notice.
- C. Grantee shall maintain within the White Lake area an office and address for service of notice by mail.

SECTION R 27.33 SEVERABILITY

Should any section of this Chapter, or any portion thereof, be held invalid, unconstitutional, preempted, or otherwise rendered unenforceable by any court of competent jurisdiction, legislation, or administrative agency, any such partial invalidity of this Chapter shall not effect the remaining portions hereof.

SECTION R 27.34 LOCAL REGULATORY FRAMEWORK

The Township Council may establish a governmental or intergovernmental Cable Television Commission consisting of a minimum of three (3) persons having authority to act for and on behalf of the Township in an advisory capacity any matters relating to the administration of this Franchise. The Legislative Body may increase or decrease the number of Commission members, or change the membership of the Commission, or alter the authority and power of such Commission from time to time as it may deem necessary and desirable. The Grantee shall cooperate with the Commission in respect to those matters and powers vested within it as set forth by the Legislative Body.

Effective date. This Ordinance shall take effect immediately after publication.

Adopted: December 16, 1996

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE R 28

SECTION R 28.01 LICENSING ORDINANCE: SELLING BEER, WINE OR SPIRITS

AN ORDINANCE ESTABLISHING PROCEDURE AND STANDARDS RE: LICENSE TO SELL BEER AND WINE OR SPIRITS:

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 28.02 APPLICATION FOR NEW LICENSE

- A. Application: Applications for license to sell beer and wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:
1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
 2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
 3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
 4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
 5. The location and description of the premises or place of business which is to be operated under such license.
 6. A statement whether applicant has ever been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or the laws of the State of Michigan.
 7. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the Township in the conduct of its business.
 8. The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

SECTION R 28.03 RESTRICTIONS OF LICENSE

No license shall be issued to:

- A. A person whose license, under this Ordinance has been revoked for cause.

- B. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- C. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- D. A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- E. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- F. A person who has been convicted of a violation of any federal or state law concerning the manufacturer, possession or sale of alcoholic liquor.
- G. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable zoning regulations or applicable public health regulations.
- H. For any premises unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
- I. For premises where it determined by a majority of the Board that the premises do not or will not reasonably soon after commencement of operation have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control.
- J. Where the Board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed commercial areas, in preference to isolated undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

SECTION R 28.04 TERM OF LICENSE

Approval of a license shall be for a period as fixed by the Michigan Liquor Control Commission following issuance. Approval of a license shall be with the understanding that any necessary remodeling of new construction for the use of the license shall be commenced within six (6) months of the action of the Township Board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

The Township Board shall grant a public hearing upon the license application. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination on forms approved by the Michigan Liquor Control Commission.

SECTION R 28.06 REQUEST FOR REVOCATION:

A. Procedure: Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license-holder, by first class mail, mailed not less than ten (10) days prior to hearing with notice of a hearing, which notice shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of hearing.
4. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following hearing, the Township Board shall submit to the license-holder and the Commission a written statement of its findings and determination.

B. Criteria for Revocation: The Township Board shall recommend revocation of a license upon a determination by it that is based upon a preponderance of the evidence presented at a hearing, that either of the following exist:

1. Violation of any of the restrictions on licenses set forth herein; or,
2. Maintenance of a nuisance upon the premises.

SECTION R 28.07 SEVERABILITY

Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance.

SECTION R 28.08 EFFECT

This Ordinance shall take effect thirty (30) days after publication. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: November 16, 2020

Published: December 6, 2020

Effective: January 5, 2021

ARTICLE R 29

SECTION R 29.01 SLOW – NO WAKE ZONE ON WHITE LAKE

AN ORDINANCE FOR THE CONTROL OF WATERCRAFT ON THE WATERS OF WHITE LAKE

THE TOWNSHIP OF FRUITLAND ORDAINS:

That the following ordinance be in effect as provided by the Department of Natural Resources Law Enforcement Division Special Local Watercraft Ordinance

WC-61-92-001 Government Channel and White Lake, Slow – no wake speed.

SECTION R 29.02 SLOW – NO WAKE SPEED

On the waters of White Lake, Section 2 T11N R18W, White River and Fruitland Townships, Muskegon County, beginning at the westerly end of Governmental Channel to White Lake at the centerline of said channel; thence northerly and westerly along the shore of White Lake to a point on Indian Point which is due North of light number 5; thence due south to light number 5; thence 210 degrees north Azimuth to the shore of White Lake; thence along said shore northwesterly to the point of beginning, it is unlawful for the operator of a vessel to exceed a slow -no wake speed.

SECTION R 29.03 BUOYS

The boundaries of the line described immediately above shall be marked with signs and with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System.

SECTION R 29.04 EFFECTIVE DATE

This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted: March 16, 1992

Published: March 23, 1992

Replaces Fruitland Township Ordinance 20-5-0 Slow – No Wake on White Lake

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE R 31

SECTION R 31.01 WHITE LAKE CHANNEL LIFE RING ORDINANCE

An ordinance to regulate the use of life rings at the White Lake Channel.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 31.02 UNAUTHORIZED REMOVAL PROHIBITED

Life rings placed at the White Lake Channel by Fruitland Township shall not be removed or disturbed from their receptacle, except in the case of a bona fide emergency or when authorized to do so by the township board.

SECTION R 31.03 PENALTIES

Any person or persons who violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a maximum fine of \$500 and/or shall serve up to 90 days in the Muskegon County jail at the discretion of the court.

SECTION R 31.04 CERTIFICATION

The Township Clerk shall certify to the adoption of this ordinance and cause it to be published.

SECTION R 31.05 EFFECTIVE DATE

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

Adoption Date: July 19, 1999

Publication Date: July 26, 1999

Effective Date: August 24, 1999

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE R 40

SECTION R 40.01 ORDINANCE TO ADOPT BUILDING CODES

ORDINANCE TO CONFIRM ADOPTION OF THE MICHIGAN RESIDENTIAL, BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING AND ENERGY CODES AND TO REPEAL THE 1997 UNIFORM BUILDING CODE, 1996 NATIONAL ELECTRICAL CODE, 1997 INTERNATIONAL PLUMBING CODE AND 1996 INTERNATIONAL MECHANICAL CODE.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

1. On December 28, 1999 the State of Michigan adopted Public Act 245 of 1999. Public Act 245 amended the State Construction Code Act ("Act") to provide for a single set of construction codes throughout Michigan. Pursuant to Notices of Adoption previously provided to the Michigan Bureau of Construction Codes, Fruitland Township has confirmed that it will administer and enforce all of the construction codes adopted by the State of Michigan.
2. All ordinances inconsistent with the provisions of this ordinance, including, but not limited to, Ordinance No. 100-29 adopted June 20, 2000 and Ordinance Nos. 100-16, 100-17 and 100-18 adopted on September 15, 1997, are hereby repealed.
3. The township clerk shall certify that the adoption of this ordinance and cause it to be published.
4. To the extent that this ordinance adopts state law, it shall become effective on the dates set forth under state law. Otherwise, this ordinance shall take effect July 31, 2001.
5. This ordinance was adopted on July 16, 2001 at a regular meeting of the Fruitland Township Board.

Adoption Date: July 16, 2001

Publication Date: July 23, 2001

Effective Date: July 31, 2001

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE R 41

SECTION R 41.01 BUILDING DEPARTMENT, PERMITS, FEES AND PENALTIES

AN ORDINANCE TO CREATE THE BUILDING DEPARTMENT OF THE TOWNSHIP OF FRUITLAND, ESTABLISHING THE PROVISION FOR A BUILDING INSPECTOR AND STAFF, RULES AND REGULATIONS GOVERNING THE CONDUCT OF THE DEPARTMENT, FEES AND VIOLATIONS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 41.02 BUILDING DEPARTMENT

- A. The Department of Building of the Township of Fruitland is hereby created. It shall be in charge of a Building Inspector who shall be appointed by and responsible to, the Township Board and who shall receive such salary or compensation as said Board shall fix and determine.
- B. Said Building Inspector shall be enforcing officer of this Ordinance and shall give bond in the sum of ten thousand dollars (\$10,000) to said Township, signed by a surety company authorized to do business with the State of Michigan conditioned that he will faithfully discharge the duties that are now or may herein after be imposed on him and all liability that shall accrue by reason of his office. Said bond shall be approved by the Township Board and the cost thereof shall be borne by the Township. Said Building Inspector shall issue or cause to be issued all permits or notices, keeping a record of all such proceedings, and shall pass on all questions arising under this Ordinance and the laws and the Ordinance in force in the Township of Fruitland relating to the subject matter contained in this Ordinance, and in the case of dissatisfaction because of his decision the question in dispute may be referred to the Board of Appeals as herein after provided.
- C. The Township Board may appoint additional Inspectors to the Building Department as it may consider necessary from time to time to better fulfill the purposes of this Ordinance. They shall be responsible to the Board through the Building Inspector.
- D. The terms of office of each appointed Inspector shall not exceed a period of one year beginning each April 1st and shall be renewed with thirty (30) days notice each year at the discretion of the Township Board. The compensation shall be fixed by the Township Board. Duties shall be as determined by this Ordinance or as by direction of the Township Board. Duties shall include ex-officio membership, without vote, on the Township Board.
- E. Nothing in this Ordinance shall be considered in a manner to prevent the Township Board from entering into a contract with a qualified person to perform specific inspections tasks for which he or she is so qualified and for which an appropriate bond has been furnished.

SECTION R 41.03 WORK PERMITS

A. Any person or persons that wish to erect, alter or change in any way any building or other structure within the township, except for construction involving only minor repairs and alterations of a total appraised value not to exceed six hundred (\$600) that does not conflict with this ordinance, shall first apply at the office of the Building Inspector for a permit to do the work desired by completing such forms, making such certifications, filing such data, plans and specifications in duplicate as are reasonably required for the purpose of obtaining a clear understanding that the work contemplated will be complete in compliance with all requirements of this Ordinance and other applicable law. After receiving such forms, certifications, data, plans and specifications, the Department shall retain and file copies in the office of the Building Inspector who shall take such time as necessary to examine the same, not to exceed three (3) working days, and if he finds that the work contemplated is in compliance with this Ordinance and other applicable law, he may issue a work permit therefor. All work permits and inspection cards provided for in this ordinance shall be kept on or at the structure or work site so that they may be inspected by the proper officers of the Township; and such work permits shall be null and void if actual work is not begun on the premises within ninety (90) days from the date of issuance of the work permit.

B. REPEALER

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

C. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication. This ordinance was duly adopted on May 15, 2000 at a regular meeting of the Fruitland Township Board.

SECTION R 41.04 VIOLATIONS OF ORDINANCE

If the Building Inspector finds that any person, firm or corporation violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance, or aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense. The violation will be considered to begin to exist when the Building Inspector finds evidence of non-compliance, at which time he will revoke any work permits that have been issued and/or notify the owner, agent, or contractor, in writing by registered mail at the address of record, that such violation of the ordinance is considered to exist. At this time, any and all activity considered to be in violation of this ordinance must be stopped and any condition in violation of the ordinance must be corrected.

SECTION R 41.05 REPAIRS

Repairs, the appraised value of which shall not exceed one thousand dollars (\$1,000) to lawful buildings or structures may be made without obtaining a work permit or paying any fee therefor provided such repairs shall not conflict with any restriction or requirements of this Ordinance. Any structure or building to be repaired must be in conformity or made to conform during the repair with the building, electrical, plumbing and fire codes, as provided in this Ordinance, or as amended.

SECTION R 41.06 SURVEY REQUIREMENTS

In the case of new construction, no permits shall be issued to any person or persons where the lot or property line or lines are unknown. A registered survey or plat will be required with lot lines clearly related to identifiable landmarks and to the new construction. The owner shall where the lot or property lines are unknown in an identifiable manner and the new construction truly located have same surveyed at owner's expense.

SECTION R 41.07 FEES

Building permit fees will be established by the Township Board or as provided for in the Township Building Code of current adoption. Building permits fees to stay at the 1988 schedule.*

SECTION R 41.08 MOVING A BUILDING

Any person desiring to move a building to a location within the Township limits shall file a written application with the Building Inspector therefor who, if the work is feasible, may issue a permit therefor which shall become valid when the proper bond of two thousand dollars (\$2,000) has been filed with the Township Board and approved by it. The permit shall state the streets or alleys along which removal shall be made. No building shall be moved into the Township of Fruitland or from one zoning district into another unless such building complies or is made to comply with the said zoning district requirements and the building, electrical, plumbing and fire codes as set forth elsewhere. The owner or contractor moving such building shall obtain all additional governmental permits as may be required, cause written notice thereof be given the telephone and power companies and others whose property may be affected by such removal and make all necessary arrangements for such removal with such parties. The fee shall be based on the estimated cost of the moving according to the building permit fee schedule.

ADOPTED: October 21, 1991

Published: October 28, 1991

Effective Date: January 2, 1992

*Changes made 10/21/91

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

Amended: February 18, 2025
Published: February 25, 2025
Effective: March 27, 2025

ARTICLE R 42

SECTION R 42.01 DESIGNATE AN ENFORCEMENT AGENCY

AN ORDINANCE TO DESIGNATE AN ENFORCEMENT AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF FRUITLAND UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT (ACT 230 OF PUBLIC ACTS OF 1972, AS AMENDED).

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 42.02 AGENCY DESIGNATED

Pursuant to the provisions of the Michigan Electrical Code and Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Inspector of the Township of Fruitland is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Fruitland under Act 230 of Public Acts of 1972 as amended, State of Michigan. The Township of Fruitland assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION R 42.03 REPEALER

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION R 42.04 EFFECTIVE DATE

This ordinance duly adopted on February 28, 1994 at a regular meeting of the Fruitland Township Board and will become effective April 4, 1994.

Adopted: February 28, 1994
Published: April 4, 1994
Effective: April 4, 1994

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

ARTICLE R 45

SECTION R 45.01 ACCUMULATION OF JUNK, TRASH, DEBRIS, AND INOPERABLE VEHICLES.

AN ORDINANCE TO REGULATE THE ACCUMULATION OF JUNK, TRASH, GARBAGE, RUBBISH AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 45.02 DEFINITIONS

A. ACCUMULATION OF JUNK, TRASH AND DEBRIS

The terms “accumulation of junk, trash and debris” includes but is expressly not limited to keeping or depositing on, or the scattering over the premises of any of the following:

1. Junk, trash, litter, refuse, debris, lumber, wood, and brush;
2. Abandoned, discarded, or unused objects or equipment such as automobiles, mobile homes, trailers, campers, furniture, stoves, refrigerators, freezers, appliances, cans, or containers;
3. Motor vehicles in an inoperative condition, whether currently licensed or not. Any style or type of motor driven vehicle which has defective or missing parts, is unable to move under its own power, and/or has been wrecked, dismantled, discarded, stripped, or is in such a condition as to be generally unfit for further use as a conveyance;
4. Automobile parts, including tires and any other portion or parts of any motor vehicle detached from the vehicle as a whole, and;
5. Scarp metal or pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof whether covered with porcelain, plastic, rubber, or any other material and whether intact or in parts.

B. DEBRIS

The term “debris” includes the remains of something broken down bits and pieces of stone, glass, wood, concrete building materials after demolition, bits and pieces of rubbish or litter, and a heap of rock fragments.

C. GARBAGE

The term “garbage” shall mean all putrescible waste including animal, fruit and vegetable wastes and discarded food of any type or any filthy or offensive substances, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, or other like businesses.

D. JUNK

The term “junk” means any discarded or worn-out materials or manufactured products, whether reusable or saleable or not.

E. RUBBISH

The term “rubbish” shall mean all refuse, tin cans, bottles, paper cartons, discarded clothing, discarded utensils, discarded containers, sweepings, glass, crockery, nails, tin, wire, light bulbs, signs, advertising matter, and such other materials as are normally discarded from a household including all waste, trash, or any material of any kind that has been discarded, rejected, cast aside, or thrown away as useless.

F. RESPONSIBLE PARTY

The term “responsible party” means, collectively the person or persons having a present interest legal title with respect to the premises on which a violation of this Ordinance occurs (all persons who constitute a responsible party are jointly and severally responsible for maintaining the premises in compliance with this Ordinance).

G. TRASH

The term “trash” shall include but not be limited to such items of discard which are normally associated with residential usage, also discarded household appliances, dismantled vehicles or their parts, discarded or dismantled machinery or tools and such other items that shall constitute a health or safety hazard or a menace or nuisance or be visually repugnant to persons residing in the neighborhood or surrounding area, and shall include but not be limited to discarded household furniture, household equipment and household appliances, building wastes, unused, used or unusable building materials, including lumber and building materials salvaged from demolished buildings or demolished structures.

SECTION R 45.03 GARBAGE AND RUBBISH STORAGE

No person, firm or corporation, INCLUDING THE OCCUPIER OR OWNER OF ANY PREMISES IN FRUITLAND TOWNSHIP, shall store garbage or rubbish on any premises in Fruitland Township, unless such materials be completely contained within water-tight, metal containers with tight fitting metal covers. Putrescible wastes shall not be stored more than four (4) days.

- A. The owner of every multiple dwelling, and in the case of private and two-family dwellings, the occupant or occupants thereof, shall provide for said dwelling, keep clean and in place, proper water-tight metal containers, with tight fitting metal covers, in sufficient number and of a capacity of ten (10) gallons or more for storing garbage, refuse, ashes, and other waste matter.

- B. Metal containers used for the storage of garbage or rubbish shall be maintained in a clean and sanitary condition, and shall be tightly covered except at such times as material is being placed within or removed from containers.

**SECTION R 45.04 GARBAGE, TRASH AND RUBBISH:
UNLAWFUL ACCUMLATION OR OPENED DISPLAY**

THE OCCUPIER OR REAL PROPERTY PREMISES IN FRUITLAND TOWNSHIP OR the owner of any parcel of real property in the Township of Fruitland shall not allow the OPEN accumulation OR open display of garbage, rubbish or trash upon any such property, regardless of whether the title holder occupies said parcel. Written notice by Building Inspector, CONSTABLE or other ordinance enforcement official to the owner OR OCCUPIER of the premise OR OPEN DISPLAY OR accumulation of garbage, rubbish or trash and failure to remove the same within ten (10) days of such notice shall constitute prima facie evidence of the intent of the owner to allow the OPEN accumulation OR OPEN DISPLAY of such rubbish, trash or garbage as notified, regardless of whether the owner occupies said parcel OR IN THE CASE OF AN OCCUPIER WITHOUT THE TITLE OF THE INTENT OF THE OCCUPIER TO ALLOW THE OPEN ACCUMULATION OR OPEN DISPLAY OF SUCH RUBBISH, TRASH OR GARBAGE.

SECTION R 45.05 TRANSPORTATION

- A. No person, firm or corporation shall transport garbage, rubbish or other waste materials upon any street, alleys, roads, rights of way or highways in Fruitland Township in any vehicle unless such vehicle is so constructed and maintained as to prevent offensive odors or exhalations therefrom, and leaking, sifting, dropping, spilling or blowing of the contents thereof upon any street, alley, road, right-of-way, highways, public or private property.
- B. Any person, firm or corporation, other than the actual producer or owner of premises upon which garbage, rubbish or refuse is accumulated, desiring to collect or dispose of such waste materials shall first obtain a permit in writing to do so from the Township Board of Fruitland Township.

SECTION R 45.06 DISPOSAL

No person, firm or corporation shall deposit any garbage, rubbish, trash or other waste matter upon any road, street, alley, highway, right-of-way, or within any park, stream, lake or river in Fruitland Township, Muskegon County, Michigan.

- A. Disposal or deposit of garbage, rubbish, trash and other waste material shall be permitted upon a site approved for such use by the Township Board of Fruitland Township and the Muskegon County Health Officer; and a copy of such written approval shall be delivered to the person, firm or corporation desiring to dispose or deposit such waste materials upon such sites.
- B. The storage, transportation and disposal of garbage, rubbish and trash shall be done only in accordance with the Sanitary Regulations of Muskegon County which are hereby adopted and incorporated herein by reference and are available online at <https://www.co.muskegon.mi.us/DocumentCenter/View/3661/Muskegon-County-Sanitary-Code-Regulations-PBF?bidId=>

SECTION R 45.07 ADMINISTRATION

It shall be the duty of the Building Inspector or Ordinance Enforcer Officer of the Township of Fruitland to enforce the provisions of this Ordinance.

SECTION R 45.08 MAINTENANCE OF PROPERTY

It shall be the duty of every responsible party and any person owning or controlling any private premises to maintain such private premises in a clean and orderly manner. It shall be a violation of this ordinance to abandon, neglect, or disregard the condition or appearance of any premises so as to permit the accumulation of junk and trash thereon.

SECTION 45.09 VIOLATION AND PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of the provisions of this ordinance, or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 45.10 VALIDITY

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

SECTION R 45.11 EFFECTIVE DATE

This Ordinance is hereby declared to be immediately necessary for the preservation of the public peace, health and safety and shall take effect thirty (30) days after publication.

Published: June 28, 1957
Amended: April 17, 1989
Published: April 24, 1989
Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

Amended: September 16, 2019
Published: September 22, 2019
Effective: October 23, 2019

ARTICLE R 46

SECTION R 46.01 DISMANTLED CAR ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, A MUNICIPAL CORPORATION, BY THE REGULATION OF THE OUTDOOR PARKING AND STORAGE OF MOTOR VEHICLES, TRACTOR TRAILERS, AND NEW OR USED PARTS OF JUNK THEREFROM, WITHIN THE TOWNSHIP OF FRUITLAND: TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF FRUITLAND, ORDAINS:

SECTION R 46.02 TITLE

This Ordinance shall be known and cited as the Fruitland Township Dismantled Car Ordinance.

SECTION R 46.03 PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

SECTION R 46.04 REGULATIONS

- A. No person, firm or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or state of Michigan, except for the following:
1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 2. Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed fourteen (14) days.
 3. Not more than one (1) vehicle in fully operating condition such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.

- B. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-away or public property or on any property primarily used or zoned for any type or residential purpose for a period in excess of twenty-four (24) hours except such shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Fruitland Township Zoning Ordinance. Any such work within such twenty-four (24) hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating conditions.
- C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed fourteen (14) days, provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of this Ordinance are still substantially observed.

SECTION R 46.05 NUISANCE

Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damage and the fines and penalties herein provided for.

SECTION R 46.06 CONSTRUCTION

This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Fruitland Township Zoning Ordinance, and shall be in addition to any other laws, or Ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

SECTION R 46.07 SAVING CLAUSE

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION R 46.08 PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance, or aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

In addition to the imposition of the foregoing fines and penalties, the Township Building and Zoning Inspector, any Township police officer, or such other officer as the Township

Board may designate, may cause any vehicle, trailer, or parts thereof, which violate the provisions of this ordinance to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof assessed against the owner of such vehicle, trailer, or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Township to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums retaining after such reimbursement shall be returned to the owner of such vehicle, trailer, or parts thereof.

In addition to the penalties provided hereunder for the violation of any of the provisions thereof, the Township may apply to any court of competent jurisdiction to restrain any person from the continued violation of any of the provisions of this ordinance.

SECTION R 46.09 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Published: May 24, 1965

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012

ARTICLE R 48

SECTION R 48.01 HOUSING, KEEPING AND MAINTENANCE OF DOMESTIC PETS

AN ORDINANCE TO REGULATE THE HOUSING, KEEPING AND MAINTENANCE OF DOMESTIC PETS IN FRUITLAND TOWNSHIP

SECTION R 48.02 PURPOSE

This ordinance is enacted for the purpose of securing the health, safety and general welfare of the persons and property within Fruitland Township.

SECTION R 48.03 DEFINITIONS

“Domestic Pets”. For the purpose of this ordinance shall mean any animal normally maintained, or allowed, inside the main building or dwelling and ordinarily considered a “household pet.” It shall include but not be limited to dogs, cats, rabbits, and the like.

“Commercial Kennel”. Any lot or premises used for the commercial sale, boarding or treatment of dogs, cats or other domestic pets. Any kennel that exceeds the density listed under “Private Kennel.”

“Private Kennel”. Any lot or premises used for the private maintenance of up to four (4) dogs and/or cats, six (6) months of age or older and/or up to six (6) other household pets such as rabbits, gerbils, hamsters and the like, four (4) months of age or older, not involving any commercial activities. Keeping or maintaining more than the allowed density of animals under “Private Kennel” shall be considered a “Commercial Kennel” regardless of ownership or species of the animals.

“Dogs Running at Large”. Any dog which shall be loose on any streets or highways of Fruitland Township, or any dog which shall be at large upon any property not owned and occupied by the person who is the owner or custodian of such dog. A dog shall not be construed as running at large when upon the streets and highways or private places of said township when accompanied by its owner or caretaker. The owner or caretaker shall be holding such dog by a leash securely fastened to its collar, except, when under the control of a seasoned hunter.

SECTION R 48.04 DOMESTIC PET DENSITY

No more than four (4) adult six (6) months of age or older) dogs, and/or cats, or any other combination thereof, shall be kept or housed on any lot or premises in any part of portion of Fruitland Township without a permit for a commercial kennel.

No more than six (6) adult four (4) months of age or older) other domestic pets such as rabbits and the like, or any combination thereof, shall be kept or housed on any lot or premises in any portion of Fruitland Township without a permit for a commercial kennel.

SECTION R 48.05 REGULATIONS

All dogs and any other domestic pets as required shall be properly licensed in accordance with the laws and regulations of the State of Michigan.

It shall be unlawful for any persons to permit any dog owned or harbored or under control of such person or persons to run at large within the limits of Fruitland Township.

No kennel, commercial or private shall be a nuisance to neighboring residents. This includes but is not limited to noise, smell, unsafe or unsanitary conditions.

Where domestic pets of the owners or operators of any kennel commercial or private are kept or allowed outside, a fence or restraint of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

All commercial kennels, pens, buildings or structures housing domestic pets shall be at least three hundred (300) feet from any adjoining property line not owned by the operator. A completely enclosed kennel is allowable if located at least fifty (50) feet from any property line not covered by the operator and is in commercial zoning district.

All commercial kennels shall have a proper septic tank system for disposal of wastes as approved by the County of Muskegon Health Department.

All applications for a commercial kennel permits shall be subject to a public hearing and a notice shall be mailed to adjoining property owners within three hundred (300) feet of the property line.

All commercial kennels shall be maintained, constructed and operated in accordance and pursuant to the provisions and regulations of the Public Acts of the State of Michigan, Muskegon County and Fruitland Township.

SECTION R 48.06 PERMIT REQUIRED

A permit shall be required for operation of a commercial kennel in Fruitland Township. Each permit granted to the operator is for one (1) particular location and operator. Neither the permitted location nor operator is transferable.

No commercial kennel may be established or maintained and located in Fruitland Township except by permit from Fruitland Township Board after proper application on the form as provided by the Fruitland Township Clerk. Applications require recommendation by Fruitland Township Planning Commission. The Fruitland Township Board may require review of any application by any County, State or Federal Agency. However such review must be made within sixty (60) days of the application and if the review does not ensue within such period it shall be deemed waived.

A twenty-five (\$25) dollar fee shall accompany all application for commercial kennel permit, which is not returnable. Yearly renewal of said permit will be required with a fee of five (\$5) dollars for such renewal plus one (\$1) dollar for each cage of said kennel over five (5) in number. Renewal of said permit may be summarily granted by the Clerk of the Township if no objection or complaint has been received within the prior year as to such kennel by the Township Board.

In the event an objection or complaint has been received during the prior year, then a hearing will be held thereon with notice only to the operator of the kennel and to the party or parties making the complaint or objection.

SECTION R 48.07 RELATIONSHIP WITH OTHER ORDINANCES

The Ordinance shall relate to, further emphasize and be a guideline for the Fruitland Township Zoning Ordinance and supersedes any other ordinance in conflict. Specifically, 35-3-0 “Dogs Running at Large” and 35-4-0 “Dog Kennels” are superseded by this ordinance.

SECTION R 48.08 SEVERANCE CLAUSE

Any section found to be invalid because of reason of unconstitutionality or other reasons shall be separated, but the remainder of the Ordinance shall be in full force and effect.

SECTION R 48.09 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day’s continued violation shall constitute a separate and distinct offense.

SECTION R 48.10 EFFECT

This ordinance shall take effect thirty (30) days after the date of publication.

Effective Date: October 25, 2000

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

Amended: July 16, 2012
Published: August 12, 2012
Effective: September 11, 2012

ARTICLE 50

SECTION R 50.01 ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS AND THE PRODUCTION OF DUST WITHIN SAID TOWNSHIP; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT THEREWITH.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 50.02 TITLE

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

SECTION R 50.03 ANTI-NOISE REGULATION

- A. No person, firm, or corporation shall cause or cause to be made or permit to be continued any unreasonable or improper noise or disturbance, injurious to the health, peace, repose, or quiet of the residents and property owners of the Township of Fruitland.
- B. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated.
 1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.
 2. Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 3. Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.

4. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any persons in the vicinity.
5. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause load and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
6. The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the Township Board.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, or internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
8. The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the Township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonable annoying to other persons, other than between the hours of 6:00 A.M. and sundown on week days, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor from the Building Inspector of the Township, which permit shall limit the period that the activity may continue.
9. The emission or creation of any excessive noise on any street, which unreasonably interferes with the operation of any school, church, hospital or court.
10. The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, boxcar, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
11. Loud Speaker, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
12. The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.

13. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

C. None of the prohibitions herein before enumerated shall apply to any of the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways by or on behalf of the Township of Fruitland, State of Michigan, or County of Muskegon, between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

SECTION R 50.04 SOUND TRUCKS

In the interpretation of this Ordinance the following definitions shall apply:

- A. "Sound Truck" as used herein shall mean any motor vehicle or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.
- B. "Sound Amplifying Equipment" as used herein shall mean any machine or device for the amplification of the human voice music or other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SECTION R 50.05 NON-COMMERCIAL USE OF SOUND TRUCKS

- A. Registration required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non-commercial purposes in the Township of Fruitland before filing a registration statement with the Township Clerk in writing. This registration statement shall be filed in duplicate and shall state the following.
 1. Name and home address of the applicant.
 2. Address of place of business of applicant.
 3. License number and motor number of the sound truck to be used by applicant.
 4. Name and address of person who owns the sound truck.
 5. Name and address of person having direct charge of sound truck.
 6. Names and addresses of all persons who will use or operate the sound truck.
 7. The purpose for which the sound truck will be used.
 8. A general statement as to the section or sections of the Township in which the sound truck will be used.

9. The proposed hours of operation of the sound truck.
 10. The number of days of proposed operation of the sound truck.
 11. A general description of the sound amplifying equipment which is to be used.
 12. The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:
 - i. The wattage to be used.
 - ii. The volume in decibels of the sound which will be produced.
 - iii. The approximate maximum distance for which sound will be thrown from the sound truck.
- B. Registration Statement Amendment: All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any regulation statement filed pursuant to 35-5-3 (Non-Commercial Use of Sound Trucks) within forty-eight (48) hours after any change in the information therein furnished.
- C. Registration And Identification: The Township Clerk shall return to each applicant under 35-5-3 (Non-Commercial Use of Sound Trucks) one copy of said registration statement duly certified by Township Clerk as a correct copy of said application. Said certified copy of application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman to the Township of Fruitland upon request.
- D. Registration for Use: Non-commercial use of sound trucks in the Township of Fruitland with sound amplifying equipment in operation shall be subject to the following regulations.
1. The only sounds permitted are music or human speech.
 2. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operations shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
 3. Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.
 4. Sounds shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.
 5. The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.
 6. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
 7. No sound amplifying equipment shall be operated within excess of fifteen (15) watts of power in the last stages of amplifications.

**SECTION R 50.06 COMMERCIAL ADVERTISING BY SOUND TRUCK
PROHIBITED**

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the Township of Fruitland with sound amplifying equipment in operation.

SECTION R 50.07 VALIDITY

The several provisions of this Ordinance are declared to be separate and the holding of any court that any sections or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION R 50.08 PENALTIES FOR VIOLATION

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense. The provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION R 50.09 EFFECTIVE DATE

This Ordinance shall take effect after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Published: August 29, 1979

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012

ARTICLE R 52

SECTION R 52.01 HOUSING, KEEPING AND MAINTENANCE OF LIVESTOCK

An ordinance to adopt a new regulatory ordinance concerning the housing, keeping and maintenance of livestock.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 52.02 PURPOSE

This ordinance is enacted for the purpose of preventing pollution and securing the health, safety and general welfare of the persons and property within Fruitland Township.

SECTION R 52.03 DEFINITIONS

“Livestock” for the purpose of this ordinance shall mean any animal ordinarily maintained outside of the main building or dwelling and ordinarily considered as a source of food, riding or profit. It shall include, but not be limited to, horses, mules, ponies, steers, cows, llamas, swine, goats and sheep.

The term “livestock” shall not include the following: poultry, fowl, rabbits and fur-bearing animals which are kept for the purpose of the value of their eggs, meat, pelts or as sport. The aforementioned may be kept within Fruitland Township without permit if kept and maintained for the owner’s personal use and not for commercial profit. When kept, the aforementioned shall be properly fenced and housed and shall not constitute a nuisance.

A “nuisance” is defined for purposes of this ordinance as any condition offensive by way of odor, noise, filth, annoyance or unsightliness.

SECTION R 52.04 FENCING AND ENCLOSURES

Livestock shall be fenced and housed so as not to be able to run at large. Livestock shall be so kept as not to constitute a nuisance.

Fencing and housing for livestock, including, but not limited to, barns, corrals and sheds shall be sufficient to retain the livestock on the owned or leased premises of the keeper of said livestock. All fences and buildings shall be maintained in good, presentable condition and be of regular construction to meet approved building codes.

Fencing or buildings for livestock shall be no closer than one hundred (100) feet to a residence, dwelling or human water supply on the keeper’s property.

Fencing or housing for livestock shall be no closer than two hundred (200) feet from any neighboring residence, or any closer than 100 hundred (100) feet from any adjacent human water supply.

SECTION R 52.05 LIVESTOCK DENSITY

Livestock density shall be the minimum of four (4) contiguous acres for the first horse, mule, pony, llama, steer or cow and two (2) full continuous acres for each additional animal thereafter to a maximum of eight (8) on twenty (20) contiguous acres.

Livestock density shall be a minimum of five (5) contiguous acres for the first swine, goat or sheep and two (2) additional continuous acres for each additional animal thereafter to a maximum of six (6) animals per any contiguous twenty (20) acres.

For the purpose of determining density, no offspring or livestock shall be counted until such animal reaches ninety (90) days of age, provided each offspring were born on the premises.

SECTION R 52.06 PERMIT IS REQUIRED FOR THE FOLLOWING

A permit is required for the keeping of poultry, fowl, rabbits and fur-bearing animals for commercial profit by the respective establishment of an egg or broiler barn, sportsmen's association, shooting preserve or fur-bearing animal ranch.

Such permit can be granted only after proper application for same to the Township Clerk, referral to the Planning Commission for their recommendation prior to Board action, proper written and mailed notice to property owners within three hundred (300) feet, a public hearing for which there has been notice to aforementioned neighboring property owners of at least ten (10) days, and a publication in accordance with zoning ordinance amendments. All applications must demonstrate satisfaction of all local, county, state and federal regulatory and statutory requirements (a State of Michigan permit is also required). Particularly, the application must demonstrate implementation for the proper disposal of animal waste and carcasses, furnishing of adequate water resources, the avoidance of contamination and pollution, and the elimination of noise and odor nuisance.

SECTION R 52.07 RELATIONSHIP WITH OTHER ORDINANCES

This ordinance shall relate to, further emphasize and be a guideline for the Fruitland Township Zoning Ordinance and supercedes any other ordinance which conflicts with it.

SECTION R 52.08 SEVERANCE CLAUSE

Any section found to be invalid due to being unconstitutionality or for any other reason shall be separated, but the remainder of the ordinance shall continue in full force and effect.

SECTION R 52.09 PENALTIES

Any violation of this ordinance shall be a misdemeanor, punishable by ninety (90) days in jail and/or a \$500 fine and each day of violation shall be deemed to be an individual and separate offense.

SECTION R 52.10 EFFECTIVE

Effective October 25, 2000

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE 54

SECTION R 54.01 DANGEROUS BUILDING DEMOLITION ORDINANCE

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE BY REGULATING THE LIGHT AND VENTILATION, SANITATION, FIRE PROTECTION, MAINTENANCE, ALTERATION AND IMPROVEMENT OF DWELLINGS; TO DEFINE THE CLASSES OF DWELLINGS AFFECTED BY THE ACT, TO ESTABLISH ADMINISTRATIVE REQUIREMENTS AND TO ESTABLISH REMEDIES AND FIX PENALTIES FOR THE VIOLATION THEREOF AS AUTHORIZED BY M.S.A. 5.45 (1) BEING M.C.L. 41.181.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 54.02 HOUSING, DANGEROUS PROHIBITED

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 2.

SECTION R 54.03 DANGEROUS BUILDING, DEFINED

As used in sections 1 to 5 “dangerous building” means any building or structure which has any of the following defects or is in any of the following conditions:

- A. Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of this township wherein the property lies, it shall be considered that such dwelling does not meet the requirements of this act.
- B. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciable less than it was before such catastrophe and is less than the minimum requirements of this act or the building code of the township wherein the building is located for a new building or similar structure, purpose of location.
- C. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this act or the building code of the township where the building is located.
- E. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

- F. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- G. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- H. Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, or decay, damage or faulty construction or arrangement or otherwise is unsanitary or unfit for human habitation or is a condition that is likely to cause sickness or disease when so determined by the health officer, or building inspector, or is likely to cause injury to the health, safety or general welfare of those living within.
- I. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

**SECTION R 54.04 NOTICE OF UNSAFE OR DANGEROUS CONDITION;
CONTENTS; HEARING OFFICER; SERVICE**

1. Notwithstanding any other provision of this ordinance when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.
2. Such notice shall be directed to the owner, agent or lessee registered with the building inspector. If no owner, agent or lessee has been registered, then the notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.
3. The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered demolished or otherwise made safe.
4. The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.
5. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail – return receipt requested addressed to each owner or party in interest at the address shown on the tax records, at least 21 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

**SECTION R 54.05 HEARING; TESTIMONY; ORDER; NONCOMPLIANCE;
NOTICE; LIEN; COLLECTION**

1. The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his decision either/closing the proceedings or ordering the building to be demolished or otherwise made safe.
2. If is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.
3. If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with legislative body of the township and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in section 3.
4. The legislative body of the township shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in section 3 of the time and place of the hearing. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the legislative body of the township shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.
5. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the township who shall assess the cost against the property on which the building or structure is located. The building inspector shall arrange demolitions by sealed bids presented to the Township Board.
6. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of such township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the township.

SECTION R 54.06 APPEALS

An owner aggrieved by any final decision or order of the legislative body under section 141 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 21 days from the date of the decision.

SECTION R 54.07 EFFECTIVE DATE

Adopted: January 18, 1988

Published: January 26, 1988

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

ARTICLE 56

SECTION 56.01 ORDINANCE TO REGULATE PUBLIC NUDITY

An Ordinance which defines and prohibits public nudity, provides for exceptions, and penalties for violations.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION R 56.02 PURPOSE

This Ordinance is intended to prohibit nudity in public places pursuant to the township ordinance power conferred by MSA 5.45(1), MCL 41.181, and to establish a definition of nudity pursuant to 1980 AACRS R436.1409. This Ordinance is not intended to exclude sexually oriented business from opening and operating in Fruitland Township, to deny adults access to sexually oriented businesses and their products, to deny sexually oriented business access to their intended markets, to implicate ordinary public behavior, to implicate material having serious literary, artistic, political, or scientific value, or to offend the guarantees afforded by the First Amendment to the United States Constitution. Neither is it the intent of this Ordinance to legitimize activities prohibited by Fruitland Township ordinance, state or federal law.

SECTION R 56.03 DEFINITIONS

- A. Public Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than an opaque covering, or a female person's breast with less than a fully opaque covering of the nipple and areola. Public Nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 622.673 of the Michigan Compiled Laws.
 4. A display of a person's genitals or anus, or of a female person's breast, which occurs as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
- B. Public Place Means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold or otherwise made available to the public.

C. Person means an individual, sole proprietorship, partnership, corporation, limited liability company, or association.

SECTION R 56.04 PROHIBITED CONDUCT

No person shall engage in public nudity, nor shall any owner, officer, or person in charge of or in control of the premises of any business establishment permit persons to engage in public nudity.

SECTION R 56.05 AIDING AND ABETTING PROHIBITED

No person shall assist, aid, abet, or encourage any other person to engage in public nudity.

SECTION R 56.06 NUISANCE PER SE

A violation of this Ordinance is deemed to be a nuisance per se. Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

SECTION R 56.07 SEVERABILITY

If article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION R 56.08 PENALTIES

Any person violating this Ordinance shall be subject to a misdemeanor, may face fines up to not more than Five Hundred and 00/100 dollars (\$500.00), or imprisonment of up to not more than (90) days or both for each offense. Each of violation shall constitute a separate offense.

SECTION R 56.09 EFFECTIVE DATE

This Ordinance shall be published as required by law and shall become effective thirty (30) days after publication.

FRUITLAND TOWNSHIP

By _____
Janell Beard, Clerk

Adopted: April 16, 2001
Published: April 30, 2001
Effective: May 30, 2001

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
Effective: May 01, 2005

ARTICLE 58
SECTION R 58.01 FIRE CODE

An ordinance adopting the 2015 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from condition hazardous to life or property in the occupancy of buildings and premises in Fruitland Township; providing for the issuance of permits and collection of fees; repealing any previously adopted Fire Code and all other ordinances or parts of ordinances in conflict therewith, and appointing the White Lake Fire Authority as the enforcing agency and for enforcement and appeals.

The Township of Fruitland ordains:

SECTION R 58.02 ADOPTION OF FIRE CODE

That a certain document which is on file in the office of the Clerk of Fruitland Township marked and designated as the *International Fire Code*, 2015 edition, including Appendix Chapters A through M and all applicable codes, as published by the International Code Council, be and is hereby adopted as the Fire Code of Fruitland Township, Muskegon County, State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of Fruitland Township Clerk are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with and subject to the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION R 58.03 CHANGES TO FIRE CODE

The following sections of the Fire Code hereby adopted are revised as follows:

- A. Section 101.1 Insert: Fruitland Township
- Section 109.3 Insert: Misdemeanor; Five Hundred Dollars (\$500); 90 days
- Section 111.4 Insert: One Hundred Dollars (\$100); Five Hundred Dollars (\$500)

SECTION R 58.04 ESTABLISHMENT AND DUTIES

- A. The Code shall be enforced by the White Lake Fire Authority with input from the township supervisor as may be required.
- B. The White Lake Fire Authority shall report annually to the township supervisor and the township board of trustees; the report shall contain all proceedings under this Ordinance, with such statistics as the fire chief wishes to include. The fire chief shall recommend any amendment to this Ordinance which in his judgment are desirable.

SECTION R 58.05 NEW MATERIAL, PROCESS OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

A designated member of the township board of trustees, the township supervisor and the fire chief shall serve as a committee to determine and specify, after giving interested parties an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in the Code. The fire chief shall post a list of all such items in a conspicuous place at his office and distribute copies to all interested parties.

SECTION R 58.06 ORDINANCE REPEAL

Any previously adopted Fire Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION R 58.07 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. Fruitland Township hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION R 58.08 PENDING PROCEEDINGS

Nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION R 58.09 PUBLICATION

The Fruitland Township Clerk is hereby ordered and directed to cause this ordinance to be published as required by law.

SECTION R 58.10 EFFECTIVE DATE

This ordinance and the rules, regulations, provisions requirements, orders and matters established and adopted hereby shall take effect 30 days after publication is completed as required by law.

Adoption Date: December 19, 2005
Publication Date: December 25, 2005
Effective Date: January 23, 2006

Amended Adopted Date: October 30, 2009
Publication Date: November 8, 2009
Effective Date: December 8, 2009

Amended Date: November 21, 2011
Publication Date: December 4, 2011
Effective: January 3, 2012

Amended Adopted Date: June 15, 2015
Published: June 21, 2015
Effective: July 21, 2015

Amended Date: August 21, 2017
Published: September 3, 2017
Effective: October 4, 2017

ARTICLE R60

SECTION R 60.01 REGULATING MOTOR VEHICLES IN DUNE AREA

AN ORDINANCE TO REGULATE AND PROHIBIT UNDER PARTICULAR CIRCUMSTANCES THE USE OF CERTAIN MOTOR VEHICLES AND VEHICLES WITHIN CERTAIN SAND DUNE AREAS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 60.02 INTENT, PURPOSE AND SHORT TITLE

The Fruitland Township Board recognizes and concludes that the sand dunes adjacent to and nearby Lake Michigan are a fragile natural resource which must be protected. One of the ways that sand dunes are damaged and degraded is by the improper use of motor vehicles (including, but not limited to, dune buggies, jeeps, ATVs, snowmobiles, motorcycles, and go-carts) being operated on or within the dunes. Accordingly, the Fruitland Township Board finds that it is in the best interests of the residents and property owners of Fruitland Township (the "Township") to adopt this Ordinance regulating vehicle usage within the sand dunes. Furthermore, the Township Board finds that this Ordinance will promote the public health, safety, and welfare of residents and property owners within the Township and will help protect the natural sand dunes within the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable rules and regulations for the use of vehicles on and within the sand dunes within the Township.

This Ordinance shall be known and may be cited and referred to as the "Fruitland Township Sand Dune Transport Ordinance," and shall hereinafter be referred to as the "Ordinance."

SECTION R 60.03 SCOPE AND APPLICATION

No motor vehicle, truck, item of construction equipment, dune buggy, jeep, ATV, snowmobile, motorcycle, go-cart, or similar vehicle shall be used, operated, or driven on or in any of the following locations within Fruitland Township:

- a. Between the waters of Lake Michigan (including the shoreline thereof) and the base of the first dune.
- b. In any dune or dune area where dune grass, any protected plant, or visible erosion is present.
- c. In or on any dune or dune area located between the waters of Lake Michigan and Scenic Drive or Murray Road, except on an improved public or private road, sidewalk, or improved trail.

SECTION R 60.04 EXEMPTIONS

This Ordinance shall not apply in the following situations:

- a. Any motor vehicle or machinery utilized by any law enforcement, emergency personnel, or firefighter of any governmental unit or agency while engaged in their governmental duties.

- b. Construction equipment which is actively being utilized for excavation, construction, or dredging work which is lawful under all township, county, federal and state laws, regulations and statutes, and which is being done pursuant to a permit lawfully issued by Fruitland Township, the Michigan Department of Environmental Quality, or the U.S. Army Corps of Engineers. This exemption shall not apply (and the requirements of this Ordinance shall be fully applicable) if the excavation, construction, or dredging work is being done illegally or in an unlawful fashion or if the governmental permit or approval pursuant to which such work is being done is invalid or has expired or if the work is being done in violation of any such permit or approval.

SECTION R 60.05 INTERPRETATION

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

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

SECTION R 60.06 PENALTIES AND ENFORCEMENT

Violation of this Ordinance is a civil infraction, for which the fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) weeks following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Upon a finding of responsibility for a civil infraction, the court shall also have the authority to issue any appropriate court order directing a person found responsible to do or not engage in a certain actions, uses, remediation's or similar matters, as well as to award the Township its cost and reasonable attorney fees, together with such other remedies as are provided by law.

SECTION R 60.07 INJUNCTION

Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section R 60.06 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

SECTION R 60.08 ENFORCEMENT AND ADMINISTRATION

This Ordinance shall be enforced and administered by the Township Ordinance Enforcer, or such other Township official as may be designated from time to time by resolution by the Township Board. Furthermore, this Ordinance may also be enforced or administered by any member or official of the Muskegon County Sheriff Department, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or the United States Army Corps of Engineers should the Township and any other such governmental unit or agency enter into an agreement or arrangement whereby any such official can also enforce this Ordinance (as well as issue civil infraction tickets pursuant to this Ordinance).

SECTION R 60.09 SEVERABILITY

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

SECTION R 60.10 EFFECTIVE DATE

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

ADOPTED: July 16, 2007
PUBLISHED: August 5, 2007
EFFECTIVE: September 4, 2007

ARTICLE R 61
SECTION R 61.01

MCMILLAN ROAD END

AN ORDINANCE TO REGULATE USES AND ACTIVITIES WHICH OCCUR AT THE MCMILLAN ROAD END TERMINATING AT LAKE MICHIGAN WITHIN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 61.02 INTENT, PURPOSE AND SHORT TITLE

The Fruitland Township Board recognizes and concludes that the proper and safe use of land and water resources at and near public roads which end at Lake Michigan in Fruitland Township (“Township”) is desirable in order to retain and maintain the physical, ecological cultural and aesthetic characteristics of the lake and its shorelines and beaches and the rights of adjoining riparian owners and users in the vicinity of such road ends at lakes, to promote the safe and the orderly use of such road ends, and to promote the public health, safety and welfare of all persons making use of the lake and lands within the Township at or near the road ends involved. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the use of certain road end (McMillan Road End) at Lake Michigan within the Township.

This Ordinance shall be known and may be cited and referred to as the “Fruitland Township McMillan Road End Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

SECTION R 61.03 COVERAGE/DEFINITION

For purposes of this Ordinance the phrase “public road end” shall mean McMillan Road from the water’s edge of Lake Michigan to the Westerly line of Scenic Drive, including any bottomlands under the lake, the beach, and the shoreline associated with that road.

SECTION R 61.04 HOURS OF OPERATION

The McMillan public road end shall be used only during the hours from 8:00 a.m. until dusk.

SECTION R 61.05 PROHIBITIONS

The following uses and activities shall not occur at, on or from the public road end:

- A. Littering.
- B. Engaging in loud or boisterous conduct.
- C. Playing audio, music, or sound devices of any kind at a volume which is audible beyond the boundaries of the public road end.
- D. Disturbing the peace or engaging in any vulgar, obscene or dangerous conduct.
- E. Urinating, defecating or utilizing the public road end as a bathroom facility.

- F. Trespassing on any adjoining or nearby private land, which includes beaches, dunes, and fore-dunes.
- G. Camping or picnicking.
- H. Walking, running, or possessing unleashed pets (pets must be kept leashed at all times).
- I. Leaving pet feces.
- J. Walking or riding horses.
- K. Hunting, shooting, engaging in archery, playing volleyball, golfing, or engaging in any other sporting activity.
- L. Keeping or using a fire, grill, fireworks, sparkler, or any other incendiary device.
- M. Lounging or sunbathing on private land beyond the north and south boundaries of the public road end.
- N. Lounging or sunbathing on the public road end except within 30 feet of the waters of Lake Michigan.
- O. Leaving any personal item, lounge chair, towel, or beach toy on the public road end when the owner thereof is not physically present on the public road end.
- P. Driving, operating, or using any motorized vehicle, dune buggy, jeep, ATV, snowmobile, motorcycle, motorbike, go-cart, or similar vehicle on or over any portion of the public road end except that part of the public road end located within twelve (12) feet of the westerly edge of Scenic Drive (but this prohibition shall not apply to a power driven device designed for use by a handicapped or disable person when operated by such a person).
- Q. Parking, storing or keeping automobile, truck, recreational vehicle trailer, motorcycle, motorbike or other motorized vehicle or item listed in subsection Q hereof at or on any portion of the public road end except that part of the public road end located within twelve (12) feet of the westerly edge of Scenic Drive.
- R. Launching, docking, storing, or mooring of any boat or watercraft on or at the public road end.
- S. Disembarking from or embarking onto any boat or watercraft.
- T. Engaging in any conduct which shall impair, impede or diminish the free use of or travel on or across the public road end in conformance with the law and this Ordinance.
- U. Removing, destroying, or defacing any sign, monument, or marker installed or placed on the public road end by any governmental unit or agency.
- V. Failing to obey or comply with any requirement stated on a sign installed or placed on the public road end by any governmental unit or agency.
- W. Parking anywhere on the public road end except where expressly authorized to do so by a sign or signage installed by a government unit.

SECTION R 61.06

PENALTIES AND ENFORCEMENT

PENALTY: The violation of this Ordinance constitutes a municipal civil infraction offense, for which the fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offences, in the discretion of the Court, and in addition to all of the costs, damages and expenses provided by law. For purposes of

this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

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

ENFORCEMENT AND ADMINISTRATION: This Ordinance shall be enforced and administered by the Township Ordinance Enforcer, or such other Township official as may be designated from time to time by resolution by the Township Board. Furthermore, this Ordinance may also be enforced or administered by any member or official of the Muskegon County Sheriff Department or other police agency, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or the United States Army Corps of Engineers should the Township and any other such governmental unit or agency enter into an agreement or arrangement whereby any such official can also enforce the Ordinance.

SECTION R 61.07 EXEMPTIONS

This Ordinance shall not apply to any structure or improvement installed by a governmental unit or to any uses, activities regarding any employee, agent or contractor of a governmental unit (including, but not limited to, Fruitland Township, the Muskegon County Road Commission and the State of Michigan) when engaging in a governmental function regarding maintenance or repair to the public road end or any item thereon, or any emergency fire or rescue uses or activities engaged in by any firefighting, police or ambulatory officials or services.

SECTION R 61.08 SEVERABILITY

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

SECTION R 61.09 EFFECTIVE DATE

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

ADOPTED: September 19, 2011

PUBLISHED: October 2, 2011

EFFECTIVE: November 1, 2011

AMENDED: August 19, 2013

PUBLISHED: August 25, 2013

EFFECTIVE: September 24, 2013

ARTICLE R63

SECTION R 63.01 DUCK CREEK NATURAL AREA CONSERVATION DISTRICT ORDINANCE

AN ORDINANCE TO REGULATE ACTIVITIES ON THE PROPERTY DESCRIBED HEREIN.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 63.02 INTENT

It is reasonable, necessary and desirable to establish a Duck Creek Natural Area Conservation District within the confines of Fruitland Township, Muskegon County Michigan, hereinafter called "District" and to establish an ordinance governing the public use of, and activities within the District and to regulate and control the travel on all paths, driveways and parking facilities within the District, and to prohibit certain uses within the District and to establish rules and regulations in order to provide: for the safe and peaceful use of the Duck Creek Natural Area Conservation District; for the education of the public; for the protection and preservation of the property, facilities, flora and fauna of the Duck Creek Natural Area Conservation District and to set forth such fines and penalties for the violation of this ordinance.

SECTION R 63.03 PUBLIC USE

The Duck Creek Natural Area Conservation District is for use by the general public and to provide year-round outdoor recreation opportunities. The district's mission is to protect, conserve, enhance, and promote Fruitland Township's natural heritage for the educational and environmental benefit of present and future generations.

SECTION R 63.04 THE DISTRICT

The Duck Creek Natural Area Conservation District is located on property legally defined as:

The size and dimensions of the district are set forth on **Exhibit 1** as can be seen on Exhibit A, the District has been divided into two defined areas Area A and Area B.

SECTION R 63.05 HOURS OF USE

The District shall be open to the public from May 1st - September 30th 7:00 a.m. - 10:00 p.m. and October 1st -April 30th 8:00 a.m. - 8:00 p.m. unless otherwise specifically posted, signed, or in accordance with established public safety or snow removal procedures and as may be determined by the Fruitland Township Board of Trustees from time to time.

SECTION R 63.06 ALLOWABLE USES IN AREA A

The property south of Duck Creek (designated as Area A on attached Exhibit 1) may be accessed using the parking area on Duck Lake Road.

Uses are foot travel such as hiking, geocaching, cross country skiing, and snowshoeing. The area can be used for education, natural studies and other valid scientific purposes.

Wheelchairs, including power-driven wheelchairs, are allowed in areas open to pedestrians and while operated at walking speed.

SECTION R 63.07 ALLOWABLE USES IN AREA B

The northern region of the property (DCNA area north of Duck Creek and designated as Area B on the attached Exhibit 1) may be accessed using the parking area on Simonelli Road or by crossing from Area A using one of the two bridges crossing Duck Creek. All allowable uses of Area A are allowed in Area B.

In addition, Area B can be used for deer hunting as follows:

- A. Archery and archery-related activities, including hunting with a crossbow or bow and arrow, in accordance with hunting regulations of the Michigan Department of Natural Resources.
- B. Hunting with firearms is allowed only during the “Regular Firearm” season running from November 15 to November 30 annually and in accordance with hunting regulations of the Michigan Department of Natural Resources.
- C. Tree stands are to be temporary in nature and must be at least 100 feet from all marked trails. Tree stands must be removed promptly at the end of the current deer hunting season.

Except for the provision in the preceding item B, no other firearm hunting activities are permitted in any area of the entire DCNA district. Other than being allowed here, firearms and muzzle-loaders are completely banned from the entire DCNA district.

SECTION R 63.08 PROHIBITED USES IN ALL AREAS

All uses not specifically allowed in Area A and Area B are hereby prohibited in the district. Further, the following uses are hereby specifically prohibited in Area A and Area B:

- A. Bicycles, E-Bikes, electric powered vehicles and motorized vehicles except as specifically allowed for such vehicle traffic on surfaces designated for vehicle traffic and designated parking areas as posted at the entrance of the district;
- B. Horses;
- C. Ground fires, fireworks, sparklers or incendiary devices;
- D. Camping;

- E. Activities such as baseball, football, soccer or the like;
- F. Fundraisers of any kind, without a permit issued by the Township; and
- G. Large group gatherings except as may be specially allowed by permit in posted and designated areas.

SECTION R 63.09 DESTRUCTION/ MISUSE OF PROPERTY AND STRUCTURES

No unauthorized person shall upon or in connection with any property of the district:

- A. Destroy, deface, paint, alter, change or remove any monument, stone, marker, benchmark, stake, post or blaze marking or designating any boundary line, survey line or reference point;
- B. Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, latrine, picnic table, bench, bridge, drain, well, fountain, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool storage box, utility outlet, movie screen, flag post or any other structure or parts thereof;
- C. Deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Fruitland Township within the District to announce the rules, regulations and warnings or any other information to the public necessary or desirable to the proper use of the Duck Creek Natural Area Conservation District;
- D. Take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin or parts thereof, or any object of antiquity;
- E. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other movable or non-movable property into any stream or to otherwise move, stack or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property;
- F. Occupy or inhabit, or cause to be occupied or inhabited, any facility, shelter, shed or other structure;
- G. Enter into or upon the Duck Creek Natural Area Conservation District or areas thereof or structure closed or posted against trespass; or
- H. Misuse any refuse container or receptacle by depositing into it any garbage, trash, refuse or other unwanted material that was not generated on the site in the course of normal, lawful use of the Duck Creek Natural Area Conservation District facilities.

SECTION R 63.10 DESTRUCTION/ MISUSE OF NATURAL RESOURCES

No unauthorized person shall upon or in connection with any property of the district:

- A. Cut, remove, uproot or wantonly destroy any tree, sapling, seedling, bush, shrub, flower or plant, whether alive or dead; or chip, blaze, box, girdle, trim or otherwise deface or injure any tree, shrub or bush; or break or remove any branch or foliage thereof; or pick or gather any seed of any tree or other plant;
- B. Remove or cause to be removed any sod, earth, humus, downed timber, wood, chips, peat, fossil, rock, sand or gravel; or remove or cause to be removed any other natural material of the forest floor or earth;
- C. Hunt, pursue, trap, catch, capture, molest, poison, wound or kill or attempt to hunt, trap, catch, capture, molest, poison, wound or kill any invertebrate, animal, mammal, bird, reptile or amphibian; disturb, molest or rob the nest of any mammal, bird, insect, reptile or amphibian or the lair, den or burrow of any mammal, bird, reptile or amphibian, except as may be specifically provided for in Area B or for valid scientific purpose;
- D. Fishing guidelines shall be followed and may be viewed within the Michigan Fishing Guide
https://www.michigan.gov/documents/dnr/FishingGuide2020_684742_7.pdf
catch and release is encouraged and no spearing or bow fishing will be allowed;
- E. Release or cause to be released any wild, domestic or pet animal, bird, fish or reptile or bring in or plant or distribute the seeds or spores of any flowering or nonflowering plant brought into or upon District lands or waters from any outside source whatsoever;
- F. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations; and
- G. Deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid or placed any fill, sediment, ashes, medical waste, hazardous materials, trash, rubbish, paper, garbage, refuse, debris or junk. However, on site produced garbage can be deposited in designated containers or removed from site as indicated or instructed.

SECTION R 63.11 DESTRUCTION BY OR MISUSE OF FIRE

No unauthorized person shall upon or in connection with any property of the district:

- A. Set fire, or cause to be set on fire, any tree, forest, brushland, grassland, meadow, prairie, marsh, slash, refuse, container or structure;
- B. Build a fire anywhere, for any purpose, except as specifically allowed in designated and posted areas;
- C. Build a fire or cause a fire to start in or out of receptacle close to or in any structure whatsoever or close to any tree or other plants in such a way as to deface, damage or destroy that structure or scar, injure or destroy any tree or plants or their foliage;
- D. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or match;
- E. Build any fire whatsoever for any purpose in or out of a designated and posted receptacle and leave it unattended, unless such fire is properly extinguished. For the purpose of this Ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance are cold to the human touch; and
- F. Set fire, or cause to be set on fire, in or out of a receptacle, any materials not for burning, including, but not limited to, metal objects, chemicals, wood with metal pieces such as nails, etc.

SECTION R 63.12 PET EXERCISING

Dogs are predators by nature and often mark their territory in order to keep competitors away. This scent marking can infringe on the terrain of wide-ranging wild predator species such as coyotes, bobcats, lynx, foxes, deer or rare cases black bears, cougars or wolves and interrupt essential contiguous wildlife corridors.

Pets that run loose can also harass or kill wildlife. Deer, birds, rabbits and other animals are sometimes chased and killed by off-leash pets. Nests can be disturbed in forested areas where some species lay their eggs on the ground or where ground nesters can be found.

The following rules apply to pets exercising:

- Pets must be on a 6-foot leash and under your immediate control at all times;
- Always clean up after your pet;
- Please carry a waste bag with you at all times;
- Pets should not be tied up unattended;
- Keep pets from interacting with wildlife; and
- Keep pets from disturbing visitors.

SECTION R 63.13 TRAIL USE AND ETIQUETTE

While using trails, treat others the way you would want to be treated and know your right of way. Check signage for the trail you are hiking and follow the correct right of way yields.

Further:

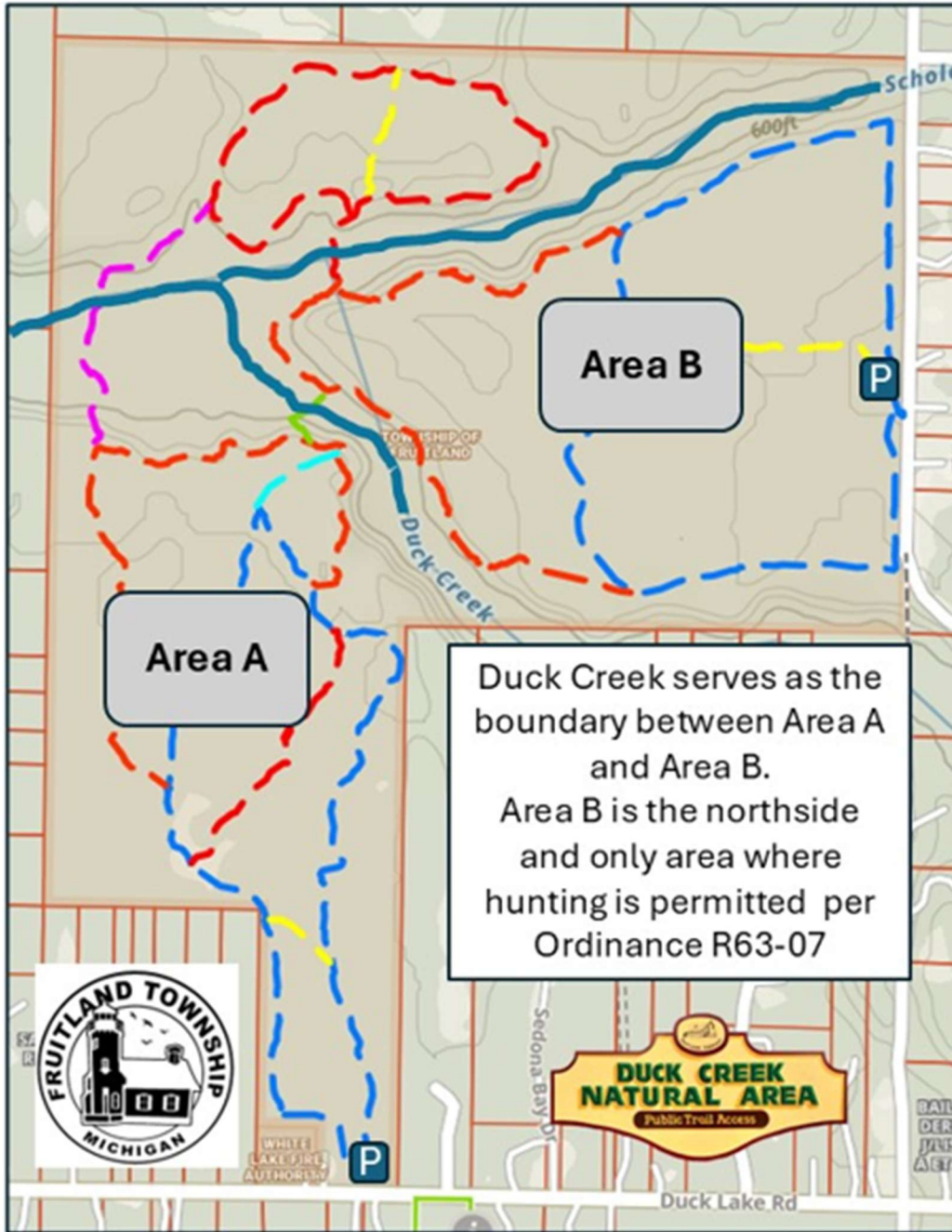
- Stay on the trails to keep natural areas how you found them. Don't step off the trail unless absolutely necessary. Going off trail can damage or kill certain plant or animal species and can hurt the ecosystems that surround the trail.
- Clean up after yourself and place trash in designated garbage containers. This includes "organic trash" such as orange rinds, apple cores, nut shells, and banana peels.
- Don't remove flowers, ferns, antlers, or even sticks. Discovering natural objects is one of the most interesting and fun parts of a hike and we ought to give all hikers the same opportunity.
- Be mindful of trail conditions and be aware of your surroundings.
- Make yourself known and offer a friendly "hello" or a simple head nod. If you approach another trail user from behind, announce yourself in a friendly, calm tone and let him/her know you want to pass.
- Take time to listen. Be respectful of both nature and the other users and keep the noise from electronic devices at bay.

SECTION R 63.14 FINES FOR VIOLATIONS

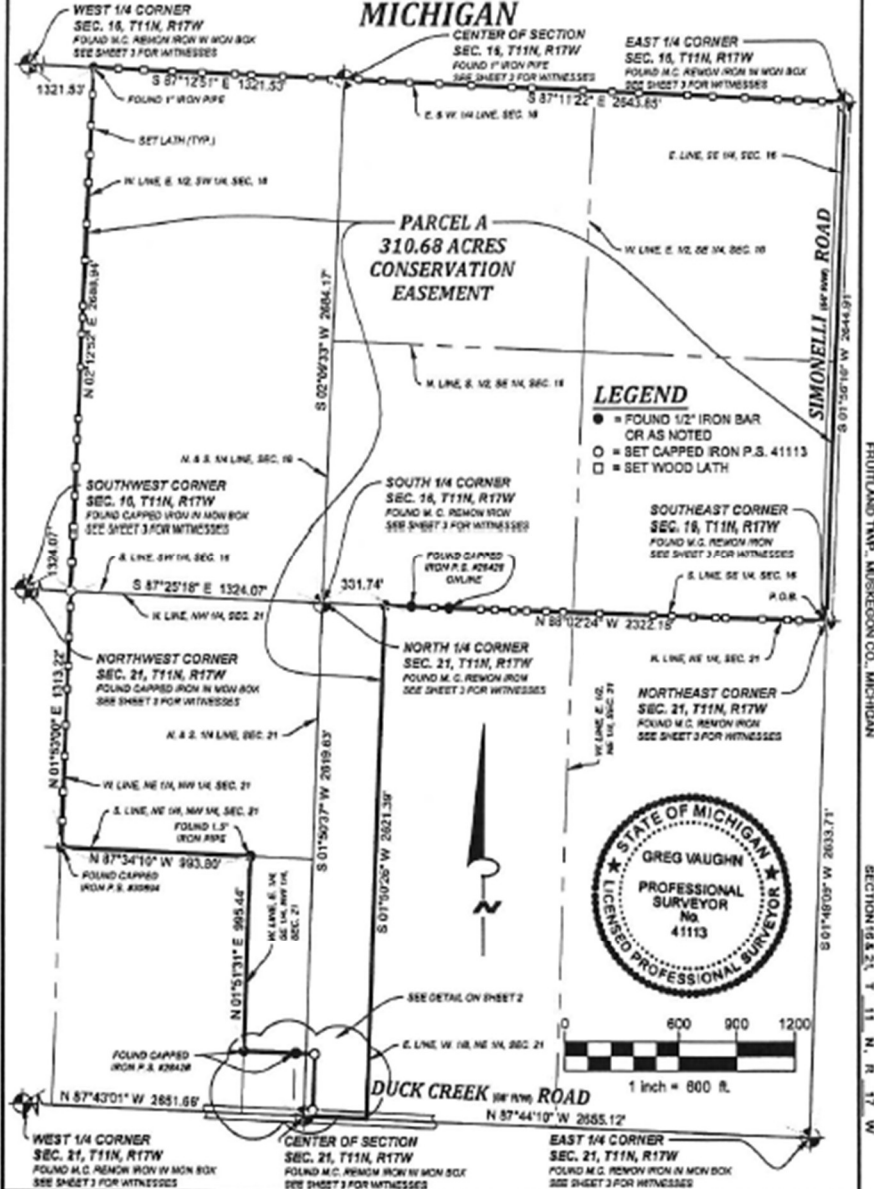
Any person, firm or corporation who violates a provision of this Ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by Fruitland Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

EXHIBIT 1

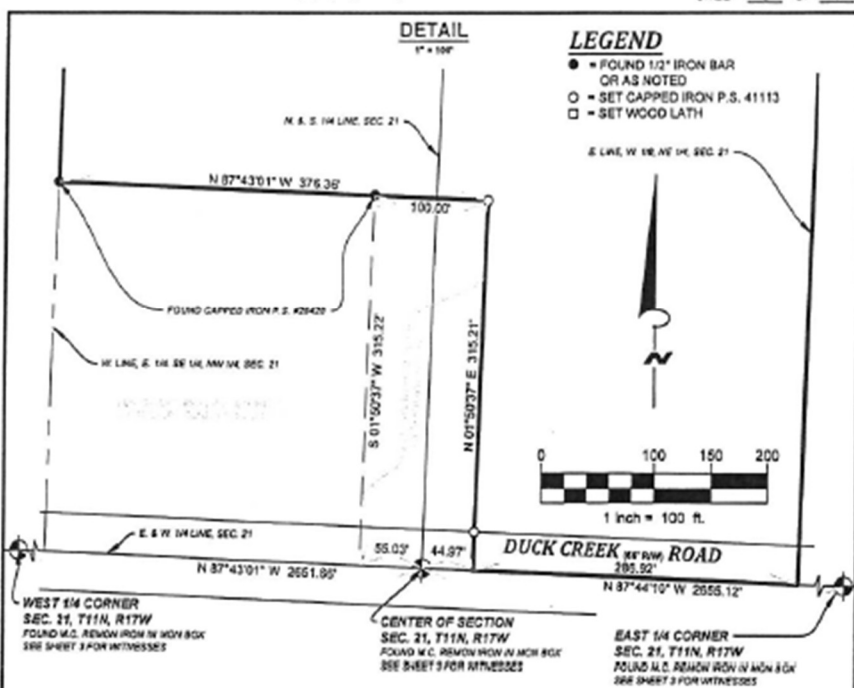
Fruitland Township Duck Creek Natural Area Conservation District Map



SURVEY IN THE SOUTH 1/2 OF SECTION 16 AND THE NORTH 1/2 OF SECTION 21, TOWN 11 NORTH, RANGE 17 WEST, FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN



FRUITLAND TWP, MUSKEGON CO., MICHIGAN
SECTION 16 & 21, T. 11 N., R. 17 W.
13203.71
117032 W. 40894.108
13203.71



ORIGINAL DESCRIPTIONS FOR SURVEY BASED UPON TRANSMANATION TITLE AGENCY TITLE NO.: 225399/WMR WITH EFFECTIVE DATE OF OCTOBER 06, 2017.

PARCEL A (CONSERVATION EASEMENT AREA):

THAT PART OF THE SOUTH HALF OF SECTION 16 AND THE NORTH HALF OF SECTION 21, TOWN 11 NORTH, RANGE 17 WEST, FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 16; THENCE NORTH 88° 02' 24\"/>

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THE REQUIREMENTS OF P.A. 132 OF 1973, AS AMENDED, HAVE BEEN COMPLIED WITH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



W WIGHTMAN

2203 Piquette Road, Benton Harbor, MI 49022
402 East Rossars Street, Kalamazoo, MI 49007
1070 Locust Road, Alhambra, MI 49010

269.927.3190
269.227.2532
269.873.3445
www.gregvaughn.com

CLIENT: LAND CONSERVANCY OF WEST MICHIGAN
JOB No: 192068
DATE: 04/25/2019
SCALE: 1" = 100'
DRAWN BY: MAJ
CHECKED BY: GV

Greg Vaughn
GREG VAUGHN
P.S. 41113

FRUITLAND TWP., MUSKEGON CO., MICHIGAN SECTION 16 & 21, T. 11 N. R. 17 W. 192068

SECTION CORNER WITNESS TIES:

**WEST 1/4 CORNER
SEC. 16, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX
-FND N/4 TAG N, SIDE 12" BEECH N57°E 32.71'
-FND NAIL W, SIDE 20" MAPLE S31°E 74.34'
-FND NAIL SE, SIDE 30" TWIN OAK S32°W 40.22'
-FND NAIL NE, SIDE 18" TWIN MAPLE N72°W 36.68'

**CENTER OF SECTION
SEC. 16, T11N, R17W**

FOUND 1" IRON PIPE
-FND NAIL N, SIDE 18" OAK N63°E 22.75'
-SET NAIL S, SIDE 18" OAK S33°W 31.70'
-SET NAIL N, SIDE 18" TWIN OAK N81°W 34.46'
-SET NAIL E, SIDE 18" TWIN OAK N15°W 25.54'

**EAST 1/4 CORNER
SEC. 16, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX
-FND 1" CUT IN N. END OF W. BRIDGE WALL S19°W 58.44'
-N. EDGE OF DOUBLE ARROW SIGN POST N57°W 18.32'
-SET NAIL N, SIDE 8" POPLAR S47°E 36.88'
-N. FACE STOP SIGN POST N40°E 66.62'

**SOUTHWEST CORNER
SEC. 16, T11N, R17W &
NORTHWEST CORNER
SEC. 21, T11N, R17W**

FOUND CAPPED IRON W MON BOX
-FND NAIL SW, SIDE P.P. N34°W 46.98'
-FND NAIL W, SIDE P.P. N21°E 43.27'
-FND NAIL SW, SIDE 12" WHITE PINE S27°E 55.22'
-FND NAIL E, SIDE P.P. S45°W 47.52'

**SOUTH 1/4 CORNER
SEC. 16, T11N, R17W &
NORTH 1/4 CORNER
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON
-FND N/4 TAG SE, SIDE 24" TWIN OAK N22°E 31.22'
-FND NAIL SW, SIDE 18" OAK S32°E 34.79'
-FND NAIL W, SIDE 30" OAK N16°E 18.48'
-SET NAIL W, SIDE 24" OAK S12°W 33.52'
-GL PATH SOUTH 1/4

**SOUTHEAST CORNER
SEC. 16, T11N, R17W &
NORTHEAST CORNER
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON
-FND NAIL NE, SIDE 12" CHERRY N32°W 15.54'
-FND NAIL W, SIDE 17" ASH S10°W 25.28'
-FND NAIL W, SIDE 12" MAPLE S30°E 42.19'
-FND CAPPED IRON 400100 S57°E 32.34'
-FND NAIL SE, SIDE P.P. N52°E 42.59'

**WEST 1/4 CORNER
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX
-FND 3" SPIKE E, SIDE 8" OAK N47°E 56.68'
-FND SPIKE W, SIDE 12" OAK N97°E 61.67'
-FND SPIKE W, SIDE 12" OAK S45°E 66.24'
-FND NAIL SE, SIDE 20" OAK S50°W 61.67'
-FND SPIKE E, SIDE P.P. N52°W 63.34'
-FND SPIKE E, SIDE 30" OAK N45°W 63.02'

**CENTER OF SECTION
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX
-FND 1" NAIL W, SIDE P.P. N15°E 27.02'
-FND 3" SPIKE W, SIDE 8" PINE N32°E 52.34'
-FND 3" SPIKE W, SIDE 28" OAK S20°E 45.08'
-FND SPIKE, SIDE 18" OAK SOUTH 41.02'
-FND 3" SPIKE E, SIDE 30" OAK S47°W 32.23'
-FND 3" SPIKE W, SIDE 12" OAK N12°W 44.42'

**EAST 1/4 CORNER
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX
-FND NAIL W, SIDE P.P. N62°E 38.11'
-FND NAIL E, SIDE 8" TWIN OAK S23°E 39.22'
-FND NAIL E, SIDE 12" OAK S22°W 78.12'
-FND NAIL S, SIDE 20" OAK S12°W 62.89'
-FND NAIL E, SIDE 12" CHERRY N12°E 44.73'
-FND NAIL SE, SIDE 20" OAK N85°E 56.72'

FRUITLAND TWP., MUSKEGON CO., MICHIGAN

SECTION 16, 21, T. 11 N., R. 17 W.

192025



W+ WIGHTMAN
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423 East Rampart Street, Kalamazoo, MI 49007 269.327.2032
1870 Lincoln Road, Allegan, MI 49010 269.673.8465
www.wightman.com

CLIENT: LAND CONSERVANCY OF WEST MICHIGAN
JOB No: 192065
DATE: 04/25/2019
SCALE: N/A
DRAWN BY: MAJ
CHECKED BY: GV

Greg Vaughn
GREG VAUGHN

P.S. 41113