TOWNSHIP OF SOLON

COUNTY OF KENT, MICHIGAN

GENERAL ORDINANCES OF THE TOWNSHIP

(Including all Township ordinances of a general nature, except the zoning ordinance and ordinances granting franchises, as amended effective through October 29, 2026)

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LIQUOR CONTROL ORDINANCE

(Ord. No. ____; amended by Ord. No. 60)

An Ordinance to provide standards and procedures for the review and approval of applications, transfers, renewals and revocations of liquor licenses and activity permits issued by the Michigan Liquor Control Commission and for the regulation of liquor traffic within the Township, so as to secure the public health, safety and welfare; and to provide penalties for the violation thereof.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The Michigan Liquor Control Code of 1998, Act 58 of the Public Acts of 1998, as amended ("Liquor Control Code"), requires Township approval for liquor licenses that permit alcoholic beverages to be sold, served and consumed on the premises of certain licensed businesses. Township approval is also required for Dance, Entertainment, Topless Activity and Banquet Facility permits.

This Ordinance provides standards and procedures for the review and approval of applications, transfers, renewals and revocations of liquor licenses and activity permits and for the regulation of liquor traffic within the Township, so as to secure the public health, safety and welfare.

Section 2. Definitions.

Unless defined below, words used in this Ordinance shall have the meanings prescribed by the Liquor Control Code. The following words and terms shall have the meanings indicated:

(a) "Applicant" shall mean any person who seeks approval from the Township Board for a liquor license or activity permit issued by the Michigan Liquor Control Commission.

(b) "Person" shall mean any legal entity including, but not limited to, an individual, firm, partnership, limited partnership, association, limited liability company, corporation or trust.

(c) "Premises" shall mean all areas used in carrying out the principal functions of the business of the licensee or permitee, except those areas which are specifically exempted in other provisions in this Ordinance.

(d) "Full Service Restaurant" means a restaurant or dining facility which meets the following requirements:

(1) The restaurant or dining facility serves complete dinners and meals selected by the customer from a menu which includes a choice of appetizer, salad, entrée, featuring a variety of meat, poultry or fish dishes, vegetable, bread, dessert and beverages.

(2) Waiter or waitress service is provided.

(3) At least 50% of the restaurant's gross receipts inclusive of alcoholic liquors are derived from the sale of food and beverages other than alcoholic liquors.

(4) Separate restroom facilities are available for men and women.

(5) The restaurant's combined kitchen and food storage areas equal at least 50% of the square footage of all dining areas.

(6) If a bar or counter space is provided for the dispensing and sale of alcoholic liquors, it shall be separated from the dining area by a suitable wall or partition and shall be limited so as to consist of not more than 20% of the restaurant's dining capacity.

(7) The dining area of the restaurant shall have a seating capacity of not less than 80 diners calculated based on a minimum of 15 square feet of space per person seated.

(8) The hours of operation of the restaurant shall end not later than 2:00 a.m.

Section 3. Application; Contents; Fees.

(a) Township Approval. Any person seeking to obtain a license from the Michigan Liquor Control Commission to sell alcoholic beverages for consumption on the premises or seeking a permit for dance, entertainment, topless activity or banquet facilities shall first secure the approval of the Township Board in accordance with the terms and conditions set forth in this Ordinance.

(b) Application Information. The application to be filed with the Solon Township Clerk shall contain the following information and any other information that may be helpful in reviewing the application, as may be requested by the Township Board:

(1) The name, age, address, phone number, driver's license number or other identification number for the applicant. The applicant's information shall include, in the case of a partnership, the persons entitled to share in the profits of such partnership; in the case of a corporation, each of the officers, directors and those shareholders owning 5% or more of the stock of the corporation; in the case of a limited liability company all members and managers. In any case where the foregoing persons entitled to share in the profits, the officers, directors or shareholders, or the members or managers are not individuals, the information required in this section should also be provided as to each such person who is not an individual.

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

(3) A statement whether the applicant has made application for a similar or other license as to another premises and the disposition of such application.

(4) A statement that the applicant, and each of the parties identified in subsection (b)(1), has never 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.

(5) A history of the applicant's business and a description of the nature of the business, including a statement that it is authorized to do business within the State of Michigan.

(6) The application shall be accompanied by building and plat plans showing the entire structure and premises and the specific areas where the license is to be used. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control. The premises shall be inspected by a Township official prior to any public hearing required by this Ordinance. In addition, the premises shall be in compliance with all Township ordinances.

(c) **Fee**. Along with the application, the applicant shall pay a processing fee, the amount of which shall be established by resolution of the Township Board from time to time.

Section 4. Standards for Approval.

The Township Board shall not approve an application for an on-premises liquor license, the transfer of such a liquor license, or the change in status of such a license, unless all of the following standards are met:

(a) **Qualifying Persons**. No person identified in Section 3(b)(1) of this Ordinance shall be one or more of the following:

(1) A person whose license, under this Ordinance or a predecessor ordinance, has been revoked for cause.

(2) A person who would not be eligible to receive a license hereunder for any reason upon a first application.

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

(4) A person who has participated in the preparation of the application and has knowingly made any false statement in the application or has failed to fully complete the application.

(5) A person who, as the applicant, has failed to demonstrate sufficient financial assets so as to carry on or maintain the licensed business and to complete construction of any new premises according to the site plan and building plans filed with the Township.

(b) **Qualifying Premises**. No application for an on-premises liquor license or the transfer or change in status of such a license shall be approved unless the premises upon which such business is to be operated complies with each of the following requirements:

(1) The premises shall comply with all applicable construction codes, zoning regulations, public health regulations and all applicable Township ordinances.

(2) The premises shall, as determined by the Township Board, have adequate off-street parking, lighting, refuse disposal facilities, screening and noise control.

(3) The premises shall be commercially zoned and shall comply with all applicable zoning regulations.

(4) The premises shall include a full-service restaurant; provided, however, any premises for which a license was approved prior to the effective date of this Ordinance may continue to operate so long as the degree of non-compliance with the full service restaurant requirements is not increased. This exception shall not apply to the transfer of a pre-existing license to another premises. Such new premises shall comply with the requirements of a full service restaurant.

(c) **Additional Standards for Review**. The Township Board has determined that it is in the best interest of the Township to limit on-premises liquor licenses to establishments which include a full-service restaurant. It is within the Township's discretion to not approve any such liquor licenses or to take no action with respect to any application filed with the Township Board. The following may also be considered by the Township Board in determining whether to grant approval as to one or more requested applications:

(1) Zoning and use of the parcel and adjacent parcels.

(2) The type of uses to be conducted under the terms of the license.

(3) Traffic on nearby streets and the impact of the applicant's proposed use on traffic.

(4) The financial ability of the applicant to conduct the proposed business.

(5) Effect of the proposed use upon nearby property uses and property owners.

(6) Other information relevant to the traffic of alcoholic liquor within the Township.

(d) **Continued Compliance**.

(1) If any licensee or licensed premises at any time ceases to meet the standards of this section, the Township Board may revoke its approval pursuant to Section 5 below, and in that event, the continued sale of liquor for consumption on the premises shall constitute a violation of this Ordinance.

(2) All licensees shall maintain accurate records of receipts and disbursements in such a manner that receipts from food and beverages other than alcoholic liquors can be readily distinguished from receipts for alcoholic liquors, so as to establish compliance with

the definition of a full-service restaurant. Such records shall be available for inspection by the Township or its enforcing officer at reasonable times during normal business hours.

Section 5. Objections to License Renewal and Requests for Revocation of License.

(a) **Public Hearing**. Before the Township Board files an objection to renewal of an on-premises liquor license or files a request for revocation of an on-premises liquor license with the Michigan Liquor Control Commission, the Township Board shall hold a public hearing, subject to the following requirements:

(1) Notice of the public hearing shall be mailed to the license holder by first-class mail not less than 10 days prior to the hearing. The notice shall identify the proposed action, the reasons for the proposed action and the date, time and place of the hearing. The notice shall also state that the license holder may present evidence and testimony and confront adverse witnesses.

(2) If the Township Board does not file its objection to renewal at least 30 days before the date of expiration of a license, the Michigan Liquor Control Commission may, but is not required to, proceed to renew the license without Township approval.

(3) Following the public hearing, the Township Board shall submit to the license holder and to the Michigan Liquor Control Commission a written statement of its findings and its determination regarding an objection to renewal or the request for revocation of a license.

(b) **Standards for Considering an Objection to Renewal or a Request for Revocation**. The Township Board shall object to the renewal of an on-premises license or shall request the revocation of such a license upon the determination by it that any of the following exist:

(1) Violation of any provision of this Ordinance or of the restrictions on licenses set forth in Section 4 above.

(2) Violation of the Liquor Control Code, including, but not limited to, the sale or furnishing of alcoholic liquor in a manner not properly licensed, or permitting dancing, entertainment, topless activity or other activity as identified in Section 916 of the Liquor Control Code without a permit for such activity, approved by the Township and issued by the Michigan Liquor Control Commission.

(3) Violation of the prohibition on sale or furnishing of alcoholic liquor to persons under 21 years of age, under the conditions described in Section 501(3) of the Liquor Control Code.

(4) The existence of a nuisance, criminal activity, disorderly conduct or activity that disturbs the peace, tranquility and good order of the surrounding neighborhood, within or upon the premises, including that portion of the premises used for parking, where, in the determination of the Township Board, such activity or condition resulted, directly or indirectly, from the actions or inaction of the licensee.

Section 6. Entertainment, Dance or Topless Activity Permits.

An on-premises licensee shall not be permitted to engage in performances for public viewing, dancing, topless activities or other activity identified in Section 916 of the Liquor Control Code unless approved by the Township Board. The Township Board is not required to approve permits authorizing topless activity or nudity and has determined that it is in the best interest of the Township not to approve permits for topless activity or nudity. Therefore, the Township Board shall not grant approval of permits of the type described in Section 916(3) of the Liquor Control Code or permits authorizing any type of topless activity or nudity.

Section 7. Banquet Facility Permits.

An on-premises licensee shall not be permitted to engage in banquet operations under Section 522 of the Liquor Control Code unless a permit has been obtained from the Michigan Liquor Control Commission after an approving resolution has been adopted by the Township Board approving the application for such permit. The Township Board is not required to approve any application for such approval. An application for approval of a banquet facilities permit shall be subject to the application requirements, review procedures and standards for license approvals contained in this Part 18.

Section 8. Penalties.

Violation of this Ordinance or failure to comply with the requirements of this Ordinance shall be a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than $500, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

Section 9. Severability.

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

Adopted September 11, 1978
Amended March 9, 2009

APPEARANCE TICKETS ORDINANCE

(Ord. No. ___; amended by Ord. No. 36)

WHEREAS it is provided by statute (764.9C Michigan Compiled Laws of 1948, amended by Public Acts 1968, No. 147, effective November 15 and further amended by Public Acts 1970, No. 147, immediately effective August 1) that a public servant other than a police officer may be specially authorized by law to issue and serve appearance tickets with respect to a particular class of offenses of less than felony grade and,

WHEREAS, it has been determined that the Solon Township Building Administrator or acting Solon Township Building Administrator by designation of the Township Board should be given special authority to issue and serve appearance tickets in certain specially designated instances:

NOW THEREFORE THE TOWNSHIP ORDAINS: The Solon Township Building Administrator or the acting Solon Township Building Administrator, by designation of the Township Board be and are hereby authorized to issue and serve appearance tickets upon a person when the issuer has reasonable cause to believe that the person has committed an offense under the following Township ordinances for which the maximum permissible penalty does not exceed 90 days in jail and a fine of $500.

(a) Dangerous and Unsafe Buildings, Ord. No. 20 (adopted November 8, 1978)

(b) Disorderly Conduct Ordinance, Ord. No. 13 (adopted February 11, 1974)

The appearance tickets shall be in such form as may be determined from time to time by state law.

This Ordinance shall take effect on December 19, 1981.

Adopted _____
Amended _____

OUTDOOR ASSEMBLY ORDINANCE

(Ord. No. 12, amended by Ord. No. 42 and Ord. No. 12B-26)

An Ordinance to license, regulate and control in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 50 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.

THE TOWNSHIP OF SOLON ORDAINS:

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

Section 1. Name.

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

Section 2. Definitions.

(A) "Outdoor assembly," hereinafter referred to as "assembly," means any event attended by more than 50 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to music festivals, rock festivals, peace festivals or similar gatherings, motorcycle and snowmobile rallies, hill climbs and races, but does not mean:

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

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

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

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

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

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

(E) "Licensee" means any person to whom a license is issued pursuant to this Ordinance.

Section 3.

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

Section 4. Application For License.

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

(A) The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than $500.)

(B) A statement of the kind, character, and type of proposed assembly.

(C) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

(D) The date or dates and hours during which the proposed assembly is to be conducted.

(E) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section 5.

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

(A) Police and fire protection.

(B) Food and water supply and facilities.

(C) Health and sanitation facilities.

(D) Medical facilities and services including emergency vehicles and equipment.

(E) Vehicle access and parking facilities.

(F) Camping and trailer facilities.

(G) Illumination facilities.

(H) Communications facilities.

(I) Noise control and abatement.

(J) Facilities for cleanup and waste disposal.

(K) Insurance and bonding arrangements.

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

Section 6.

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

Section 7.

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

Section 8.

A license may be denied if:

(1) The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 9.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section 10.

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

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

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

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

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

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

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

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

Facilities	Male	Female
Shower Heads	1:100	1:100

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

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

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

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

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

(G) **Solid Waste Disposal**. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof

containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

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

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

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

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

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

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

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

(O) **Insurance**. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than $300,000, and property damage insurance with a limit

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

(P) **Bonding**. Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of $100,000 in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers and employees and the Township Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

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

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

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

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

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

Section 11.

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

Section 12. Violations.

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

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

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

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

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

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

(F) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within one year of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

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

Section 13. Severability.

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

Section 14.

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

Section 15. Effective Date.

This Ordinance shall be in full force and effect on the 30th day following publication thereof.

Adopted February 11, 1974
Amended _____

DISORDERLY CONDUCT ORDINANCE

(Ord. No. 13)

Section 1. Definitions.

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

Section 2. Acts Prohibited.

No person shall:

(a) Commit an assault, or an assault and battery on any person.

(b) Engage in any disturbance, fight, or quarrel in a public place.

(c) Be drunk in any public place or under the influence of any narcotic drug in any public place.

(d) Engage in any indecent insulting, immoral, or obscene conduct in any public place.

(e) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign or motion, any person in any public place.

(f) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for unlawful mischievous purposes in any public place to the annoyance or inconvenience of others.

(g) Jostle or roughly crowd persons in any street, alley, park, or public building.

(h) Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.

(i) Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own.

(j) Beg in any public place.

(k) Engage in peeping in the windows of any inhabited place.

(l) Swim or bathe in any public place without wearing proper apparel.

(m) Make any immoral exhibition or indecent exposure of his or her person.

(n) Engage in any act of prostitution or gross indecency.

(o) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

(p) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor or narcotics, or where any other illegal or immoral business or occupation is permitted or conducted.

(q) Disturb the public peace by loud, boisterous or vulgar conduct.

(r) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.

(s) Obstruct, resist, hinder, or oppose any member of the police force, or any police officer in the discharge of his duties as such.

(t) Knowingly furnish to any police officer or other official a false name, false address or false information in connection with any arrest or investigation.

(u) Knowingly make to any police officer a fictitious report of the purported commission of any crime or misdemeanor.

(v) Trespass or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupant or his agent.

(w) Prowl about on the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

(x) Wrongfully throw or propel any snowball, missile or object from any moving automobile.

(y) Wrongfully throw or propel any snowball, missile or object toward any person or automobile.

(z) **Minor in Possession of Alcoholic Liquors**. No person under the age of 21 years shall purchase, or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic liquor unless said person's employed by a license as defined in Public Acts 1952, No. 227, as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his control during regular working hours and in the course of his employment.

Section 3.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed $500 together with court costs, in the discretion of the court. Each day that such violation occurs shall constitute a separate offense.

Section 4.

This Ordinance shall be in full force and effect on the 30th day following publication thereof.

Adopted February 11, 1974

JUNK AND INOPERABLE MOTOR VEHICLES ORDINANCE

**(Ord. No. 14; amended by Ord. No. 41;
repealed/replaced by Ord. No. 63)**

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to prohibit the presence of junked, inoperable and abandoned vehicles on public or private property which constitute an attractive nuisance for children and endangers their safety; provide harborage for rats and other animals constituting a menace to public health; create a fire hazard; cause neighborhoods to become unsightly resulting in the depreciation of property values and, if on public highways, create a traffic hazard and endangers the public safety.

Section 2. Definitions.

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

(a) "**Vehicle**" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, across land, on the water, or in the air, and includes but is not limited to automobiles, trucks, open or enclosed trailers, motorized and non-motorized boats, aircraft, off-road vehicles and self-propelled farming and construction equipment.

(b) "**Motor vehicle**" means every vehicle which is self-propelled.

(c) "**Inoperable vehicle or motor vehicle**" means any vehicle or motor vehicle which cannot be started or legally or physically operated by virtue of lacking the equipment required by the laws of the State of Michigan, or which does not bear valid and current license plates or registration, if applicable, or is otherwise in a condition not capable of being used for its intended purpose.

(d) "**Junk vehicles or motor vehicles**" include all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner, or which have been so damaged or dismantled as to be a total loss.

(e) "**Total loss**" means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal books or method.

Section 3. Storage of Inoperable or Junked Vehicles or Motor Vehicles.

No person, firm, or corporation any shall accumulate, store, place or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle or part thereof in Solon Township for more than 48 hours, unless such inoperable or junk vehicle or motor vehicle is stored in compliance with the zoning ordinance of Solon Township or in an enclosed garage or other lawful structure.

Section 4. Prima Facie Evidence.

The ownership, occupation or use of land by any person, firm or corporation or upon which inoperable or junked vehicles or motor vehicles are accumulated, stored, or placed shall be prima facie evidence that such person, firm, or corporation accumulated, stored or placed such inoperable vehicle or motor vehicle upon such land, or permitted such inoperable vehicles or motor vehicles to be accumulated, stored or placed upon such land.

Section 5. Penalties.

Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Section 6. Publication and Effective Date.

A summary of this Ordinance shall be published in a newspaper of general circulation in the Township. This Ordinance shall take effect 30 days following such publication.

Section 7. Repeal.

The existing "Inoperable Motor Vehicles Ordinance," Ordinance No. 14, as amended, is hereby repealed upon the effective date of this Ordinance.

DANGEROUS AND UNSAFE BUILDING ORDINANCE

(Ord. No. 20)

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Solon, County of Kent, Michigan, by the regulation of dangerous buildings injurious to life of health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer, to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; to provide for appeal of final decision to circuit court; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Name.

This Ordinance shall be known and cited as the Solon Township Dangerous and Unsafe Building Ordinance.

Section 2. Maintenance of Dangerous Buildings.

It is unlawful for any owner or agent thereof to keep or maintain any building, or part thereof, in Solon Township which is a "dangerous building" as defined in Section 3.

Section 3. Definitions.

As used herein, "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 provisions of Act 207, the Public Acts of 1941, as amended, and rules and regulations adopted thereunder, it shall be considered that such building does not meet the requirements of this Ordinance.

(b) Whenever any portion has been damaged by fire, flood, wind or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirement of this Ordinance or any Building Code of the Township for a new building or similar structure, purpose or location.

(c) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(d) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this Ordinance or the Building Code of the Township.

(e) Whenever the building or structure or any part, because of dilapidation, disrepair, 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 reasons, 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 designed.

(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, decay, damage, disrepair or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or when any building is in a condition that is likely to cause sickness or disease when so determined by the health officer or is likely to work injury to the health, safety or general welfare of those living within, or others.

(i) Whenever any building becomes vacant, dilapidated and open, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

Section 4. Notice.

(a) 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 building inspector shall issue a notice of the dangerous and unsafe condition.

(b) Such notice shall be directed to the owner, agent or lessee or to each owner or party in interest in the building in whose name the property appears on the last tax assessment records.

(c) 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 to be demolished or otherwise made safe.

(d) 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 such owner or party in interest at the address shown on the tax records, at least ten 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 5. Hearing Officer.

(a) The hearing officer shall be appointed by the Township supervisor to serve at his pleasure. The building inspector shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(b) The hearing officer shall take testimony of the building inspector, the owner of the property, if present, 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.

(c) If the hearing officer determines that the building or structure shall be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therein.

(d) 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 the Township Board 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 4(d).

Section 6. Township Board Hearing.

(a) The Township Board, upon receiving the findings and order of the hearing officer, shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent, lessee in the manner prescribed in Section 4(d) of the time and place of the hearing.

(b) At the hearing the owner, agent, lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe. The Township Board shall either approve, disapprove or modify the order for the demolition of or making safe the building or structure.

Section 7. Penalties For Violation.

(a) **Criminal**. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment in the county jail, not to exceed 90 days, or both, such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

(b) **Property Lien**. In addition to the imposition of such fines and penalties as prescribed in paragraph (a) hereof:

(1) The cost incurred by the Township for the demolition or making safe the building shall be a lien against the real property and shall be reported to the assessory officer of the Township who shall assess the cost against the property on which the building or structure is located.

(2) The owner or party in interest in whose name the property appears upon the last 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 supervisor of the notice of the amount thereof, the supervisor shall add the same to the next tax roll of the 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 8. Appeal.

An owner or party in interest aggrieved by any final decision or order of the Township Board may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section 9. Severability.

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

Section 10. Effective Date.

This Ordinance shall take effect 30 days after publication.

Adopted November 8, 1978

FISCAL YEAR ORDINANCE

(Ord. No. 21)

An Ordinance to establish the fiscal year of the Township of Solon, Kent County, Michigan, and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF SOLON, KENT COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1.

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

Section 2.

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 3.

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 4.

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

Adopted February 16, 1979

PARK AND RECREATION BOARD ORDINANCE

(Ord. No. 24)

An Ordinance to approve the establishment of an area park and recreation board and authorize funding toward the development of a recreation plan pursuant to Act 156, Public Acts of 1917 as amended.

THE TOWNSHIP OF SOLON, KENT COUNTY, MICHIGAN ORDAINS

WHEREAS, the Township does not have a current, approved recreation plan; and

WHEREAS, the Township recognizes a need to acquire, equip, maintain and operate recreational facilities and programs; and

WHEREAS, the Township wishes to co-operate in the establishment of a recreation board, recreation plan and provision of funding for facilities and programs.

NOW, THEREFORE, BE IT ORDAINED, as follows:

(1) There shall be established the Cedar Springs Area Park and Recreation Board consisting of eight members appointed by and representing the governing bodies in the following manner:

Two from Solon Township

Two from Nelson Township

Two from City of Cedar Springs

Two from Cedar Springs Public Schools

(2) The Board shall be responsible for development and supervision of a recreation plan and recreation programs.

(3) An allocation of up to $2,000 shall be pledged toward the development of an area-wide Recreation Plan.

Adopted January 14, 1986

LIMITING POWERS OF CONSTABLES ORDINANCE

(Ord. No. 26)

An Ordinance to restrict or limit the powers and duties prescribed by state law for Township constables; to require minimum employment standards imposed by 1965 PA 203, as amended; to establish liability for violations of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF SOLON, COUNTY OF KENT, MICHIGAN ORDAINS:

Pursuant to authority vested in the Solon Township board by Public Act No. 426 of the Public Acts of 1976 of the State of Michigan, no elected or appointed constable of the Township of Solon shall exercise any power or assume any duty prescribed by the laws of the State of Michigan, except as follows:

(4) The office of the supervisor request that the constable be used only to deliver ordinance enforcement letters. These letters will be conducted by the supervisor or Township attorney, only.

(5) Constable will log and record each attempt to deliver enforcement letters, date, time and mileage.

(6) Uniform will be worn only when conducting Township business or attending Township functions.

(7) Township forbids the carrying of any weapons of any kind.

SUMMARY

It is important to remember that the constable can have a potentially significant impact on the Township, one that should not be overlooked. It is very important to remember that the constable conduct himself in a professional manner at all times.

This Ordinance shall take effect on the 4th day of May, 1989.

Adopted May 4, 1989

COMPOSTABLE MATERIALS MANAGEMENT ORDINANCE

(Ord. No. 30A; amended by Ord. No. 45)

An Ordinance to protect the environment and public health, safety and welfare of the residents and property owners of Solon Township, Kent County, Michigan from the hazards of composting facility operations by providing for the regulation and management of certain compostable materials; to authorize certain fees, and to prescribe penalties and provide remedies.

THE TOWNSHIP BOARD OF SOLON TOWNSHIP, KENT COUNTY, MICHIGAN, ORDAINS:

Section 1.

This Ordinance shall be known and may be cited as the "Solon Township Compostable Materials Management Ordinance."

Section 2.

As used in this Ordinance, the words and phrases defined in Sections 3 to 5 have the meanings ascribed to them in those sections.

Section 3.

(1) "Aerobic" means an environment where the biological decomposition of organic materials is freely exposed to oxygen and little offensive odor is produced.

(2) "Agronomic rate" means application of yard clippings or compost materials in a manner that provides the nitrogen or other nutrient needs of a crop, but does not overload the soil with nutrients or metals that may eventually leach, limit crop growth, or adversely impact soil quality, and is consistent with the "generally accepted agricultural and management practices for nutrient utilization" as adopted annually by the Commission of Agriculture, pursuant to the Michigan Right-to-Farm Act, Act No. 93 of the Public Acts of 1981, being Sections 286.471 to 286.474 of the Michigan Compiled Laws.

(3) "Anaerobic" means an environment where the biological decomposition of organic materials is not freely exposed to oxygen, and hydrogen sulfide, ammonia-like compounds, and other compounds with offensive odors may be produced.

(4) "Bond" means a surety bond from a surety company authorized to transact business in this state, a certificate of deposit, a cash bond, or an irrevocable letter of credit.

(5) "Carbonaceous yard clippings" means that portion of the yard clipping stream that has a high carbon content, including, but not limited to, leaves, straw, hay, woodchips, sawdust, cornstalks, or unpainted Christmas trees.

(6) “Closure” means the permanent termination or abandonment of all composting or other related activities on the site of a compost facility.

(7) “Compost facility” or “facility” means a yard clipping management area that has on location or is processing 15 cubic yards or more annually of yard clippings where the yard clippings are processed using aerobic composting technology that may include physical turning, windrowing, aeration, static piles, or other mechanical handling of organic matter.

(8) “Composting” means the process by which biological decomposing of organic solid matter is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner. Composting may include the presence of limited anaerobic zones within the material.

(9) “Curing” means the last stage of composting that occurs after much of the readily metabolized material has decomposed. Curing provides for additional stabilization by soil-dwelling microorganisms.

(10) “Curing area” means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material, typically by allowing piled material to simply remain untouched for a month or more.

Section 4.

(1) “Board” means the Solon Township Board.

(2) “Farm” means land, buildings, and machinery used in the production of farm products.

(3) “Health department” means the Kent County Department of Health.

(4) “In vessel facility” means a composting facility that is located in an enclosed structure with a rigid frame.

(5) “Leachate” from compost means the liquid that has come in contact with or percolated through the compostable material and contains extracted, dissolved, or suspended material.

(6) “Local unit of government” means either Kent County or Solon Township as identified.

(7) “Nitrogenous yard clippings” means that portion of the yard clippings stream that has high nitrogen content including, but not limited to, grass clippings or other typically green material.

Section 5.

(1) "Operator" means the person responsible for the operation or management of a compost facility.

(2) "Owner" means a person who holds an ownership interest in the property on which composting occurs.

(3) "Permit" means a permit issued by Solon Township issued pursuant to this Ordinance to construct or operate a compost facility.

(4) "Person" means an individual, partnership, corporation, association, governmental entity, or other entity.

(5) "Windrow" means the arrangement of compostables in rows to facilitate and maximize the process of aerobic composting.

(6) "Wood" or "woodchips" means wood and wooden products that have not been painted, treated, stained, contaminated, or finished in any way, including, but not limited to, pallets and lumber.

(7) "Yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, brush or tree trimmings less than four feet in length and two inches in diameter, or woodchips that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

(8) "Cellulose source" means cardboard, and, if utilized in the composting facility, shall be source separated.

Section 6.

(1) Except as otherwise provided in this section, yard clippings shall be processed in a compost facility established pursuant to this Ordinance.

(2) The requirement of subsection (1) does not apply to any of the following which does not cause a nuisance:

(a) A location that receives less than 75 cubic yards of yard clippings by volume, for use on the premises to augment the organic needs thereon.

(b) A location where yard clippings or compost materials, whether generated on the site, or otherwise, including animal waste, are directly applied to agricultural lands at agronomic rates for soil enrichment and conditioning of land.

(c) A farm or commercial or residential location where only yard clippings generated at that location are managed within the boundaries of that location, such management to be conducted in a manner so as not to create a nuisance by reason of odor and be further conducted in a manner so as to avoid leachate entering any stream or lake.

(d) A composting pilot project conducted for scientific research with an accredited university or college, such project to be conducted in a manner so as not to create a nuisance by reason of odor and be further conducted in a manner so as to avoid leachate entering any stream or lake.

Section 7.

(1) A person shall not construct or operate a compost facility in Solon Township unless the compost facility applies for and obtains a permit from Solon Township issued pursuant to this Ordinance, after obtaining appropriate PUD zoning.

(2) The application for a permit shall contain the name and residence of the applicant, the property owner, and the operator, the location of the proposed or existing compost facility, including the legal description of the proposed site, the parcel number and address, and other information Solon Township considers necessary to secure the purpose of this Ordinance.

(3) In addition to the requirements of subsection (2), an application for a compost facility shall, at a minimum, include all of the following:

(a) A vicinity map at scale of not less than 1:1,200 with the proposed facility centered in and depicting an area of not less than one mile from the facility boundaries, clearly indicating the zoning and land uses, adjacent activities, surface waters, wetland, roads, airports, historic sites, residential structures, churches, hospitals, schools, and business and industrial settings.

(b) A complete set of engineering plans. Engineering plans shall be submitted to the local unit of government, drawn to a scale of not over 200 feet to the inch. Plans for a compost facility shall be approved by a registered professional engineer. The plans for compost facilities shall include the following:

(i) The location of the facility as shown on a vicinity map.

(ii) Design capacity of the facility expressed in the cubic yards of yard clippings that the site is capable of receiving and processing annually.

(iii) Access route, traffic patterns, location of public roadways, habitable structures, and places of public use on or within 2,000 feet of the site and other properties potentially influenced by the facility.

(iv) Facility soil classification to a depth of at least three feet below original and final contour elevations.

(v) Topographic map detail with maximum two-foot contour intervals, a written legal description, and a site boundary map.

(vi) Means of limiting access to the facility, such as fencing, gates, berms, natural barriers, or other methods.

(vii) Details of a permanent method of runoff collection and detention basin storage including drainage patterns, ditching, and basin design calculations.

(viii) Detailed drawings showing existing and proposed structures, equipment, including scales, if any, utilities, fire hydrants available to the facility, wells, ditches, and wetlands or flood plains on or within 1,000 feet of the facility measured from the boundaries of the parcel on which the facility is sited.

(ix) Detailed description and listing of equipment to be used, proposed equipment storage locations, and a description of the proposed flow pattern of materials showing origin, processing steps and disposition and proposed layout of materials on-site (staging, windrows, screening, curing). The flow of material within the site must be described in sufficient detail to enable the Township to determine the viability of the site layout. Factors critical to a viable site layout include, but are not limited to:

(aa) Allotment of the space to each activity station.

(bb) Ease of movement of material between stations.

(cc) Flexibility to handle volume fluctuations.

(dd) Regular ability to maintain both the site, surface and equipment.

(ee) Adequate width of aisle ways between composting windrows.

(x) Location, direction, size, number of windrows and location of staging areas, stockpiling areas, brush storage, product storage, bulking agents, active composting area, and curing area.

(xi) A detailed narrative, in paragraph form, of the facility's procedure for handling waste materials, material received after operating hours, dust, odors, fire, and daily cleanup procedures. The narrative should include reference to the design and operation of the composting facilities as to material mix, incoming material form, particle size, material moisture content, technology to be utilized, wind direction and availability of oxygen and nutrients.

(xii) Details of a groundwater monitoring program as part of the application for a permit. The program shall, at a minimum, include quarterly monitoring during the active life of the facility and biannual monitoring for five years following facility closing. The Township shall have access to the monitoring results and shall have access to the monitor wells for the purpose of obtaining samples.

(c) A facility management plan, including a contingency abatement plan as described in Section 8.

(d) A description of the existing environment including vegetation, wetland, fauna, current and historical use, a general description of the anticipated environmental impact of the proposed facility, and any mitigating measures proposed to minimize impact.

(4) Solon Township shall make a final decision as to whether to issue a permit for a compost facility within 180 days after the Township receives an administratively complete application. If the Township fails to make a final decision within 180 days, the permit shall be considered issued.

(5) The initial permit shall be issued for a period of three years. A renewable permit shall be issued for a period of five years.

(a) Solon Township may revoke a permit or deny a permit application for just cause.

(6) Notwithstanding any other section of this Ordinance, Solon Township may limit the amount of nitrogenous yard clippings that a facility may receive if the Township determines that there are insufficient carbonaceous yard clippings on-site.

Section 8.

(1) In addition to the requirements of Section 7, prior to commencement of the operation of a compost facility, the operator shall develop a written contingency abatement plan to provide for corrections of any operational deficiencies that may occur at the facility. The operator shall provide a copy of the plan to the Township and the county health department. The plan shall, at a minimum, specify all of the following:

(a) Identification of supervisory personnel responsible for putting the abatement plan into effect and the method by which supervisory personnel may be contacted. This information shall be posted on the site.

(b) Mechanisms by which offending odors, contaminated runoff or other leachate, or other operational deficiencies will be eliminated.

(c) Method by which incoming material will be halted, handled, or directed to an alternate facility.

(d) Criteria and method by which routine operations will recommence.

(e) A contingency plan in the event of equipment breakdown.

Section 9.

(1) This Ordinance requires:

(a) An application fee in the amount of $650 to cover the cost of processing a permit required under Section 7 shall accompany the initial application; and a fee in the

amount of $175 to cover the cost of processing a renewal permit shall accompany application for renewal.

(b) An annual fee in the amount of $00.10 per cubic yard of compost material received at a facility, shall be payable by the operator of a compost facility, for reasonable costs incurred by Solon Township in regulating composting facilities within the Township, including engineering and testing costs. The operator shall maintain records showing the volume of compost material received at the facility, and the operator shall on December 31st of each year file a report of such volume with the Township. The fee shall be determined as of each December 31st and shall be due and payable before the second Monday of each February. Unpaid fees may be collected by suit or be assessed and collected against the property as taxes in default. And, failure to timely pay fees may result in revocation of the permit or denial of renewal.

(2) The posting of a performance bond or other financial mechanism adequate to address potential liability expense and closure costs may be required.

Section 10.

(1) A person who seeks to operate or continue operating a facility in Solon Township shall comply with all the requirements of this Ordinance, and there shall be filed with the Township:

(a) A certification by the owner or operator that the facility will operate in full compliance with this Ordinance, and

(b) Proof of compliance with all provisions of this Ordinance.

Section 11.

A compost facility shall comply with all of the following isolation distances:

(1) The materials storage, curing, processing, and composting areas of a compost facility shall not be located within any of the following:

(a) A 100-year flood plain.

(b) 800 feet of a flowing or intermittent creek, stream, or lake.

(c) 800 feet of a private water supply well or non-community water supply well.

(d) 800 feet of a community water supply well.

(e) 800 feet of a wetland.

(f) An area with the highest seasonal water table within four feet of final grade.

(2) Isolation distances may be varied upon a showing satisfactory to the Township that sufficient berming or grading is proposed to direct leachate away from the referenced areas or other provision made to insure the integrity of wetlands, wells, streams, and lakes, and other water supplies and sources.

(3) The materials storage, curing, processing, and composting areas of all compost facilities shall be located in compliance with wellhead protection area provisions provided for in the Safe Drinking Water Act, Act 399 of the Public Acts of 1976, being Sections 325.1001 to 325.1023 of the Michigan Compiled Laws.

(4) Composting, storage, transfer, or loading activities at a compost facility shall maintain an isolation distance of 800 feet from the nearest property line of each residence, school, hospital or nursing home.

(5) A compost facility shall include at a minimum one acre of composting or curing pad land for every 5,000 cubic yards of material on site.

(6) A compost facility shall retain (or plan and maintain) wooded vegetation strips on its perimeters to visually isolate the facility from residential and commercial sites and minimize the generation and impact of odors.

(7) All site access roads for vehicles bringing compostables to a compost facility shall be approved by the Kent County Road Commission and private roads and driveways shall comply with the Solon Township Private Road/Private Drive Ordinance.

Section 12.

(1) A compost facility shall be operated to achieve or maintain all of the following conditions within the compost that the facility processes:

(a) Available carbon to nitrogen ratio of 20:1 to 40:1, the optimal ration being 25:1 to 30:1.

(b) Moisture content within the range of 40 percent to 65 percent.

(c) Oxygen concentration greater than 5 percent.

(d) Temperature during active composting between 110 to 160 degrees Fahrenheit or 43 to 71 degrees Celsius, the optimum being 140 degrees Fahrenheit or 60 degrees Celsius.

(e) A pH range within 5.5 to 9.0, the optimal range being 6.5 to 8.5.

(f) A bulk density less than 40 pounds per cubic foot.

(g) Pathogens nonexistent after composting is complete.

(2) The operator of a compost facility shall provide sufficient equipment to manage the composting process. Temperature, moisture content, and pH content of compost piles shall be monitored regularly and site-specified turning or other aeration criteria shall be developed by the compost facility operator and a copy maintained at the facility for inspection by the Township during business hours.

(3) The owner or operator of a compost facility shall test the final product of the facility at least annually for heavy metals and organic chemicals.

Section 13.

(1) A compost facility shall meet all of the following accessibility and surface condition specifications, and facility operation requirement or the equivalents to these specifications:

(a) Year-round accessibility to all storage, curing, processing, and composting areas of a compost facility with a surface capable of supporting rescue equipment, emergency vehicles, and equipment necessary for the operation of the facility in accordance with this act.

(b) Unless soils are sufficiently permeable not to allow standing water, the site of composting activities shall be located to provide all weather access and positive site drainage. Access roads, windrow pads, curing pads, and other weight bearing surfaces shall be capable of supporting proposed facility equipment under both wet and dry conditions without developing penetration allowing water accumulation. At a minimum, the surface shall be prepared to include at least a 2 percent slope in one direction and an engineered pad surface consisting of a minimum of six inches of compacted gravel over a compacted base material.

(c) The site of all composting activities shall be constructed minimally in a manner consistent with the requirements of Kent County and local soil erosion and sedimentation control agencies.

Section 14.

(1) A compost facility shall operate in compliance with all of the following:

(a) Only yard clippings and other source separated materials as provided in subsection (b) may be received, processed, composted, cured, or stored by a facility. Composting of other materials at a compost facility is prohibited.

(b) Only yard clippings shall be received in a compost facility, except as in this Ordinance otherwise provided.

(c) All compost facilities for yard clippings shall use only aerobic composting methods and shall operate in a manner that minimizes anaerobic composting from occurring. A compost facility designed for anaerobic composting or utilizing anaerobic composting as a means of composting is not permitted unless specifically approved by a vote of three-quarters of the membership of the Township Board.

(d) Any bagged yard clippings received by a compost facility shall be debagged within 36 hours after delivery to the facility. Any nitrogenous yard clippings shall be mixed with carbonaceous yard clippings within 36 hours of delivery to the compost facility.

(e) Manage leachate surface water runoff draining from composting operations to accommodate a 25-year storm, including without limitations, collecting and containment, runoff control, testing and monitoring, treating and disposing of leachate in such form and manner as to protect public health, safety and welfare, protect water resources and supplies, and otherwise protect the environment.

(f) The operator of a compost facility shall not allow composted materials to accumulate for more than three years before being removed from the site unless a longer period is approved by the Township by action of the Township Board.

(g) Compostables are stored or maintained at a height of eight feet or less unless the compost facility has a working windrow turner on site capable of turning windrows greater than eight feet.

(h) Maintain adequate covered waste containers to move non-compostable materials to proper disposal facilities on a timely and regular basis.

(i) An operator shall not allow debris or litter on a public right-of-way or off site.

(j) Beginning on March 28, 1995, a compost facility shall not accept yard clippings that are contained in plastic bags.

(k) A compost facility operator shall prevent the emission of offensive odors or air contaminants in quantities or under conditions that are injurious or a nuisance to public health, safety, and welfare and the environment.

(l) Any exterior lighting at the compost facility shall be shielded or capped to minimize off-site lighting.

(m) Noise and vibration emanating from a compost facility shall not exceed standards established in state or federal statutes, Township ordinances, and Township, state or federal regulations. In the absence of other generally accepted noise regulations, the following standards apply:

(i) Operation of the proposed compost facility shall not result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area:

Adjacent Land Use	**Maximum Sound Level**
Residential	75 dba
Commercial	85 dba
Industrial	90 dba

(ii) Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent land uses.

(n) Access to the compost facility including delivery and transfer of material shall be limited to operating hours when operating personnel are on site.

(o) The applicant shall fully comply with all applicable provisions of the rules adopted from time to time by the Michigan Department of Natural Resources by authority conferred on the Department of Natural Resources by Act No. 641 of the Public Acts of 1978, as amended.

Section 15.

(1) The operator of a compost facility shall maintain and keep at one location business records which include records showing all of the following:

(a) Compostable or other materials received by the compost facility, including, but not limited to, the date and time of delivery and description of the material.

(b) The county of origin for all materials deposited on-site.

(c) A source record for materials approved by the Township other than yard clippings.

(d) The volume of all materials moved off site. Amount and disposition of noncompostable materials moved off site.

(e) Complaints received and actions taken.

(f) Sampling procedures and results of material tests taken.

(2) In addition, Solon Township may require the maintenance of any other records necessary to determine whether the compost facility is being operated in accordance with this Ordinance.

Section 16.

(1) At least 90 days prior to the date of planned closure of any compost facility, the owner or operator shall submit to Solon Township a site closure plan which shall include a detailed plan as to when and how the following will be accomplished:

(a) Removal and cleaning of all facility grounds, retention ponds, and drainage areas of all compost materials, leachate, construction scrap, and other material related to the operation.

(b) Cleaning, removal, or securing of storage of all vehicles, equipment, and machinery.

(c) Cleaning of remaining structures of compost materials, dust, or other residues related to the compost facility.

(2) Within 45 days of receiving the plan, the Township shall approve or disapprove the closure plan. If the plan is disapproved, the Township shall specifically detail which portions of the plan are unacceptable, and the reason it is unacceptable. If the Township does not approve or disapprove the plan, as required in this section, the plan is approved.

(3) Upon completion of the closure plan, the owner and operator of the compost facility shall inform the Township of its completion.

(4) Within 21 days of receiving notice of completion of the closure plan, the Township shall either release the financial security or state the reason that the closure does not comply with the approved plan.

Section 17.

(1) The Township by its building administrator, and/or its designated representative, may enter and inspect a location where composting is occurring, or where there is a reasonable belief that composting is occurring, anytime to determine compliance with this Ordinance. This right of inspection includes the right to review the business records of the compost facility or any other person or entity which the Township reasonably believes may be operating a compost facility. Inspections shall be conducted during normal business hours of the facility.

(2) Except in an emergency, the Township Building Administrator shall attempt to provide 24-hour notice prior to examination of any business records.

(3) The compost facility operator and owner including their agents and employees shall cooperate fully with the Township Building Administrator with respect to any such inspection.

Section 18.

(1) A person who owns or operates a compost facility that is subject to regulation under this Ordinance has 12 months from the effective date of this Ordinance to meet the operational requirements of this Ordinance and to submit a permit application as required under subsection (1) of Section 10.

(2) A compost facility that operated before the effective date of this Ordinance, that does not meet the isolation distances contained in Section 11, may be required to implement positive odor control mechanisms to abate any odor problems occurring at the site.

Section 19.

(1) The operator shall maintain an office in Solon Township which shall be open during usual business hours, have a publicly listed telephone and be so operated that complaints, whether by the Township Building Administrator, or other interested parties, may be received by telephone or mail.

(2) In the event that a complaint is not resolved to the mutual satisfaction of the complainant or the operator, either may request, in writing, a hearing of the complaint before the Township Board. All parties shall be afforded an opportunity to be heard after reasonable notice.

Section 20.

(1) A person may bring an action seeking injunctive relief to compel compliance with this Ordinance.

(2) In addition to any other relief provided by this Ordinance or other applicable law, violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within one year of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

(3) In addition to any other relief provided by this section, the court may order a person violating this Ordinance or the rules promulgated under this Ordinance either to restore or to pay to the Township an amount equal to the cost of restoring the natural resources of the Township affected by the violation to their original condition before the violation, and to pay to the Township the costs of surveillance and enforcement incurred by the Township as a result of the violation. The court also may order a facility to stop receiving designated materials or categories of materials.

Section 21.

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

This Ordinance shall take effect 30 days after publication.

Adopted April 27, 1994
Amended _____

HAZARDOUS MATERIALS ORDINANCE

(Ord. No. 32; amended by Ord. No. 56)

An Ordinance to establish charges for Township emergency services responding to an incident involving hazardous materials under Public Act 102 of 1990 (Compiled Law 41.806a) and to provide methods for the collection of such charges.

THE TOWNSHIP OF SOLON, KENT COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose.

In order to protect the Township from incurring extraordinary expenses resulting from the utilization of Township resources to respond to an incident involving hazardous materials, the Township Board authorizes the imposition of charges to recover reasonable and actual costs incurred by the Township in responding to calls for assistance in connection with a hazardous materials release.

Section 2. "Hazardous Materials" Defined.

For purposes of this Ordinance, "hazardous materials" include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.

Section 3. "Release" Defined.

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

Section 4. "Responsible Party" Defined.

Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.

Section 5. Charges Imposed Upon Responsible Party.

Where the Township fire department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by the Township responding to such a call shall be imposed upon responsible parties, including, but not limited to:

(A) $125 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.

(B) $125 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.

(C) $125 per hour, or fraction thereof, for each additional Township-owned fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.

(D) All personnel-related costs incurred by the Township as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees and fire run fees paid to on-call firefighters. Such personnel-related charges shall commence after the first hour that the fire department has responded to the hazardous materials incident, and shall continue until all Township personnel have concluded hazardous materials incident-related responsibilities.

(E) Other expenses incurred by the Township in responding to the hazardous materials incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.

(F) Charges to the Township imposed by any local, state or federal government entities related to the hazardous materials incident.

(G) Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

Section 6. Billing Procedures.

Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the Township Treasurer, who shall prepare an invoice to the responsible party for payment. The Treasurer's invoice shall demand full payment within 30 days of receipt of the bill. Any additional expenses that become known to the Township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after 30 days, the Township shall impose a late charge of 1 percent per month, or fraction thereof.

Section 7. Other Remedies.

The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.

Section 8. Severability.

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect immediately. All ordinances or parts of ordinances in conflict are hereby repealed.

Adopted August 16, 1994
Amended _____

UTILITY ORDINANCE

(Ord. No. 33A; amended by Ord. No. 46)

An Ordinance prohibiting public and private utilities from using public right-of-ways within the Township without the consent of the Township and prohibiting utilities from transacting local business without a franchise from the Township.

THE TOWNSHIP BOARD OF SOLON TOWNSHIP, KENT COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the Solon Township Utility Ordinance.

Section 2. Authority.

This Ordinance is adopted pursuant to the Michigan Constitution of 1963, Article 7, Sections 19, 25, 29, 30 and 34, and MCLA Sections 41.181 and 247.183 (MSA 5.45(1) and 9.263), as amended, which prohibit any person, partnership, association or corporation, public or private, operating a public utility from using the highways, streets, alleys or other public places of the Township, for wire, poles, pipes, tracts, conduits or other utility facilities, without the consent of the Township and from transacting local business in the Township without first obtaining a franchise, and authorize the Township to enact ordinances to protect the health, safety and general welfare of persons and property of the inhabitants of the Township.

Section 3. Purposes.

The purposes of this Ordinance are:

(1) To require consent for the use of public highways, streets, roads, alleys and right-of-ways and other public places by public and private utilities within the Township, for the location of lines, poles, mains, towers, buildings, structures, appurtenances and other utility facilities in order to protect the public health, safety and general welfare.

(2) To regulate the transaction of local business by public and private utilities within Solon Township to protect and promote the public health, safety and general welfare.

(3) To protect and promote the orderly use of scarce Township resources.

The Township has the power and authority to exercise reasonable control over the public rights-of-way within the Township and has determined that it is reasonably necessary to preserve and protect the health, safety and general welfare of the Township by enacting this Ordinance.

Section 4. Consent To Use Public Rights-Of-Way.

(A) **Consent Required**. No person, partnership, association or corporation, public or private, operating a public utility (the "utility"), shall have the right to the use of the highways, streets, alleys, or other public places of the Township (collectively "public rights-of-way") for wires, poles, pipes, tracks, conduits, buildings, structures, appurtenances or any other utility facilities without the prior consent of the Township.

(B) **Form and Timing of Consent**. Consent to use the public rights-of-way may be granted by ordinance, resolution, or contract as determined by the Township. Consent shall be required before the utility begins any use of any public right-of-way. The Township may withhold its consent until the utility has filed with the clerk its written unconditional acceptance of all of the conditions to be required by the Township in exchange for the consent.

(C) **Conditions to Consent**. The Township may grant consent, grant consent subject to conditions, or deny consent as permitted by law. The Township may grant consent subject to any conditions permitted by law, including, but not limited to, any of the following:

(1) **No Obstructions**. The utility shall not unreasonably obstruct the passage of any public right-of-way within the Township and shall, within a reasonable time after making an opening, excavation or construction, repair the same and leave it in as good condition as before the opening, construction or excavation was made.

(2) **Indemnification**. The utility shall indemnify and hold the Township and its boards, commissions, officers, trustees, employees, agents and successors harmless from and against all claims, liabilities, and expenses of any kind, including, but not limited to, all reasonable attorney fees, related to or arising out of the utility's use of the public rights-of-way or any other activity of the utility related to its operations within the Township.

(3) **Due Care**. The utility shall use reasonable care in using the public rights-of-way and in conducting its operations within the Township.

(4) **Construction**. All construction or installation of facilities within the Township shall be approved in advance by the Township and shall be accomplished in a proper and workmanlike manner. The utility shall be responsible for any and all injuries or damages resulting from the same during construction and thereafter. Upon completion of any construction or installation, the utility shall certify in writing that the construction and installation did comply with such approved plans. The Township shall have the right to require the correction of any noncompliance. In the event such construction or installation causes damage to any other facilities, any portion of the Township, or any public right-of-way, the same shall be immediately restored to a condition equal to that existing before the damage.

(5) **Licenses**. The utility shall demonstrate that all licenses, permits, and other approvals necessary to operate have been obtained.

(6) **Fees**. The utility shall pay reasonable fees to the Township to reimburse the Township for its costs and expenses reasonably related to the utility's request for

consent, and utility's use of public rights-of-way, Township maintenance of public rights-of-way containing utility facilities, and the utility's operations within the Township.

(7) **Joint Use**. The utility shall permit joint use of its facilities located in the public rights-of-way by the Township and by other users to a reasonable extent.

(8) **Arbitration**. The utility shall agree that any disputes between the Township and the utility be decided by binding arbitration.

(9) **Relocation**. The utility shall agree to relocate, at the utility's sole expense, any facilities upon the reasonable request of the Township.

(10) **Service Access**. The utility shall permit residents and property owners within the Township to use the utility services upon reasonable terms not less favorable than those available to other users of the utility.

(11) **Service Standards**. The utility shall demonstrate that it has sufficient capacity to serve reasonably anticipated future demand for utility services provide for uninterrupted service to users, shall establish reasonable standards of service and shall prevent unjust discrimination in service or rates.

(12) **Financial Security**. The utility shall provide to the Township financial security to protect the Township and its citizens and resources in the event of the utility's insolvency, inability to deliver service, destruction or damage to Township resources or property of any of its citizens, or other failure to perform as required by the Township. The financial security shall take the form of a cash bond, irrevocable letter of credit, or other form of security in an amount and under terms that are reasonably acceptable to the Township.

(13) **Remedies**. The Township shall have adequate remedies for breach of any condition by the utility, including, but not limited to, the right to seek damages, specific performance, termination of consent, and other available remedies.

(14) **Reporting**. The utility shall comply with reasonable requirements relating to certification of compliance and periodic review, reporting, and inspection to ensure compliance with any conditions imposed by the Township.

(15) **Compliance with Applicable Laws**. The utility shall maintain compliance with all applicable local, state, and federal laws, regulations and other rules.

(16) **Easements and Access Rights**. The utility shall demonstrate that all easements, rights-of-way, and other access rights for its facilities have been obtained.

(17) **No Annexation**. Any utility that is a municipal corporation shall agree not to annex any portion of the Township used by the utility as long as the utility is using the public rights-of-way in the Township.

(18) **Additional Conditions**. The utility shall comply with additional reasonable conditions and regulations as may be determined by the Township to protect and promote

the public health, safety, and general welfare of the Township and its resources, citizens and residents.

(D) **Procedure for Requesting Consent**. Written request for consent shall be submitted by the utility to the Township supervisor. The request shall include a description of the proposed use of public rights-of-way, a description of the nature and location of any proposed installation or construction, and any other information reasonably requested by the Township. The Township may refer the application to the Township engineer or other professionals for review and recommendation. Any costs incurred by the Township in that review and recommendation shall be reimbursed on demand by the utility to the Township.

(E) **Term and Revocation of Consent**. No consent shall be granted for a period of longer than 30 years. Consent shall be subject to revocation at the will of the Township, unless otherwise specifically provided by the Township.

Section 5. Franchise Required to Transact Local Business.

(A) **Franchise Required**. No person, partnership, association or corporation, public or private, operating a public utility (the "utility") shall transact local business in the Township without a franchise from the Township.

(B) **Form and Timing of Franchise**. Franchises for transaction of local business by utilities may be granted by ordinance or contract as determined by the Township. A franchise shall be required before the utility transacts any local business. The Township may withhold its approval of a franchise until the utility has filed with the clerk its written unconditional acceptance of all of the terms of the proposed franchise.

(C) **Public Vote Required for Franchises Not Revocable at Will**. A utility franchise that is not subject to revocation at the will of the Township Board shall not be granted until the proposed franchise is approved by the affirmative vote of a majority of the electors of the Township voting thereon at a regular or special election. This kind of franchise may not be approved by the Township Board for referral to the electorate less than 30 days after application for the franchise has been filed with the Township Board, and may be approved for referral only after a public hearing has been held and the proposed franchisee has filed with the clerk its unconditional acceptance of all the proposed terms of the franchise. No special election for this purpose shall be ordered unless and until the proposed franchisee shall have paid to the Township Treasurer the estimated expense of holding that election, as determined by the Township Board.

(D) **Procedure for Requesting Franchise**. Written request for a franchise shall be submitted by the utility to the Township supervisor. The request shall include a description of the proposed utility business, a description of the nature and location of any proposed installation or construction, and any other information reasonably requested by the Township. The Township may refer the application to the Township engineer or other professionals for review and recommendation. Any costs incurred by the Township in that review and recommendation shall be reimbursed on demand by the utility to the Township.

(E) **Filing Required for Franchises Revocable at Will**. A utility franchise that is subject to revocation at the will of the Township Board may be granted by the Township Board without referral to the voters, but shall not be granted until after the final written form of the proposed franchise has been on file in the office of the clerk for public inspection for at least four weeks after publication of a notice that the proposed franchise is on file and available for public inspection.

(F) **Terms of the Franchise**. The Township may grant a franchise upon any terms as permitted by law, or deny the granting of a franchise as permitted by law. The terms of a franchise may include, but shall not be limited to, any of the following:

(1) **Franchise Fees**. A requirement that the utility pay franchise fees in amounts and at times determined by the Township.

(2) **Terms that Can be Conditions to Consent**. Any requirement that could be imposed as a condition to the granting of consent under Section 4 above.

(3) **Other**. Any other provision permitted by law.

(G) **Maximum Term**. No franchise shall be granted for a term of greater than 30 years.

Section 6. Township Approval Required for Assignment.

A utility may not sell, assign, license, mortgage, create a security interest in, or otherwise transfer any rights to use public rights-of-way or to transact local business and shall not merge or consolidate with another entity without the prior written approval of the Township, which approval shall not unreasonably be withheld.

Section 7. Penalties.

Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within one year of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

Section 8. Miscellaneous.

(A) **Other Laws**. The granting of consent or a franchise shall not be deemed to exempt any utility from any other applicable local, state, or federal law, regulations, ordinances, or other applicable rules.

(B) **Severability**. The provisions of this Ordinance are severable. The invalidity of any term in this Ordinance shall not affect the validity of any other term in this Ordinance. If any term in this Ordinance is declared overbroad or unenforceable as written, it shall nevertheless be enforced to the maximum extent permitted under law.

Section 9. Effective Date.

This Ordinance shall take immediate effect 30 days following the first publication of this Ordinance.

Adopted October 3, 1994
Amended _____

SUBDIVISION CONTROL ORDINANCE

(Ord. No. 34; amended by Ord. No. 43)

ARTICLE I
TITLE, SCOPE, AND AUTHORITY

Section 1. Short Title.

This article shall be known and may be cited as the "Subdivision Control Ordinance of Solon Township."

Section 2. Authority.

The regulations of this article are adopted pursuant to the statutory authority of Act No. 288 of the Michigan Public Acts of 1967, as amended, the Subdivision Control Act.

Section 3. Scope and Purpose.

(A) The approvals and requirements of this Ordinance shall be satisfied prior to the construction or installation of any subdivision within Solon Township. The approvals and requirements of this Ordinance shall be satisfied prior to the replatting of any subdivision.

(B) The purpose of this Ordinance is to provide regulations dealing with the subdivision or platting of land within Solon Township and to further promote and protect the public health, safety, and general welfare of the people of the Township by providing for the orderly development of land within the Township.

Section 4. Administration.

This Ordinance shall be administered by the Solon Township Board and Planning Commission in accordance with the procedures of this Ordinance and the Subdivision Control Act of 1967, as amended.

ARTICLE II
DEFINITIONS

The definitions of the Subdivision Control Act of 1967, as amended, are hereby included and made a part of this Ordinance. Additional definitions are noted in the following section.

Section 1. Additional Definitions.

(A) "Applicant" means the proprietor as defined by the Subdivision Control Act of 1967, as amended.

(B) "As-built plans" means revised construction plans drawn in accordance with all approved field changes.

(C) "Board" means the Solon Township Board of Trustees.

(D) "Clerk" means the Solon Township clerk.

(E) "Commission" means the Solon Township Planning Commission.

(F) "Improvements" means grading, street surfacing, curbs, gutters, sidewalks, sanitary sewers, storm drainage systems, culverts, bridges, utilities, and other additions to the natural state of land which increases its value, utility, or habitability.

(G) "Master plan" means the Solon Township Master Plan.

(H) "Natural features and amenities" means, but is not limited to, lakes, ponds, watercourses, floodplains, woodlands, and topography of the land.

(I) "Soil Erosion and Sedimentation Control Act" means Act 347 of the Michigan Public Acts of 1972, as amended.

(J) "Township" means Solon Township.

(K) "Township attorney" means the legal counsel for Solon Township.

(L) "Township engineer" means the professional consulting engineer for Solon Township.

(M) "Zoning ordinance" means the zoning ordinance of Solon Township.

ARTICLE III
PRELIMINARY PLAT

Section 1. Application.

An application for a tentative preliminary plat approval shall be submitted to the clerk at least 30 days prior to the next regularly scheduled meeting of the Commission.

(A) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

(1) A completed application form, supplied by the Township.

(2) An application fee which may be set by the Board by resolution from time to time.

(3) Ten copies of a preliminary plat drawing at a scale of not more than one inch equals 100 feet that complies with the act and shows, at a minimum, the following:

(a) A scaled location map showing the location of the proposed preliminary plat within the Township relative to streets, section lines, watercourses, and other subdivisions within one mile of the proposed plat.

(b) The names of adjoining subdivisions, or the owners and addresses of abutting parcels of land, if not within a subdivision.

(c) The names, rights-of-way, and pavement widths of adjoining and proposed streets, including the location of all driveways within 100 feet of the proposed plat on adjoining streets.

(d) Exterior dimensions of the lot or lots being subdivided.

(e) The location, type, and dimensions of any easements or streets crossing the lot or lots being subdivided, if any.

(f) The locations and nature of any natural features and amenities.

(g) The location, size, and dimensions of proposed lots.

(h) The location, dimension, and use of any land set aside for public or private use, other than that proposed for the plat, if any.

(i) The location and dimensions of proposed drainage and utility easements.

(j) The location and size of all existing underground utilities.

(k) Site topography at two-foot intervals.

(l) The date of preparation, and the names of the plat, applicant, and the firm or individual preparing the plat.

(m) Scale, north arrow, permanent parcel number, and legal description.

Section 2. Review Process.

(A) **Commission Review - Tentative Plat Approval**.

(1) The Commission shall conduct at least one public hearing for the purpose of receiving public comments on the proposed plat. Notification of the public hearing shall be the same as that required for special land uses in the zoning ordinance.

(2) Following the public hearing, the Commission shall recommend to the Board approval, denial, or approval with the conditions. The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission's recommendation shall be forwarded to the Board and to the applicant prior to the Board's consideration of the plat.

(B) **Board Review - Tentative Plat Approval**.

(1) The Board shall not consider the preliminary plat until receiving the recommendation of the Commission.

(2) The Board shall consider the preliminary plat at its next regularly scheduled meeting after receiving the recommendation of the Commission.

(3) The Board shall grant tentative approval, approval with conditions, or denial of the preliminary plat within 90 days of filing with the clerk, stating its reasons in writing for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of Section 3 of this Ordinance and shall be submitted to the applicant.

(C) **Tentative Preliminary Plat Approval**.

(1) Tentative preliminary plat approval by the Board indicates shall confer upon the applicant approval of the lot sizes, lot orientation, and street layout of the proposed plat for a period of one year.

(2) A tentative plat approval may be extended if such extension is applied for in writing prior to the expiration of the tentative plat approval period and is supported by reasonable evidence justifying the extension.

(3) Following tentative approval of the plat, the applicant shall submit copies of such plat for the approval of the authorities noted in the Subdivision Control Act.

(D) **Board Review - Final Preliminary Plat Review**.

(1) An application for a preliminary plat shall be submitted to the clerk at least 20 days prior to the next regularly scheduled meeting of the Board.

(2) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

(a) The requirements of Section 1(B) of this Ordinance.

(b) Proof of approval of the plat from each of the authorities having jurisdiction as required by the Subdivision Control Act, Sections 112-119. These proofs of approval shall include copies of all permits as may be required and issued by these authorities.

(3) The Board shall consider the preliminary plat at its next regularly scheduled meeting after the filing of the application, or within 20 days, whichever occurs first.

(4) The Board shall grant final approval, approval with conditions, or denial of the preliminary plat, stating in writing its reasons for such approval, approval with conditions, or denial. Such reasons shall be based upon the standards of Section 3 of this Ordinance and shall be submitted to the applicant.

(E) **Final Preliminary Plat Approval**.

(1) Final preliminary plat approval shall confer upon the applicant for a period of two years from the date of approval, the conditional right that the general terms and conditions under which final Preliminary plat approval was granted will not be changed.

(2) A final preliminary plat approval may be extended if such extension is applied for in writing prior to the expiration of the tentative plat approval period and is supported by reasonable evidence justifying the extension.

(F) **Final Plat Application and Review**.

(1) An application for a final plat approval shall be submitted to the clerk at least 20 days prior to the next regularly scheduled meeting of the Commission.

(2) The application shall consist of the following materials. Applications which do not have all of the materials noted below shall be considered incomplete and shall not be accepted.

(a) One mylar copy and three paper copies of the final plat.

(b) Two paper copies of as-built plans for all improvements.

(c) An abstract of title certified to date, or, at the option of the applicant, a policy of title insurance for examination in order to ascertain whether or not the proper parties have signed the final plat.

(d) Certification of a qualified individual indicating that construction of improvements has been satisfactorily completed, including evidence of inspections.

(e) Cost estimates for any improvements that have not been completed.

(3) The Board shall consider the final plat at its next regularly scheduled meeting or within 20 days after the filing of the application, whichever occurs first.

(4) The Board shall grant final plat approval provided that the standards of Section 3 of this Ordinance are met.

(5) In lieu of completion of all or a portion of all improvements and with the specific consent of the Board, final plat approval may be granted, provided that as a condition of such approval, the applicant shall deposit with the Township a true copy of an agreement showing that the applicant has deposited with a bank or other agent acceptable to the Township, cash, certified check, irrevocable bank letter of credit, bond or other form of surety in an amount sufficient to guaranty the Township the satisfactory construction, installation, completion and dedication of required improvements.

(a) The amount of such deposit shall represent 100 percent of the estimated construction costs of completion of the required improvements, as determined by the Township engineer. The applicant shall be responsible for providing a cost estimate to the Township engineer for review.

(b) Such deposit shall comply with all statutory requirements and shall be satisfactory to the Township attorney as to form, sufficiency and manner of execution, as set forth in this Ordinance.

(c) The Township shall not accept dedication of required improvements, nor release nor reduce the guaranty or surety until:

(1) The applicant has certified in a manner approved by the Township attorney that the improvements have been completed and are free and clear of all liens and encumbrances.

(2) The Township engineer has certified that the required improvements have been satisfactorily completed as required by this Ordinance.

(3) The applicant shall have provided certification indicating that construction of required improvements has been satisfactorily completed.

This certification shall include evidence of inspections as required by the Subdivision Control Act.

(d) The guaranty or surety shall be reduced and refunded upon actual completion of required improvements and then only to the ratio that the completed improvement bears to the total improvements for the plat. In no event shall the surety be reduced below 10 percent of the principal amount before final acceptance of all improvements by the Board.

(e) The Township building inspector shall not issue building permits for construction of buildings or structures as regulated by the Township Building Code, except for signs permitted by the zoning ordinance.

Section 3. Review Standards.

(A) **Tentative Preliminary Plat Approval**. The Commission and Board shall grant tentative preliminary plat approval upon reaching the following findings:

(1) That the proposed lots comply with the requirements of the Solon Township zoning ordinance.

(2) That the design of the streets within the plat provide adequate and safe circulation within the plat and that sufficient consideration has been given to providing access to adjacent vacant parcels within the same zoning district.

(3) That lots are oriented to ensure safety of access to any street, to take best advantage of existing topography, and to preserve existing natural features and amenities.

(4) That the plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances.

(5) That the Board has received the recommendation of the Commission regarding the preliminary plat.

(B) **Preliminary Plat Approval**. The Board shall grant tentative preliminary plat approval upon reaching the following findings:

(1) That the preliminary plat substantially conforms to the tentative preliminary plat approval, including any conditions placed on such approval.

(2) That all required reviews have been completed and appropriate documentation of such approvals is provided.

(3) That the plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances.

(C) **Final Plat Approval**. The Commission and Board shall grant final plat approval upon reaching the following findings:

(1) That the final plat substantially conforms to the preliminary plat approval, including any conditions placed on such approval.

(2) That all required reviews have been completed and appropriate documentation of such approvals is provided.

(3) That the plat conforms to the requirements of this Ordinance and any other applicable federal, state, or local laws or ordinances.

(4) That construction of all improvements as required by this Ordinance has been completed and financed, or a bond submitted in accordance with the provisions of Section 2(F)(5).

Section 4. Required Improvements - Engineering and Design.

(A) **Streets and Access**.

(1) All streets within the plat, and improvements to streets adjoining the plat, shall be constructed to the standards required by the Kent County Road Commission or Michigan Department of Transportation, whichever is applicable.

(2) Any plat shall be designed so that no lots have direct access to a county primary or county local road. Access to lots within the plat shall only be provided by streets proposed as part of the plat. The Board may grant direct access to such county roads provided that all of the following conditions are met:

(a) A permit for such direct access is obtained from the Kent County Road Commission for each lot.

(b) The proposed plat contains fewer than four lots.

(c) The proposed plat has less than 400 feet of frontage on the existing county primary or county local road.

(B) **Utilities**.

(1) Public sanitary sewer and/or water shall be extended at the applicant's expense to serve the proposed plat where an appropriate connection is available within 500 feet of the boundary of such plat.

(2) Where such connections are not available, the applicant may either pay for the extension of such utilities, or provide suitable private utility systems, subject to the approval of the Kent County Health Department.

(3) All other utilities shall be installed underground at the applicant's expense. All such utilities shall be placed within private easements provided to such utility agencies, or within dedicated public rights-of-way, as permitted by the agencies governing such rights-of-way.

(4) All utilities shall conform to the construction standards of the Kent County Board of Public Works, or other appropriate agency or ordinance.

(C) **Sidewalks**.

(1) Sidewalks may be required by the Board in the following circumstances at their discretion.

(a) Where other public sidewalks are available on any adjoining county road within 500 feet of the boundary of the proposed plat and on the same side of the road as the plat.

(b) Sidewalks may be required within the plat where the length of any portion of a street within such plat exceeds 800 feet from an existing county road.

(c) Where the Board determines that sidewalks are necessary to ensure the safety of pedestrians.

(2) Sidewalks shall be constructed according to the Kent County Road Commission's standards.

(D) **Storm Drainage**.

(1) All storm drainage systems shall be designed, constructed, and maintained to the standards required by the Kent County Drain Commissioner, the Michigan Department of Natural Resources, and any applicable Township ordinance.

(2) The applicant shall demonstrate their intention to comply with the Soil Erosion and Sedimentation Control Act and provide a general description of that intent.

(E) **Existing Natural Features and Amenities**.

(1) To the extent possible, existing natural features and amenities shall be preserved within the plat.

(2) Where such features are required to be removed or altered as part of the plat design, the applicant shall certify to the Board:

(a) That the properties of the land which is part of the plat are such that no practical alternative design is possible that would preserve such features.

(b) That the removal or alteration of such features will not have an adverse effect on adjacent properties with respect to drainage, views, or other significant environmental effect.

(c) That the removal or alteration of such features complies with all applicable federal, state, and local laws and ordinances.

(d) That financial considerations alone are not used to justify the removal or alteration of such features.

(3) The Board may require the installation of street trees or other landscaping to compensate for the removal or alteration of natural features or amenities.

(F) **Street Lighting**.

(1) Street lighting may be required by the Board.

(2) If required, street lighting shall be installed in accordance with the standards of the Kent County Road Commission or other appropriate agency or utility.

ARTICLE IV
ENFORCEMENT AND PENALTIES FOR FAILING TO COMPLY WITH THIS ORDINANCE

Section 1. Enforcement.

No subdivision plat required by this Ordinance or the Subdivision Control Act shall be admitted to the public land records of the county or received or recorded by the County Register of Deeds, until such subdivision plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance unless such public improvements shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance unless such public improvement shall correspond in its location and to the other requirements of this Ordinance.

Section 2. Penalty.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official 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.

Adopted January 17, 1995
Amended _____

CIVIL INFRACTIONS ORDINANCE

(Ord. No. 35; amended July 14, 2009)

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

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Township Supervisor.

The Township supervisor is authorized to issue citations for violation of any Township ordinance which is designated to be a municipal civil infraction if the supervisor has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

Section 2. Regulatory Ordinance.

The Township Building Code Official or the Township Code Enforcement Officer may issue an appearance ticket and may issue citations if such officer has reasonable cause to believe an infraction of any Township regulatory ordinance has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction. The Township Zoning Administrator shall serve as the Township Code Enforcement Officer unless the Township Board designates a different person. The Township Board may designate the Zoning Administrator and additional persons to act as Township Code Enforcement Officer(s) if it so desires.

Section 3. Zoning Ordinance.

The Township Zoning Administrator or the Township Code Enforcement Officer may issue an appearance ticket and may issue citations if such officer has reasonable cause to believe that an infraction of the Township zoning ordinance has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

Section 4. Form of Citations.

Citations shall be numbered consecutively and should be in a form approved by the state court administrator's office.

Section 5. Service.

Citations shall be served upon the alleged violator as provided by law.

Section 6. Appearance.

Citations shall require appearance at the district court within a reasonable time after the citation has been issued.

Section 7. Procedure.

The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

Section 8. Publication/Effective Date.

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

Adopted July 24, 1995
Amended July 14, 2009

LAND DIVISION ORDINANCE

(Ord. No. 48; amended by Ord. No. 48A)

An Ordinance to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 or 1967, as amended, and pursuant to Act 246 of 1945, as amended, being the Township General Ordinance statute, to provide a procedure therefore; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

Section 1. Title and Purpose.

1.1 This Ordinance shall be known and may be cited as the Solon Township Land Division Ordinance.

1.2 The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act") and the Township General Ordinance statute, Michigan Public Act 246 of 1945, as amended, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of certain land divisions within the Township.

1.3 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.

Section 2. Definitions.

2.1 The terms and words used in this Ordinance shall have the same meaning given to such terms and words by the Act, or unless the context indicates otherwise, by the Township zoning ordinance.

2.1 "Administrator" shall mean the assessor of the Township.

2.2 "Driveway" shall mean a way of vehicular access over and across a single parcel for the use of such parcel.

2.3 "Easement" shall mean a way of vehicular access over and across one parcel for the use of one or more parcels.

2.4 "Grantor" shall mean the owner of a parcel at the time a division or exempt split is made under the Act.

2.5 "Private road" shall mean a private road which complies with the requirements of the Township zoning ordinance.

2.6 "Road authority" shall mean the governmental authority having jurisdiction of a public road or street, and shall include the state transportation department or the County Road Commission under Act No. 200 of the Public Acts of 1969, being Sections 247.321 to 247.329 of the Michigan Compiled Laws.

2.7 "Resulting parcel" shall mean one or more parcels which result from the splitting or partitioning of land subject to the Act, including a division and exempt split.

Section 3. Conditions for Approval.

Any division of land, including any partitioning or splitting of land, within the Township which requires the approval of the Township in order to qualify as a division or exempt split under the Act shall satisfy the requirements of Section 4 and the applicable requirements of Section 5 or 6 of this Ordinance.

Section 4. Application Requirements.

4.1 The filing of a proposed division shall be made with the administrator and shall include the following:

(a) A completed application form as may be provided by the Township, including any exhibits described therein.

(b) Proof of an ownership interest in the land which is the subject of the proposed division by the applicant, or the written consent of the owner of such land to the application.

(c) A title search, abstract, or other evidence of title acceptable to the administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence as of March 31, 1997, and to demonstrate that the proposed division is permitted under the Act.

(d) A copy of all deeds, or other instruments of conveyance which contain the statement required by Section 109(3) of the Act concerning the right to make further divisions.

(e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, parcel map, including the resulting parcels, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:

(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 feet.

(6) Any existing buildings, public or private streets, and driveways within 100 feet of all proposed property lines.

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

(8) Small scale sketch of properties and streets within one-quarter mile of the area.

(f) Evidence of approvals from the County Health Department for on-site water supply and septic approval.

(g) The fee as may from time to time be established by resolution of the Township Board for reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the Act.

4.2. A proposed division shall not be considered filed with the Township, nor shall the time period stated in Section 5.2 commence, until all of the requirements for an application for land division approval have been complied with.

4.3. For purposes of administering the Act, a proposed division shall not be considered filed with the Township until all of the above described application requirements have been satisfied.

Section 5. Standards for Approval of Land Divisions.

5.1 A proposed land division shall be approved by the administrator upon satisfaction of the following requirements:

(a) The application requirements of Section 4.1.

(b) All resulting parcels to be created by the proposed land division(s) fully comply, with the applicable lot area and lot width requirements of the Township zoning ordinance for the zoning district(s) in which such parcels are located.

(c) Each resulting parcel shall have the width to depth ratio specified by the Township zoning ordinance for the zoning district(s) in which such resulting parcel is located. In the absence of any designation by the Township zoning ordinance, each resulting parcel which is less than ten acres in size shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by the Township zoning ordinance for measuring the width and depth of lots.

(d) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street.

(e) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.

(f) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

5.2 The administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the administrator, and shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for the disapproval.

5.3 Any notice of approval of a division resulting in a parcel less than one acre in size shall contain a statement that the Township, its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109(a) of the Act, including requirements regarding suitability of on-site water supply and on-site sewage disposal, as described in Section 105(g) of the Act.

5.4 The clerk shall maintain a record of all land divisions approved by the Township.

5.5 An applicant aggrieved by the decision of the administrator may, within 30 days of said decision, appeal the decision to the Planning Commission, which shall consider and resolve such appeal by a majority vote of the Commission. At least ten days written notice of the meeting at which the appeal is to be considered shall be given to the applicant.

Section 6. Exempt Splits and Other Divisions not Subject to Approval.

6.1 An exempt split is not subject to approval by the Township if all resulting parcels are accessible (as defined in the Act) or if either Section 6.3(a) or 6.3(b) of this Ordinance applies.

6.2 The Township shall not permit the creation of an exempt split if one or more of the resulting parcels are not accessible unless either Section 6.3(a) or 6.3(b) or this Ordinance applies to all such inaccessible parcels.

6.3 An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval by the Township if the parcel or tract is not accessible and either of the following applies:

(a) The parcel or tract was in existence on March 1, 1997.

(b) The parcel or tract resulted in an exempt split or other partitioning or splitting under Section 109b of the Act.

6.4 Any person or entity aggrieved by the decision of the Planning Commission may, within 30 days of said decision, appeal the decision to the Township Board, or such other board or person designated by the Township Board, which shall consider and resolve such appeal by a majority vote of said Board. At least 20 days written notice by mail shall be given to the applicant, of the time and date of the meeting at which the appeal is to be considered.

6.5 The clerk shall maintain a record of all exempt splits approved by the Township.

Section 7. Approval.

7.1 All proposed divisions which are approved by the Township shall be evidenced by survey of the parent parcel or parent tract, prepared by the grantor, which satisfies the minimum requirements of 1970 Public Act 132, as amended (MCL 54.211), as amended. The survey shall show all existing or proposed means of vehicular access from the resulting parcels to public streets or roads, whether by easement or driveway, and to the extent that an easement or driveway does not exist as of the date of preparation of the survey, it shall label the same "proposed." The survey shall show all existing or proposed utilities for the resulting parcels, including water and sewer when available. When on-site water supply and/or on-site sewage disposal is proposed for a parcel, the survey shall show the location of all soil percolation tests and/or test wells, the name, address of the party who performed the testing, and the date of the testing. All surveys shall be reviewed by the administrator to determine conformity with the approved tentative parcel map. The administrator shall mark all surveys which conform to the requirements of this Ordinance with the date of approval of the proposed land division.

7.2 All surveys described in Section 7.1 shall be recorded with the county register of deeds office within 180 days following the approval of the survey by the administrator. A copy of the recorded survey shall be provided to the clerk of the Township.

7.3 The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.

7.4 The acknowledgement by the administrator or the Township that a proposed land division has been approved shall not be construed as a representation by the Township of the truthfulness of any matter associated with the proposed land division, including the description or ownership of the parent parcel or parent tract, or any resulting parcel, the availability of divisions for a parcel or tract, or the veracity of any matter disclosed in the application or in an exhibit filed with the Township.

7.5 The approval of a proposed land division by the Township does not waive the obligation of the grantor or owner of the parent or parent tract, or of any resulting parcels, to comply with any other Township ordinances, including the Township's zoning ordinance or Subdivision Control Ordinance. The criteria used for approving proposed divisions under the Act are determined

by the State of Michigan and do not necessarily include all of the criteria which the Township may impose upon land ownership or use, or development sites.

Section 8. Noncompliance and Penalties.

Any person, firm or corporation who commits any violation of this Ordinance is guilty of a civil infraction and shall be subject to a fine of not more than $500 for the first offense, and for each subsequent offense a fine of not more than $1,000. Each violation shall constitute a separate offense.

Section 9. Severability.

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

Section 10. Effective Date.

This Ordinance shall take effect 30 days following its publication after adoption.

Adopted May 13, 1997
Amended _____

ELECTRICAL CODE ORDINANCE

(Ord. No. 49)

An Ordinance to adopt by reference the 1996 National Electrical Code; to provide for certain matters related to the administration and enforcement thereof; and to provide penalties for the violation thereof.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Adoption of Code by Reference.

Pursuant to the provisions of Section 8 of the State Construction Code Act (Act No. 230 of the Public Acts of 1972 as amended), the National Electrical Code/1996 ("Electrical Code"), as published by the National Fire Protection Association, is hereby adopted by reference, subject to the modifications set forth in this Ordinance.

ARTICLE 225
OUTSIDE BRANCH CIRCUITS AND FEEDERS

225-8. Disconnection: (Amended)

(1) The disconnecting means for branch circuit and feeder fuses shall be in compliance with Section 240-40 of the code.

(2) If more than one building or other structure is on the same property and under single management, each building or other structure served shall be provided with a means for disconnecting all ungrounded conductors.

The disconnecting means shall be installed either inside or outside of a building or structure at a readily accessible location nearest the point of entrance of the supply conductors. Disconnects shall be installed in compliance with the requirements of Sections 230-71 and 230-72 of the code.

Exception No. 1: For large-capacity, multi-building industrial installations under single management, if it is assured that the disconnecting can be accomplished by establishing and maintaining safe switching procedures, the disconnecting means shall be permitted to be located on the premises. See Section 230-91(b) of the code.

Exception No. 2: Buildings or other structures qualifying under the provisions of Article 685 of the code.

(3) The disconnecting means specified in subdivision (a) of this rule shall be suitable for use as service equipment.

Exception: For garages and outbuildings on residential property, a snap switch or a set of away or four-way snap switches that is suitable for use on branch circuits may be used as the disconnecting means.

(4) A disconnecting means or a transfer switch shall be provided to disconnect the utility wiring from the premises wiring at central point distribution where utility wiring terminates and premises wiring extends overhead or underground to more than one building or structure. The disconnecting means shall be suitable for use as service equipment. Load side conductors shall be classified as service conductors and shall terminate in a service disconnecting means in compliance with the provisions of Section 230-70 of the code.

ARTICLE 250
GROUNDING

250-91(b). Grounding Conductors: (Amended). The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more of the following:

(a) A copper or other corrosion-resistant conductor which is solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.

(b) Rigid metal conduit.

(c) Intermediate metal conduit.

(d) Electrical metallic tubing.

(e) Armor of type AC cable.

(f) A sheath of mineral-insulated, metal-sheathed cable.

(g) A metallic sheath or a combined metallic sheath and grounding conductors of type MC cable.

(h) Cable trays as permitted in Section 318-3(c) and 318-7.

(i) Cablebus framework as permitted in Section 365-2(a).

(j) Other electrically continuous metal raceways listed for grounding.

Exception: For direct-current circuits only, the equipment-grounding conductor shall be permitted to be run separately from the circuit conductors.

ARTICLE 350
FLEXIBLE METAL CONDUIT

350-5. Grounding of Flexible Metal Conduit (Amended). Flexible metal conduit shall not be permitted as a grounding means. Where an equipment-bonding jumper is required around flexible metal conduit, it shall be installed in accordance with Section 250-79.

ARTICLE 351
LIQUIDTIGHT FLEXIBLE METAL CONDUIT AND LIQUIDTIGHT FLEXIBLE NONMETALLIC CONDUIT

351-9. Grounding of Liquidtight Flexible Metal Conduit (Amended). Liquidtight flexible metal conduit shall not be permitted as a grounding means. Where an equipment-bonding jumper is required around liquid-tight flexible metal conduit, it shall be installed in accordance with Section 250-79.

ARTICLE 517
HEALTH CARE FACILITIES

517-20. Wet Locations (Amended).

(1) All receptacles and fixed equipment within the area of a wet location shall be provided with ground-fault circuit interrupters if the interruption of power under fault conditions can be tolerated or shall have an isolated power system if such interruption cannot be tolerated.

(2) When an isolated power system is utilized, the equipment shall be listed for isolated power systems and installed so that it is in compliance with the provisions of part G of Article 517 of the code.

(3) Isolated power systems are required in all inpatient operating suites and delivery rooms. Areas where ground-fault circuit interrupters may be used include lithotripsy and hydrotherapy areas. It is the intent of the code to protect against a circuit breaker opening during a first-fault equipment failure and causing other life support equipment on the same circuit to cease operation. It is the intent of the code not to mandate the use of isolated power systems in doctors' offices, ambulatory surgical units, outpatient clinics, and similar locations where the use of life support equipment does not occur. Birthing rooms, generally, are not intended to have isolated power systems.

(4) For the requirements for installing therapeutic pools and tubs, see part F of Article 680 of the code.

ARTICLE 760
FIRE PROTECTIVE SIGNALING SYSTEMS

760-8. Fire Alarm Supervision (Added). All fire-protective circuits shall be electrically supervised so that any malfunction of the system, such as an electrical open, a ground fault, or any short circuit fault on the main power supply, signaling line, or alarm-initiating devices, will sound an alarm or show a trouble signal when proper alarm operation would be prevented.

Exception: Interconnecting circuits of household fire-warning equipment that are wholly within a dwelling unit.

Section 2. Applicability.

The provisions of the Electrical Code shall apply to all matters affecting or relating to the construction, alteration, repair, addition and removal of all electrical systems.

Section 3. Electrical Inspector.

The Township Board shall appoint an electrical inspector who shall be and is hereby designated as the official to administer and enforce the provisions of the Electrical Code herein adopted.

Section 4. Maintenance of Existing Wiring.

Every building, structure, or part thereof shall be kept in good electrical repair by the owner consistent with the requirements of the Electrical Code.

Section 5. Electrical Code Conformity Required.

A person shall not install, alter, maintain, service, or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's action the work does not conform to the provisions of the Electrical Code.

Section 6. Disconnection of Dangerous Electrical Equipment.

When the use of any electrical equipment is found imminently dangerous to human life or property, the electrical inspector is hereby empowered to condemn it or disconnect it from its source of electric supply, except that the service entrance equipment or utility service drop wires shall not be disconnected unless such entrance equipment or utility wires in themselves constitute a hazard to life or property. When such equipment is so condemned or disconnected, a red tag shall be placed thereon listing the causes for the condemnation or disconnection and the penalty under the act for the unlawful use thereof. Written notice of condemnation or disconnection, and the causes therefor, shall be given to the owner or the occupant of the building, structure, or premise. A person shall not remove the tag or reconnect the electrical equipment to its source of electric supply, or use or permit to be used electrical current in any such electrical equipment, until such causes for the condemnation or disconnection are remedied and a permit for the electrical repairs thereof is obtained from the Township.

Section 7. Permits and Certificates.

(1) A person shall not equip a building with electrical equipment or make an alteration of, change in, or addition to, electrical equipment without receiving a written permit to do the work described. When the electrical equipment or alterations of, changes in, or additions to, electrical equipment are found to be in compliance with the provisions of the Electrical Code and when the work has passed the inspection of the electrical inspector, the electrical inspector shall, upon the request of the permit holder to whom the permit was issued, issue a certificate of final electrical inspection. The certificate certifies that the provisions of the Electrical Code have been complied with. This section does not apply to installations that are referred to in Section 7(3)(a), (b),

(c), (d), (e), (f), (h), (k), or (1) of Act No 217 of the Public Acts of 1956, as amended, being §338.887 (3)(a), (b), (c), (d), (e), (f), (h), (k), or (1) of the Michigan Complied Laws.

(2) To obtain electrical permits, an applicant shall be one of the following:

(a) A holder of an electrical contractor license.

(b) A person, firm, or corporation who employs a licensed master electrician to actively supervise the installation of electrical equipment on premises which are owned or occupied and used by the applicant in the conduct of his or her business and at which the licensed electrician performs his or her duties in those instances where business or industrial procedures require the regular employment of a licensed master electrician. However, an affidavit form furnished by the Township shall be signed by both the employer and the licensed master electrician. The affidavit shall be kept on file in the offices of the Township and shall contain all of the following information:

(i) The name and address of the person who employs the licensed master electrician.

(ii) The name, address, and current license number of the licensed master electrician.

(iii) The license number of the master electrician and the name of the licensing authority.

(iv) A statement that the employer and the licensed master electrician will comply with the provisions of regulating the installation of electrical equipment in the state. A new affidavit shall be filed within 30 days before permits are issued if the licensed master electrician terminates his or her employment.

(c) A homeowner who occupies or will occupy a single-family dwelling for which the permit is obtained and who shall install the electrical equipment as certified by the homeowner on the permit application.

(3) To obtain a permit for a fire alarm system, as defined in Section l a(1) of Act No. 217 of the Public Acts of 1956, as amended, being §338.881 a(1) of the Michigan Compiled Laws, an applicant shall be either of the following:

(a) A holder of an electrical contractor license.

(b) A holder of a fire alarm specialty contractor license.

(4) To obtain a permit for an electrical sign or outline lighting, as defined in Section lb(1) and (2) of Act No. 217 of the Public Acts of 1956, as amended, being §338.881b(1) and (2) of the Michigan Compiled Laws, an applicant shall be either of the following:

(a) A holder of an electrical contractor license.

(b) A holder of a sign specialty contractor license.

(5) To obtain a permit for electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single-family dwelling to the first point of attachment in the house from the well, an applicant shall be either of the following:

(a) A holder of an electrical contractor license.

(b) A registered pump installer under part 127 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12701 to 33.12771 of the Michigan Compiled Laws.

(6) An application for a permit under the Electrical Code shall be on a form that is furnished by the Township, shall include a description of the proposed electrical work, and shall be signed by the electrical contractor.

(7) A permit that is issued in violation of the laws of this state or as a result of false or fraudulent information or misinterpretation of conditions is subject to revocation at the direction of the electrical inspector. The person holding the permit shall be notified to appear and show cause why the permit should not be revoked. Failure to appear shall be deemed sufficient grounds for revocation of the permit.

(8) If work for which a permit is issued is not started within six months of the date of permit issue, or if work is abandoned for a period of six months, the permit shall lapse and cease to be in effect.

(9) If a person to whom a permit is issued for the installation and inspection of electrical equipment quirts the installation for any reason, the person shall notify the electrical inspector.

(10) If an installation is partially completed, a permit holder, upon quitting the installation, shall notify the electrical inspector and shall request an inspection. Acceptance of, or violations against, the work installed shall be recorded by the inspector on the permit record according to the findings of the inspector. A refund shall not be granted to the permit holder of the permit fee covering electrical equipment installed and inspected.

(11) If a permit holder quirts an installation after the electrical equipment is installed and fails to notify the electrical inspector, the building owner or his or her agent may notify the electrical inspector and request inspection. Upon inspection, the permit holder shall be sent a notice of any violation. The owner may then secure another licensed contractor to proceed with the work, if the new contractor is properly covered by a permit.

(12) An electrical permit is not transferable.

Section 8. Plans and Specifications.

(1) A detailed set of plans and specifications shall be submitted with the application for an electrical permit for any wiring or alteration to an electrical system that costs more than $10,000 in all buildings, except for single and two-family dwellings. The electrical inspector

may request plans for projects which cost less than $10,000 and which include an unusual design. The electrical drawings shall include all of the following details.

(a) Lighting layout.

(b) Circuiting.

(c) Switching.

(d) Conductor and raceway sizes.

(e) Wattage schedule.

(f) Service location and riser diagram.

(g) Calculations.

(h) A proposed method of construction that is drawn with symbols of a standard form. All conductors are assumed to be copper unless otherwise stated in the plan. Specifications, when provided, shall also include the information listed in this rule. The selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer. The electrical inspector, when approving electrical plans, assumes no responsibility for the design or for any deviations from any electrical drawings. Plans and specifications approved by the electrical inspector, or a certified copy thereof where required, shall be available for the use of the electrical inspector on the job.

(2) All plans and specifications for new construction work or repair, expansion, addition, or modification work shall be prepared by, or under the direct supervision of, an architect or engineer who is licensed under the provisions of Act No. 299 of the Public Acts of 1980, as amended, being §339.101 *et seq*. of the Michigan Compiled Laws, and known as the occupational code, and shall bear that architect's or engineer's signature and seal.

Section 8.5. Representative on Jobsite.

The administrative authority reserves the right to require a representative of the contractor to be on the job when an inspection is made.

Section 8.75. Licensed Supervision Required.

A licensed representative of the contractor responsible for the electrical installation shall be present at all times when electrical construction is in progress.

Section 9. Scheduling Inspection.

(1) The electrical inspector shall be given not less than 24 hours notice to inspect electrical equipment.

(2) Any notice of inspection of electrical equipment shall be posted at, or removed from, the job site by the electrical inspector only. A record of all inspections shall be maintained by the electrical inspector.

(3) A person shall not conceal, or cause to be concealed, any electrical equipment before the equipment is approved by the electrical inspector.

Section 10. Methods of Obtaining Information.

The electrical inspector is not responsible for code interpretations or other information relative to electrical installations given over the telephone. Requests for such information shall be made in person or in writing.

Section 10.5. Advertising as an Electrical Contractor.

A person shall not use any word or words in a sign, display, business form or document, or advertising medium which indicates, or tends to indicate, that a person is qualified to supervise, install, repair, replace, remove or service any electrical equipment that requires a permit or inspection, or both, from the administrative authority under these rules, unless the word or words are uttered, published, or displayed by authority of a contractor who is licensed under Section 3b, 3f, or 3j of Act No. 217 of the Public Acts of 1956, as amended, being § 338.883B, 338.883F, or 338.883) of the Michigan Compiled Laws.

Section 11. Service Equipment.

Service equipment installed, altered, or repaired shall be inspected or released by the Township before the load side of the meter is energized.

Section 12. Fees.

Fees for inspections, issuance of permits and all other activities performed by the electrical inspector shall be established by resolution of the Township Board.

Section 12.5 Violations.

If it is found that any electrical equipment does not conform to the provisions of the code, the person who installs, or who is responsible for installing, such electrical equipment shall be notified, in writing, of such defect, misuse, or violation, and all such violations, defects, or misuses of such electrical equipment shall be corrected within a reasonable length of time, which shall not be more than seven working days. When the corrections have been made, that person shall notify the administrative authority, in writing, not less than 24 hours before the time that re-inspection is desired. Upon failure to abate the defect, misuse, or violations, prosecution may be commenced against that person. Violations and penalties shall be in accordance with Section 13 of this Ordinance.

Section 13. Ordinance Violations.

Any violation of this Ordinance is a municipal civil infraction for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $500 for the second offense and not less than $200 nor more than $2,500 for subsequent offenses in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, a "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the same provision, and for which said person admits responsibility or is adjudicated to be responsible.

Section 14. Stop Work Orders.

Upon notice from the Electrical Code official, work on any electrical system that is being done contrary to the provisions of this Electrical Code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. where an emergency exists, the Electrical Code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the electrical system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe condition, shall be guilty of a misdemeanor, punishable by a fine of up to $500, or up to 90 days imprisonment, or, both such fine and imprisonment. Each day work continues in violation of this section shall be deemed a separate offense.

Section 15. Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared 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 16. Appeals.

Any person shall have the right to appeal a decision of the Electrical Code official within 15 days of the applicant's notice of the decision appealed from. Appeals shall be taken to the body acting under the authority of; and pursuant to, Act 230 of the Public Acts of 1972, as amended.

Section 17. Repeal.

Ordinance No. 38 is hereby repealed insofar as the ordinance mandates the application of any code other than the 1996 National Electrical Code in Solon Township.

Section 18. Effective Date.

Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended, this Ordinance shall take effect 90 days after its adoption and 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

Adopted September 15, 1998

HOUSING LAW ORDINANCE

(Ord. No. 50)

An Ordinance adopting the Housing Law of Michigan.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1.

Pursuant to the provisions of Act 167 of the Public Acts of Michigan of 1917, as amended, being MCL 125.401 *et seq*., as amended, and in particular Section 1 thereof, being MCL 125.401, the Township of Solon hereby adopts by reference the Housing Law of Michigan, including the enforcement provisions of said Act.

Section 2.

The provisions of the Housing Law of Michigan, as adopted by this Ordinance, are in addition to the ordinances and laws now and hereinafter enacted in the Township of Solon.

Section 3.

The clerk is hereby directed to publish a copy of this Ordinance, or a summary thereof, in a newspaper circulated within the Township, as soon as possible within 30 days after adoption. Within one week after publication, the clerk is further directed to record the Ordinance in the Book of Ordinances, along with the date of passage, and the names and members of the Township Board voting, and how each voted, and to file an attested copy of this Ordinance with the county clerk. The Township clerk shall certify publication and filing with the county clerk.

Section 4.

This Ordinance shall take effect 30 days after its publication.

Adopted July 10, 2001

CONSTRUCTION CODE ORDINANCE

(Ord. No. 51)

An Ordinance to adopt the Michigan Building, Mechanical and Plumbing Codes and to repeal Ordinance Nos. 37, 38, 39 and 40.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Adoption of Michigan Building, Mechanical and Plumbing Codes by Reference.

Pursuant to the provisions of Sections 8a and 8b of the Stille-DeRossett-Hale Single State Construction Code Act, Act 230, PA 1972, as amended, the Township of Solon hereby adopts by reference and elects to administer and enforce the provisions of the Michigan Building, Mechanical and Plumbing Codes, being Rule 408.30001, et seq. of the Michigan Administrative Code, as amended from time to time (the "Code").

Section 2. References in Code.

References in the Code to "governmental subdivision" shall mean the Township of Solon. References in the Code to "enforcing agency" shall mean the building inspections department of the Township of Solon. References in the Code to "building official" shall mean the building inspector of the Township of Solon.

Section 3. Electrical Inspector.

The Township Board shall appoint an electrical inspector who shall be designated as the official to administer and enforce the electrical code requirements of the Code. A person appointed by the Township Board to administer and enforce Ordinance No. 38 at and prior to the effective date of this Ordinance shall be the electrical inspector and shall not require re-appointment by the Township Board.

Section 4. Plumbing Inspector.

The Township Board may appoint a plumbing inspector to be designated as the official to administer and enforce the plumbing code requirements of the Code. If the Township Board does not appoint a plumbing inspector, the building inspector shall administer and enforce the plumbing code requirements of the Code.

Section 5. Fees.

Fees for inspection, issuance of permits and all other activities performed by employees or officials of the building inspections department, the plumbing inspector or electrical inspector shall be established by resolution of the Township Board.

Section 6. Violations.

Failure to comply with a stop work order issued by the enforcing agency shall be a misdemeanor punishable by a fine of not more than $500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Code shall be a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500, nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Section 7. Severability.

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

Section 8. Repeal.

The following Ordinances and any amendments thereto are hereby repealed in their entirety:

(a) Ordinance No. 37, adopting the 1993 BOCA National Plumbing Code.

(b) Ordinance No. 38, adopting the 1993 National Electric Code.

(c) Ordinance No. 39, adopting the 1993 BOCA National Mechanical Code.

(d) Ordinance No. 40, adopting the 1993 BOCA National Building Code.

Section 9. Publication/Effective Date.

This Ordinance or a summary of its provisions shall be published in a local newspaper of general circulation within 30 days after adoption. This Ordinance shall become effective 60 days after adoption.

Adopted September 14, 2001

JUNK AND REFUSE CONTROL ORDINANCE

(Ord. No. 52; amended by Ord. No. 2023-11)

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to limit the accumulation and disposal of solid and liquid waste, junk, refuse, trash and discarded items so that such accumulation and disposal occurs only in a sanitary, orderly and safe manner.

Section 2. Junk and Refuse Regulations.

It shall be unlawful for any person, entity, corporation, association, or other organization to do or permit any of the following (or assist in doing any of the following) within the Township except as stated in Section 3:

(a) Place, throw, bury, dump, abandon, store, or accumulate outdoors any empty or partially filled cans, food containers, broken or whole bottles, trash, rubbish, garbage, litter, junk, rags, used or broken glass, tires, debris, discarded or scrap plastic, waste, boxes, barrels, scrap metal, cardboard, inoperable or partially assembled equipment or machinery, automobile or vehicle bodies or parts thereof, appliances, furniture, parts of machinery, or any other waste substances or waste materials or waste objects, under or on any land, or to permit any such things or substances to accumulate on land or water in the Township.

(b) Deposit, dump, drain, or cause to be drained, any harmful or hazardous liquid, sewage, or industrial waste substance from any sink, tank, motor vehicle, or any other thing, onto the surface of any land or into any open ditch, lake, stream, pond, or wetland, or into any pipe or conduit which directly or indirectly empties or deposits any such substance onto the surface of any land or into any open ditch, lake, creek, wetland, or stream within the Township.

(c) Deposit, dump, drain, bury, or cause to be deposited, dumped, drained, or buried, any materials removed from a street or road, catch basin, storm sewer, retention or detention pond, storm water quality treatment equipment, or similar facility by the operation of street sweeping or hydro vacuuming, excavation, manual labor or otherwise. Such materials shall not be considered "clean fill". The addition of this subsection (c) is a clarification that the deposit of such materials was previously prohibited by subsection 2(a) and (b) of this Ordinance, and shall not be deemed to be a prohibition not previously in force. An exemption is made for the Kent County Road Commission for construction and maintenance of roads in Solon Township.

Section 3. Activities not Subject to Ordinance.

The following activities shall not be subject to the requirements of Section 2 of this Ordinance:

(a) The lawful disposal of materials or items into or within a lawful sanitary landfill, properly licensed by the State of Michigan and approved by the Township.

(b) Generally accepted agricultural operations or practices protected by the Michigan Right to Farm Act.

(c) The burying or disposal of clean fill or the composting of vegetative material.

Section 4. Violation; Penalty and Enforcement.

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, fails or refuses to comply with any provision of this Ordinance, or any person who aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The fine for a violation shall not be less than $250 for the first offense and not less than $500 nor more than $1,000 for a subsequent offense, in the discretion of the court, in addition to all other costs, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of a provision of this Ordinance committed by the same person within 12 months of a previous violation of the same or a similar provision of this Ordinance for which such person admitted responsibility or was determined to be responsible. Each day during which a violation continues shall be deemed a separate offense.

Section 5. Additional Remedies.

In addition to the above remedies, the Township may commence a civil lawsuit to abate any violation of this Ordinance, and may pursue other enforcement actions authorized by law. A violation of this Ordinance is a nuisance per se.

Section 6. Severability.

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

Section 7. Repeal of Prior Ordinance.

Solon Township Ordinance No. 47, the Township Refuse Ordinance, adopted on November 12, 1996, is hereby repealed as of the effective date of this Ordinance.

Section 8. Effective Date.

This Ordinance shall take effect 30 days after the ordinance or a summary thereof is published in a local newspaper of general circulation within the Township.

Adopted January 14, 2003
Amended August 9, 2023

OPEN BURNING ORDINANCE

(Ord. No. 08-53, amended by Ord. No. 53B-25)

An Ordinance to protect the public health, safety and general welfare by regulating outdoor burning within the Township; prohibiting fires within certain prescribed areas; prohibiting fires under certain circumstances; allowing cost recovery for emergency responses related to open burning; and to provide penalties for the violation thereof.

Section 1. Purpose.

(a) The open burning of leaves, grass, wood, trash and/or other flammable materials creates a risk of the accidental spread of fire and also may create hazardous byproducts that can irritate eyes and lungs, obscure visibility, contaminate or soil nearby surfaces, create odors and pose other health threats. Open burning may substantially increase the discomfort of residents or other persons within the Township who suffer asthma, chronic bronchitis and other respiratory ailments. This Ordinance is intended to reduce the adverse effects of unregulated open burning throughout the Township.

(b) This Ordinance recognizes the traditional use of open burning in the practice of agriculture and horticulture and does not intend to diminish that use when performed in compliance with the requirements of this Ordinance. This Ordinance shall not apply to the burning of fuels in heating and cooking appliances or similar devices located within a structure; nor shall it apply to internal combustion engines and motors.

Section 2. Definitions.

The following words and phrases included in this Ordinance shall have the meanings stated below in this section:

(a) **Approved Incinerator Device**. A properly installed and maintained incinerator displaying an American Gas Association or similar rating seal of approval stating that the device meets such organization's requirements for smokeless/odorless operation at the date of manufacture. The absence of a seal of approval or the noticeable emission of offensive effluent shall be prima facie evidence that such incinerator is not an approved burning device.

(b) **Burn; Burning**. The combustion of materials with or without a visible flame, and including smoldering and the emission of smoke or odor. Burn shall also include the igniting, kindling, or deliberately causing the combustion of materials.

(c) **Burning Permit**. The approval from the Township Fire Chief (the "Fire Chief") or his or her authorized designee permitting open burning, pursuant to a burning permit application filed pursuant to Section 4.

(d) **Covered Barrel**. Any metal 55-gallon barrel or pail covered with a three-quarters inch mesh screen.

(e) **Fire Chief**. The duly appointed Township Fire Chief and, for the purpose of administering and enforcing this Ordinance, his or her authorized designee.

(f) **Open Burning or Open Fire**. The burning of any flammable material that is not done within a structure or building. Open burning shall not include the use of internal combustion engines, the use of properly installed and maintained smokeless, odorless incinerators, or the use of a manufactured cooking device such as a barbecue grill that is solely used for the cooking of food for immediate human consumption and is extinguished upon completion of the cooking.

(g) **Order to Stop Burning**. A written order of the Fire Chief directing the extinguishment of a fire and the cessation of burning.

(h) **Person**. Any individual, corporation, partnership, association, or any officer, employee, or agent of the foregoing.

(i) **Recreational Fire**. An open fire kindled on the ground or within a fire pit barrier, such as a campfire or fire used for an entertainment or amusement event.

Section 3. Burning Permits.

The outdoor burning of flammable material in the Township shall occur only in compliance with this Ordinance, and only for the allowed purposes expressly stated in Section 7(a) through (d). A burning permit is required before any open burning is conducted within the Township.

(a) In order to be eligible for a burning permit, a person who owns, resides on or leases property within the Township where burning is proposed to take place must do each of the following:

(1) Submit a completed written application to the Township prior to burning any material. The application shall be submitted online at the Township's website, at the Township of Solon Fire Department (the "Fire Department"), or at the Township offices during normal business hours (subject to change, the Fire Department's normal business hours are 8:00 a.m. – 4:00 p.m. Monday through Friday; the Township office's normal business hours are 9:00 a.m. – 5:00 p.m. Monday through Wednesday);

(2) Acknowledge receipt of a copy of the Fire Department rules and procedures on outdoor burning, which acknowledgement shall be included with the application; and

(3) Grant access to the Township in accordance with Section 5.

(b) The application does not of itself constitute approval to burn. A permit for approved outdoor burning must be received in accordance with Section 4 of this Ordinance prior to any open burning regulated by this Ordinance.

(c) Applications must be submitted in writing, and neither telephone calls with Township officials or employees nor voicemails constitute proper applications for a burn permit, and do not constitute agreement to burn.

(d) If a burning permit is obtained under Section 4 of this Ordinance, open burning may be conducted, subject to the following conditions:

(1) The open burning is conducted in accordance with all applicable state laws, including the Natural Resources and Environmental Protection Act (Act 451 of 1994, as amended) ("NREPA") and the Fire Prevention Code (Act 207 of 1941, as amended);

(2) The open burning is performed under the constant supervision of a responsible person, who must be 18 years of age or older;

(3) Open burning shall take place only during daylight hours, except that permitted burning confined entirely within a covered barrel is permitted at all times except from 9:00 p.m. to 9:00 a.m., as stated in Section 7(b) of this Ordinance.

(e) Open burning shall not take place within fifty (50) feet of any building or other structure or within twenty-five (25) feet of any right-of-way or property line, except the joint property line of adjacent properties that are jointly conducting burning operations. Open burning is prohibited on any public or private roads.

Section 4. Burning Permit Approval Procedure.

(a) Prior to any permitted burning, a property owner or lessee must submit a burn permit application with all necessary information concerning the proposed burning, including but not limited to the following:

(1) The proposed location;

(2) The type and approximate quantity of material to be burned;

(3) The date and estimated duration of the burning, including the proposed time of day when burning would begin;

(4) Any other relevant information the Fire Chief or his or her authorized designee determines is necessary to evaluate the application.

(b) An applicant may apply for a burn permit in advance, and in that case the applicant must provide all necessary information concerning the application, but may defer providing information regarding the time, date and expected duration of the burning. Provided, however, that a burning permit shall not be issued and burning shall not be conducted until information regarding the time, date and expected duration of the burning is provided to the Fire Chief or his or her authorized designee.

(c) Upon receiving the above-stated information from the applicant, the Fire Chief or his or her authorized designee will either approve the burning and issue a permit, or will deny such approval.

(1) If approval is granted, a copy of the issued permit and the information about the proposed burning shall be kept in the office of the Fire Department, and may be forwarded

by the Township office or the Fire Department to the Kent County Dispatch Authority, so as to notify dispatching personnel regarding the proposed burning.

(2) If the approval is denied, the Fire Chief shall provide the reasons for denial in writing to the applicant within 5 days, and shall inform the applicant that an appeal of the denial may be made to the Township Board.

(d) In determining whether to grant or deny a request for a permitted burning, the Fire Chief or his or her authorized designee shall consider factors such as, but not limited to, the proposed location, weather conditions, the need for and/or availability of Fire Department resources necessary to guard against the spread of fire, previous ordinance compliance by the applicant, and any other factors likely to affect the public health, safety, and welfare of persons and property in the Township.

(e) The Fire Chief may impose reasonable conditions on approval of the burning permit, including, but not limited to, restrictions or limitation on the duration of the burning, the time of day of the burning, the date of the burning the manner of burning, and the type and quantity of material to be burned. Generally, open burning by permit shall be for daylight hours only, but the Fire Chief or his or her authorized designee shall have the discretion to approve burning in non-daylight hours.

(f) When an application for a burn permit is submitted to the Township between Sunday at 1:00PM and Friday afternoon at 12:59PM, and unless the applicant is contacted by the Fire Department, the applicant may assume the burn permit has been granted 24 hours after the submission. If submitted between Friday at 1:00PM and Sunday at 12:59PM and the applicant has not received email approval or approval by phone, the applicant may assume the permit has been granted by the immediately following Tuesday morning at 9:00AM.

(g) A permit to burn may cover a period of time of up to four days; provided, however, that in the discretion of the Fire Chief, the chief may approve a greater number of days. If an owner or other person is not able to accomplish the burning within the period of time specified in the permit, the Township office or the Fire Department must then be contacted again for a subsequent or revised permit before burning may be continued.

Section 5. Consent to Enter Property to Assure Compliance.

By submitting an application for a burning permit, a person shall be deemed to have consented to the Fire Chief's entry or the Fire Chief's designee's entry onto the person's property to determine compliance with any permit conditions. The Fire Chief or the chief's designee, may enter onto all property within the Township, whether there is a permit or not, where smoke, open burning, or fire has been observed, for the purpose of reviewing the burning permit, to investigate the nature of a non-permitted fire, to extinguish a non permitted, illegal, accidental, or unconfined fire, or to cite the person responsible for a violation of this Ordinance.

Section 6. Revocation of a Burning Permit; Order to Stop Burning.

(a) The Fire Chief or his or her authorized designee may revoke a burning permit in the event any of the provisions of this Ordinance or terms and conditions of the burning permit

are being violated, or should circumstances become such that the Fire Chief or his or her authorized designee determines that the burning poses a health or safety risk or otherwise will result in a condition detrimental to the Township or its residents.

(b) The Fire Chief or his or her authorized designee may order the extinguishment of or may cause to be extinguished any open fire, whether or not a burn permit has been issued, if the Fire Chief or his or her authorized designee deems the fire to be a nuisance or hazard to public health and safety.

(c) In the event of a violation of this Ordinance or of terms and conditions of a burning permit, regardless of whether the violation is ongoing, the Fire Chief or his or her authorized designee may issue an order to stop burning to the person who is burning, or to the property owner of the property upon which the burning is conducted, or in their absence may post the order to stop burning on the property where the burning is being conducted. Any person receiving an order to stop burning shall immediately extinguish the fire and shall desist from further burning until such time as burning is expressly approved by the Fire Chief or his or her authorized designee.

(d) An order to stop burning shall specify the reasons for its issuance, prohibit further burning and shall include an explanation of the consequences of violation of the order to stop burning. The order shall state that an appeal of the order may be submitted to the Township Board.

(e) It shall be a violation of this Ordinance to reignite or allow the re-ignition of a fire extinguished by order of the Fire Chief or his or her authorized designee without the Fire Chief's (or his or her authorized designee's) express written approval.

Section 7. General Prohibition on Open Burning; Exceptions.

Open burning within the Township of any material is hereby prohibited. No person shall burn or cause to be burned any flammable material within the Township, outside of a structure or building, except as follows:

(a) Open burning of leaves, grass clippings, vegetable and garden debris, shrubbery, brush, wood, twigs or tree trimmings is permitted by a person who has received a burning permit from the Fire Chief in accordance with the procedures of this Ordinance.

(b) Burning that is confined entirely within a covered barrel may take place without a permit if the covered barrel is at least 50 feet away from any dwelling, including any dwellings located on the property where the covered barrel is located and all dwellings on nearby or adjacent lands, and if the covered barrel is at least 25 feet away from all of the property boundary lines; provided, however, that such burning within a covered barrel shall not take place from 9:00 p.m. to 9:00 a.m. The covered barrel shall be constructed of masonry or metal. Such burning is subject to the provisions on extinguishment of outdoor fires and orders to stop burning under Section 6.

(c) The provisions of this Ordinance shall not apply to agricultural burning, including the burning of brush, trees and crop fields on farms when performed in accordance with

all applicable Generally Accepted Agricultural and Management Practices ("GAAMPS") issued by the Michigan Department of Agriculture and Rural Development. Similarly, the ordinance shall not apply to the open burning of bee keeping equipment and products, when burned for bee disease control.

(d) Open fires used solely for cooking of food for immediate human consumption, or for recreation or ceremonial purposes, shall not be prohibited and shall not require a burning permit or application if the following conditions are satisfied:

(1) The fire does not exceed four feet in diameter or four feet in height. Any fire in excess of four feet in diameter or four feet in height shall require an open burning permit;

(2) Such open fire shall not be composed in whole or in substantial part of leaves or grass clippings;

(3) Such open fire shall use non-processed wood and shall not burn refuse, garbage or any other material that may be noxious, offensive in odor or create a lasting condition of thick smoke; and

(4) Such open fires not be left unattended at any time.

(e) Controlled fires authorized by the Fire Chief that are caused and maintained for the training of authorized firefighters.

Section 8. Burning Materials Imported into the Township.

No person shall burn any materials imported into the Township from other areas, for the purpose of the disposal or elimination of such materials or for any other purpose.

Section 9. Prohibition on Burning Certain Materials.

It shall be a violation of this Ordinance to burn, with or without a permit, tires, plastics and any other substance or material that may result in noxious or hazardous smoke, odors or any other seriously offensive condition. It shall be a violation of this Ordinance, with or without a permit, to burn any substance or material which emits in substantial concentration, smoke or gas which is toxic to human, plant or animal life, noxious or offensive in odor, or creates a lasting condition of thick smoke.

Section 10. Burning at Construction Sites.

Burning of construction debris (including, but not limited to, tree stumps and fallen trees) is prohibited without written authorization by the Fire Chief or his or her authorized designee.

Section 11. Penalties.

Any person who violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine not less than $50 for a first violation, a civil fine of not less than $200 for a second violation, and a civil fine of not less

than $500 nor more than $1000, in the discretion of the court, for each subsequent violation. In addition to a civil fine, the person shall also be liable for all other costs, damages and expenses incurred by the Township in enforcing this Ordinance.

(a) A subsequent violation shall mean a violation occurring within twelve (12) months of a previous violation for whom the same person admitted responsibility or was adjudicated to be responsible.

(b) Each day during which a violation continues shall constitute a separate offense.

(c) The fines and penalties provided for in this section shall be in addition to the abatement of the violation and any injunctive or other lawful relief.

Section 12. Cost Recovery for Emergency Response.

(a) The Township Board finds that a number of responses of the Township Fire Department involve persons who fail to burn in accordance with the terms and conditions of an approved permit, who fail to obtain a burning permit as required by law, or by property owners who allow noncompliant or unpermitted burning. In addition, the Township Board finds that such incidents pose a substantial and greater likelihood of personal or property damage. A greater operational and financial burden is placed upon the Township's firefighting and rescue services by persons who fail to burn in accordance with the conditions of approval or failure to obtain a burning permit or property owners who permit the same.

(b) Therefore, pursuant to Section 6a of the Police and Fire Protection Act (Act 33 of 1951, as amended), the Township determines that it is necessary to authorize the collection of fees for fire protection services related to noncompliant or unpermitted burning. Accordingly, any person who burns without a valid burning permit or who burns in violation with any terms or conditions of approval of a valid burning permit shall be liable for all emergency response expenses if such person's activities cause an incident resulting in an emergency response. Liability for these expenses shall also apply to a property owner who permits or consents to another's burning without a valid burning permit or in violation of terms or conditions of approval of a valid burning permit on that property owner's premises.

(c) The expenses of an emergency response shall be a charge jointly and severally against the person(s) commencing or continuing the open burning and the property owner(s), unless the property owner proves that the fire was begun by a trespasser on the property. The charge shall constitute a lien against the property as well as a debt of the person(s) conducting the burning and the property owner(s) and is collectible by the Township in the same manner in which general property taxes may be collected or, alternatively, in the same manner as in the case of an obligation under a contract, expressed or implied.

(d) The expenses of an emergency response shall include, though shall not be limited to, those amounts calculated as follows:

(i) $500 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(ii) $500 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(iii) $500 per hour, or fraction thereof, for any other Township-owned Fire Department vehicle or other emergency vehicle required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(iv) All personnel-related costs incurred by the Township as a result of responding to the open burning incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time fire fighters.

(v) Other expenses incurred by the Township in responding to the open burning incidents, including but not limited to rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the open burning incident.

(vi) Charges to the Township imposed by any local, state or federal government entities related to the open burning incident.

(vii) Costs incurred in accounting for all open burning incident-related expenditures, including billing and collection costs.

(e) The Fire Chief may, within ten days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for such costs by first class mail or personal service to the person(s) liable for the expenses as specified in this Ordinance. The bill shall require full payment in 30 days from the date of mailing or delivery.

(f) Any failure by the person(s) described in this Ordinance as liable for the expense of an emergency response, to pay the bill within 30 days of mailing or delivery, shall be considered a default. In the case of a default, the Township may impose the expense as a lien on the property where the violation occurred or, alternatively, may commence a civil lawsuit to recover the expenses and any costs permitted by law.

(g) For purposes of this section, the following words and phrases shall be defined as follows:

(1) **Emergency response** shall mean the providing, sending and/or utilizing of firefighting, emergency medical or rescue services by the Township or county sheriff's department, to an incident involving a fire where the person burning combustible materials, or a property owner permitting such burning, is in violation of a condition of approval of a valid burning permit or where no burning permit has been obtained as required by this Ordinance.

(2) **Expense of an emergency response** shall mean the direct and reasonable costs incurred by the Township or the county sheriff's department when making an emergency response to the incident, including the costs of providing firefighting and rescue services at the scene of the incident. These costs shall also include those incurred at the scene of the incident; all of the salaries and wages of the Township or county sheriff's department personnel responding to

the incident; all salaries and wages of the personnel engaged in investigation, supervision and report preparation; all costs related to any prosecution of the person causing the incident; and any charges by the local elective utility or the restoration of power lines or other such equipment that may have been affected by the incident.

(h) This section shall not apply to emergency responses involving the release of "hazardous substances" as defined by NREPA. If the emergency response involved the release of hazardous substances, the Township may seek cost recovery, but shall seek cost recovery pursuant to the procedures provided in Part 201 of NREPA.

Section 13. Enforcement.

The Township Fire Chief, the Township Fire Chief's authorized designee, the Township Zoning Administrator, Township Code Enforcement Officer, deputies of the Kent County Sheriff's Department, or any duly authorized law enforcement officer acting on complaint of the Fire Chief or the Fire Chief's authorized designee, may enforce the provisions of this Ordinance.

Section 14. Severability.

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

Adopted July 8, 2008
Amended April 14, 2025

FIRE LANE ORDINANCE

(Ord. No. 54)

An Ordinance to provide for the designation of fire lanes within the Township; to prohibit the parking of all non-emergency vehicles in designated fire lanes; to authorize the removal of non-emergency vehicles which may be parked in fire lanes; and to provide penalties for the violation of the ordinance.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to provide for the designation of fire lanes within the Township, to regulate the parking of motor vehicles in fire lanes and to impose such other regulations as may assist in the effective extinguishing of fires and the providing of rescue and other emergency services by the Township fire department.

Section 2. Definition.

For purposes of this Ordinance, a fire lane is any route or other means of access, whether publicly or privately established, and whether improved or unimproved, that is reasonably necessary or that is designated for use by Township or other emergency vehicles, including fire and rescue vehicles, ambulances and other emergency vehicles, together with emergency personnel, including firefighters, persons providing emergency medical services and other emergency personnel, and, further, a fire lane shall also include any dry fire hydrant or other place or area established for use by the Township fire department as a place for the accumulation of water for use in the extinguishing of a fire.

Section 3. Designation of Fire Lanes.

The Township may designate routes and means of access as fire lanes. Such designation may be accomplished by the Township fire chief, or by other official authorized by the Township Board, in the manner specified in this Ordinance.

(a) A fire lane shall be designated by the posting of a sign or signs within any part of the fire lane. Such a sign shall read, "No Parking Fire Lane" or "Fire Lane No Parking Tow-Away Zone" or comparable wording indicating clearly the designation of the route as a fire lane and the fact that parking of vehicles is prohibited therein.

(b) Fire lane signs shall be posted and maintained by the Township. No person other than the Township fire chief, an authorized member of the fire department or other person authorized by the Township shall remove or interfere in any way with a fire lane sign. Any unauthorized person who removes or damages a fire lane sign shall be liable to the Township for the entire cost of replacing or repairing the sign.

(c) A fire lane sign shall be at least 100 square inches in area. The lettering on the sign shall be in red and the background of the sign shall be white. The letters of the words "fire lane" shall be at least two inches high. The height of a fire lane sign shall be not less than four feet or more than six feet.

(d) Fire lane signs shall be placed at each end of a fire lane and also at intervals along the fire lane approximately 100 feet apart; provided, however, that such locations may be reduced in number or varied if it is necessary to do so because of the elevation of the land, or the presence of buildings, trees other vegetation or other physical constraints.

Section 4. Prohibition of Non-Emergency Parking.

The parking of all non-emergency vehicles is prohibited in any fire lane or any part thereof. For purposes of this section, a non-emergency vehicle means a vehicle other than a fire truck, ambulance, rescue vehicle, other fire department vehicle or other vehicle being used for a bona fide emergency purpose.

Section 5. Authorized Enforcement.

The Township fire chief or other person designated by the Township Board, any officer of the Kent County Sheriff's Department or any other law enforcement officer may enforce the terms of this Ordinance.

Section 6. Violation and Penalty.

A violation of this Ordinance is a municipal civil infraction.

(a) Any person who violates, disobeys, or fails or refuses to comply with any provision of this Ordinance, or any person who aids or abets the same, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The fine for a violation shall be not more than $100.

(b) The issuance of a civil infraction citation shall be accomplished as follows:

(i) By the placing of a parking violation citation, stating the nature of the violation, on a vehicle that is parked, in whole or in part, within a fire lane in violation of this Ordinance; or

(ii) In those fire lanes that are designated by signs reading "Fire Lane No Parking Tow-Away Zone," by the placing of a parking violation citation on a vehicle parked in the fire lane, either in whole or in part, in violation of this Ordinance, and, in the discretion of the fire chief or other authorized person, by the removing of any such vehicle, or by the causing of the removal of any such vehicle, to a place of vehicle impoundment. Any such parking violation citation shall state the nature of the violation.

(c) The owner or operator of any vehicle upon which a fire lane parking violation citation has been placed, and which has been removed to a place of vehicle impoundment, may obtain the release of the vehicle by the payment of all charges which have arisen by reason of the

removal and towing of the vehicle to the place of impoundment, and all other costs and expenses associated therewith, including impoundment charges. Such charges may include, though are not limited to, the charges of the towing agent and other associated expenses incurred by the Township. The holder of a lien upon an impounded vehicle may obtain the release of the vehicle by entering into an indemnity agreement with the Township, whereby the Township would be saved harmless from any and all liability to the registered owner of the vehicle, for the release of the vehicle to the lienholder, and in such a case, the lienholder shall also pay all charges due against the vehicle, in respect of its removal to the place of impoundment and any costs of impoundment.

(d) Whenever any person authorized to enforce this Ordinance shall have determined that a vehicle is parked in violation of this Ordinance, and whenever such person shall place a parking violation citation on the vehicle, it shall thereafter be a violation of this Ordinance for any person to drive or otherwise remove the vehicle from the place of the violation, in disobedience of any oral directive or order given by such authorized person that the vehicle not be moved.

(e) In the case of a non-emergency vehicle parked in a fire lane in violation of this Ordinance, either the registered owner of the vehicle or the operator of the vehicle, or both, may be proceeded against by means of enforcement of this Ordinance. In any enforcement action hereunder, proof of the ownership of the vehicle shall be obtained by verification of ownership of the vehicle through the records of the Michigan Secretary of State, and if the person being proceeded against under this Ordinance is thus established as the registered owner of the vehicle, then such verification of ownership shall constitute a determination that the registered owner of the vehicle was the person who parked the vehicle at the location where, and for the time during which, the violation occurred.

(f) Each day during which a violation continues shall be deemed a separate offense.

Section 7. Additional Remedies.

In addition to the above remedies, the Township may commence a civil lawsuit to abate any violation of this Ordinance, and may pursue any other enforcement action authorized by law. A violation of this Ordinance is a nuisance per se.

Section 8. Severability.

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

Section 9. Effective Date.

This Ordinance shall take effect 30 days after the publication of the ordinance or 30 days after the publication of a summary thereof in a local newspaper of general circulation within the Township.

Adopted May 13, 2003

EMERGENCY RESPONSE ORDINANCE

(Ord. No. 55)

An Ordinance to provide for the recovery of expenses incurred by the Township for emergency responses to traffic accidents involving drivers under the influence of alcohol or drugs, and to provide penalties for a violation of the ordinance.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to provide for the recovery of expenses incurred by the Township in responding on an emergency basis to traffic accidents involving vehicle drivers under the influence of an alcoholic beverage or a controlled substance or both.

Section 2. Definitions.

For purposes of this Ordinance, the following terms shall have the meanings stated below:

(a) Emergency response shall mean the providing, sending and/or utilizing firefighting, emergency, medical rescue and/or other services by the Township, or by a private person or entity operating at the request or direction of the Township, to an accident or the scene of an accident involving a motor vehicle in which one or more of the drivers were operating the vehicle while under the influence of an alcoholic beverage or a controlled substance, or under the influence of both an alcoholic beverage and a controlled substance, whether one of each or more.

(b) Expense(s) of an emergency response shall mean the direct and reasonable costs incurred by the Township or the Township fire department, or by a private person or entity operating at the request or direction of the Township or the Township fire department, when making an emergency response to an incident, an accident or the scene of either of them, including but not limited to the costs of firefighting, rescue services and other emergency services at the scene of the incident or accident. Such costs shall also include the salary and wages of all fire department personnel and emergency rescue personnel involved in the response, as well as other personnel of the Township or the Township fire department similarly involved. Such costs shall also include all costs and expenses of litigation, supervision, report-preparation, administration and all costs related to the enforcement of this Ordinance and to any investigation or prosecution of the person or persons who are or may be responsible for the accident or incident, including the costs of chemical tests, urinalysis and other investigative procedures.

Section 3. Liability for Expenses of an Emergency Response.

(a) A person or persons shall be liable for the expenses of an emergency response if, while under the influence of an alcoholic beverage or controlled substance, or the combined influence of both of them, such person's or persons' operation of a motor vehicle causes, whether wholly or in part, any incident resulting in an emergency response.

(b) For the purposes of this Ordinance, a person is under the influence of an alcoholic beverage or a controlled substance, or the combined influence of both of them, when his or her physical or mental abilities are impaired to such a degree that he or she no longer has the ability properly to operate a motor vehicle with the care and caution characteristic of a person of ordinary prudence and not under the influence of an alcoholic beverage or controlled substance. It shall be presumed that if a person was operating a motor vehicle while under the influence of an alcoholic beverage if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of 7/100ths of 1 percent (0.07%) or, if the person is under the age of 21 years, the amount of alcohol in his or her blood was in excess of 1/100th of 1 percent (0.01%).

(c) The expenses of an emergency response shall be a charge against the person or persons liable for such expenses under the terms of this Ordinance. Such charge constitutes a debt of that person or persons, and shall be collectible by the Township in the same manner as in the case of an obligation under a contract, whether express or implied, and shall also be collectible by the Township by any other lawful means.

(d) The expense of an emergency response shall include, though shall not be limited to, those amounts calculated as follows:

(i) $125 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(ii) $125 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(iii) $125 per hour, or fraction thereof, for any other Township-owned fire department vehicle or other emergency vehicle required, in the opinion of the officer in command, to be utilized in responding to the emergency.

(e) The Township clerk, or the designee of the clerk, shall submit a statement of the costs to be paid for the expenses of an emergency response, by first-class mail or by personal delivery, to the person responsible for payment of such expense as specified under the terms of this Ordinance. The statement shall specify that full payment is required within 30 days from the date of the mailing or delivery of the statement. The person or persons to whom the statement is directed shall pay the statement within the specified period of time.

(f) A failure of any person described in this Ordinance as responsible for the expense of an emergency response to pay the amount specified on the above-described statement of the Township within 30 days of the mailing or delivery thereof shall be a default by such person in such required payment. In such a case, the Township may commence a civil lawsuit to recover the expenses of the emergency response as enumerated in the statement, together with any other costs applicable thereto under the terms of this Ordinance and also all other costs and expenses permitted to be recovered by law. The commencement of any such civil lawsuit shall be in addition to other penalties specified herein.

Section 4. Violation and Penalty.

A violation of this Ordinance is a municipal civil infraction.

(a) Any person who violates, disobeys, fails or refuses to comply with any provision of this Ordinance, or any person who aids or abets another person in violation hereof, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

(b) The fine for a violation shall be not less than $100 nor more than $500, in the discretion of the court, in addition to all other costs, expenses and remedies provided by law. Each day during which a violation continues shall be deemed a separate offense.

Section 5. Severability.

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

Section 6. Effective Date.

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

Adopted _____

STORM WATER ORDINANCE

(Ord. No. 62)

An Ordinance to provide for the regulation and control of storm water runoff; to provide procedures for storm water review; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of storm water and other discharges; to establish performance and design standards for storm water management in specified zones of the Township; and to provide penalties for violations of the ordinance.

THE TOWNSHIP OF SOLON ORDAINS:

ARTICLE I
GENERAL

Section 1.01 Statutory Authority and Title.

This Ordinance is adopted in accordance with the Township Ordinance Act, as amended, being MCL 41.181, et seq.; the Township and Village Public Improvement Act, as amended, being MCL 41.721, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This Ordinance shall be known and may be cited as the Township of Solon Storm Water Ordinance.

Section 1.02 Findings.

The Township finds that:

(1) Water bodies, roadways, structures, and other property within, and downstream of the Township are at times subjected to flooding;

(2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Township and the region;

(3) Land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;

(4) Storm water runoff produced by land development contributes to increased quantities of water-borne pollutants;

(5) Increases of storm water runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the Township and downstream municipalities;

(6) Storm water runoff, soil erosion, and non-point source pollution, due to land development within the Township, have resulted in a deterioration of the water resources of the Township and downstream municipalities;

(7) Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the Township will, absent reasonable regulation and control, adversely affect the Township's water bodies and water resources, and those of downstream municipalities;

(8) Storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development;

(9) Adopting the standards, criteria and procedures contained in this Ordinance and implementing the same will address many of the deleterious effects of storm water runoff; and

(10) Adopting these standards is necessary for the preservation of the public health, safety and welfare.

Section 1.03 Purpose.

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

(1) To reduce artificially induced flood damage.

(2) To minimize increased storm water runoff rates and volumes from identified new land development.

(3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.

(4) To encourage water recharge into the ground where geologically favorable conditions exist.

(5) To prevent an increase in non-point source pollution.

(6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes.

(7) To minimize the impact of development upon stream bank and streambed stability.

(8) To reduce erosion from development or construction projects.

(9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution.

(10) To reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without storm water management controls meeting the purposes and standards of this Ordinance.

(11) To reduce the adverse impact of changing land use on water bodies and, to that end, this Ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls.

Section 1.04 Applicability, Exemptions and General Provisions.

This Ordinance shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter storm water drainage characteristics of the development site, provided, however, that this Ordinance shall not apply to the following:

(a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.

(b) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures.

(c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

Section 1.05 Definitions.

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

(1) **Base Flood**. A flood having a 1 percent chance of being equaled or exceeded in any given year.

(2) **Base Flood Elevation**. The high water elevation of the base flood, commonly referred to as the "100-year flood elevation."

(3) **Base Flood Plain.** The area inundated by the base flood.

(4) **Best Management Practices (BMPs)**. A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that

accomplish the purposes of this Ordinance (including, but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the Township engineer, and, where appropriate, the standards of the Kent County Drain Commissioner.

(5) **Building Opening**. Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

(6) **Clean Water Act**. The Federal Water Pollution Control Act, 33 USC Sec 1251 *et seq*., as amended, and the applicable regulations promulgated thereunder.

(7) **Construction Site Storm Water Runoff**. Storm water runoff from a development site following an earth change.

(8) **Design Engineer**. Registered and licensed professional engineer responsible for the design of a drainage plan.

(9) **Detention**. A system which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.

(10) **Developed or Development**. The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Township's approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of Article II only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.

(11) **Developer**. Any person proposing or implementing the development of land.

(12) **Development Site**. Any land that is being or has been developed, or that a developer proposes for development.

(13) **Discharger**. Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this Ordinance.

(14) **Drain**. Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or inter-county drain.

(15) **Drainage**. The collection, conveyance, or discharge of ground water and/or surface water.

(16) **Drainageway**. The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

(17) **Earth Change**. Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

(18) **EGLE**. The Michigan Department of Environmental, Great Lakes, and Energy.

(19) **EPA**. The United States Environmental Protection Agency.

(20) **Erosion**. The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

(21) **Exempted Discharges**. Discharges other than storm water as specified in Section 4.02 of this Ordinance.

(22) **Federal Emergency Management Agency (FEMA)**. The agency of the federal government charged with emergency management.

(23) **Flood or Flooding**. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.

(24) **Floodplain**. Any land area subject to periodic flooding.

(25) **Flood-Proofing**. Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements utilities and structures.

(26) **Flood Protection Elevation (FPE)**. The base flood elevation plus one foot at any given location.

(27) **Floodway**. The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth of a foot due to the loss of flood conveyance or storage.

(28) **Grading**. Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

(29) **Illicit Connection**. Any method or means for conveying an illicit discharge into water bodies or the Township's storm water system.

(30) **Illicit Discharge**. Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this Ordinance.

(31) **Impervious Surface**. Surface that does not allow storm water runoff to slowly percolate into the ground.

(32) **KCDC**. Kent County Drain Commissioner.

(33) **Lowest Floor**. The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.

(34) **NPDES**. National Pollution Discharge Elimination System.

(35) **Overland Flow-way**. Surface area that conveys a concentrated flow of storm water runoff.

(36) **Person**. An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

(37) **Plan**. Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

(38) **Pollutant**. A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

(39) **Property Owner**. Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

(40) **Retention**. A system which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.

(41) **Soil Erosion**. The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.

(42) **State of Michigan Water Quality Standards**. All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

(43) **Storm Drain**. A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.

(44) **Storm Water Runoff**. The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

(45) **Storm Water Runoff Facility**. The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey storm water.

(46) **Stream**. A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

(47) **Township**. The Township of Solon.

(48) **Water Body**. A river, lake, stream, creek or other watercourse or wetlands.

(49) **Watershed**. A region draining into a water body.

(50) **Wetlands**. Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

ARTICLE II
STORM WATER REVIEW

Section 2.01 Storm Water Review by Township Engineer Required.

(1) A developer shall not engage in any development that is subject to storm water review under Section 1.04 without first receiving storm water approval from the Township Engineer pursuant to Section 2.02.

(2) The granting of storm water approval from the Township Engineer shall authorize only such development for which the storm water approval is required, subject to the terms of the approval of the development site, building permit or other applicable permit, and it shall not be deemed to approve other development or other land use activities.

Section 2.02 Storm Water Review Procedures.

The Township Engineer shall review proposed storm water management plans for developments, and shall grant storm water approval only upon the developer's compliance with each of the following requirements:

(1) The developer has submitted a drainage plan complying with Section 2.03.

(2) The drainage plan contains a description of an adequate, temporary storm water retention system to prevent construction site storm water runoff, satisfying the requirements of Section 2.05, and the developer has obtained a soil erosion permit, if necessary.

(3) The developer provides:

(1) A permanent on-site storm water system sufficient to provide on-site detention of storm water runoff in a 25-year storm event, and

(2) A direct connection for all storm water runoff that will be discharged from and through the development site in a 100-year storm event; or

(a) The developer provides a permanent on-site storm water system with a restricted outlet designed to result in no net increase in storm water runoff volume or rate onto any adjacent property in a 100-year storm event.

(4) The developer has paid or posted the applicable financial guarantee pursuant to Section 2.06.

(5) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance including, but not limited to, Section 7.02.

(6) All easements shall be acceptable to the Township in form and substance and shall be recorded with the Kent County Register of Deeds.

(7) The drainage plan is designed in conformity with the Township's design and performance standards for drains and storm water management systems, as set forth in Article VIII.

(8) All storm water runoff facilities shall be designed in accordance with the then-current BMPs.

(9) The developer provides a storm water maintenance agreement, as described in Section 7.03 of this Ordinance.

Section 2.03 Drainage Plan.

The developer shall provide a drainage plan to the Township for review and approval by the Township. The drainage plan shall identify and contain all of the following:

(1) The location of the development site and water bodies that will receive storm water runoff.

(2) The existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one foot (using USGS datum). The information shall be superimposed on the pertinent Kent County soil map.

(3) The development tributary area to each point of discharge from the development.

(4) Calculations for the final peak discharge rates.

(5) Calculations for any facility or structure size and configuration.

(6) A drawing showing all proposed storm water runoff facilities with existing and final grades.

(7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.

(8) An implementation plan for construction and inspection of all storm water runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water runoff facilities are constructed in accordance with the approved drainage plan.

(9) A plan to ensure the effective control of construction site storm water runoff and sediment track-out onto roadways.

(10) Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this Ordinance.

(11) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities.

(12) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS).

(13) Any other information necessary for the Township to verify that the drainage plan complies with the Township's design and performance standard for drains and storm water management systems.

Section 2.04 Construction Site Runoff Controls.

Prior to making any earth change on a development site regulated by this Ordinance, the developer shall first obtain a soil erosion permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if one is required. The developer shall install storm water runoff facilities and shall phase the development activities so as to prevent construction site storm water runoff and off-site sedimentation. During all construction activities on the development site, the Township engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

Section 2.05 Financial Guarantee.

(1) The Township engineer shall not approve a storm water appro until the developer submits to the Township, in a form and amount satisfactory to the Township, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water runoff facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 2.03(8), the Township may release the letter of credit, or other financial guarantee subject to final Township acceptance and approval.

(2) Except as provided in subsection (3), the amount of the financial guarantee shall be $10,000, unless the Township determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than $10,000 is appropriate, the Township shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water runoff facilities the development will utilize.

(3) The Township may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than 10 percent

(4) This Ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

Section 2.06 Certificate of Occupancy.

No certificate of occupancy shall be issued until storm water runoff facilities have been completed in accordance with the approved drainage plan; provided, however, the Township may issue a certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the Township, for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan.

Section 2.07 No Change in Approved Facilities.

Storm water runoff facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

Section 2.08 Terms and Conditions of Storm Water Approval.

In granting storm water approval, the Township may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this Ordinance. A developer shall comply with such terms and conditions.

ARTICLE III
STORM WATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL EROSION CONTROL

Section 3.01 Management of and Responsibility for Storm Water System.

The Township is not responsible for providing drainage facilities on private property for the management of storm water on said property. It shall be the responsibility of the property owner to provide for, and maintain, private storm water runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

Section 3.02 Storm Water System.

All storm water runoff facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

Section 3.03 Storm Water Discharge Rates and Volumes.

The Township is authorized to establish minimum design standards for storm water discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the storm water drainage system, in the following circumstances:

(1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or

(2) The discharge exceeds the Township-calculated pre-development discharge characteristics for the subject property, and the Township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this Ordinance.

Section 3.04 Floodplain Standards.

(1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the Flood Protection Elevation (FPE) and shall be in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodway alteration shall be permitted only upon review and approval by the Township, in accordance with an approved drainage plan.

(2) A drainage plan providing for the filling or alteration of a floodway may include provisions for maintaining stability of the banks of streams or other water bodies, by means of the establishing of buffer zones and other means of providing protection of the slopes and banks of water bodies.

(3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

Section 3.05 Soil Erosion and Sedimentation Control.

(1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a storm water drainage system, a public street or right-of-way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state and local ordinances, rules and regulations.

(2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:

(a) Comply with the storm water management standards of this Ordinance.

(b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.

(c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.

(d) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.

(e) Prevent damage to adjacent or nearby land.

(f) Apply for all required approvals or permits prior to the commencement of work.

(g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this Ordinance.

(h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this Ordinance.

(i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within 24 hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.

(j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

(k) Request and obtain inspection of soil erosion and sedimentation control facilities, by the Township at such frequency as required by the Township.

Section 3.06 Building Openings.

(1) No building opening shall be constructed below the following elevations:

(a) One foot above the 100-year floodplain.

(b) The building opening established at the time of plat or development approval and on file in the Township engineering department.

(c) Three feet above the top of any downstream culvert.

(d) Four feet above the bottom of any permanent and defined drain.

(2) A waiver from elevations stated in Section 3.05(1) may be granted by the Township engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(3) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this Ordinance. This certificate shall attest that the building opening elevation complies with the standards of this Ordinance. The permittee for the building permit shall submit the certificate to the Township building inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06(1)(b) or (c), that opening must be raised using a method that meets with the approval of the Township. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this Ordinance prior to the commencement of framing and or structural steel placement.

Section 3.07 Reserved.

Section 3.08 Public Health, Safety and Welfare.

Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

ARTICLE IV
PROHIBITIONS AND EXEMPTIONS

Section 4.01 Prohibited Discharges.

(1) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.

(2) The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Township's storm water drainage system.

Section 4.02 Exempted Discharges.

The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

Water supply line flushing
Landscape irrigation
Diverted stream flows
Rising ground water
Uncontaminated ground water infiltration to storm drains

Uncontaminated pumped ground water
Discharges from potable water sources
Foundation drains
Air conditioning condensate
Individual residential car washing
Dechlorinated swimming pool water
Street washwater
Discharges or flows from emergency firefighting activities
Discharges for which a specific federal or state permit has been issued.

Section 4.03 Interference with Natural or Artificial Drains.

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the Township and receiving approval of that plan. Any deviation from the approved plan is a violation of this Ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

(2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.

(3) For an overland flow-way:

(a) Silt screen fences shall not be permitted below the top of the bank of a water body.

(b) Chain link fences shall be permitted if the Township determines that the fence will not obstruct or divert the flow of water.

(c) If a fence is removed by the Township for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.

(d) No shrubs or trees shall be planted below the top of the bank of a water body.

(4) Shrubs, trees or other above-ground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

Section 4.04 Storage of Hazardous or Toxic Materials in Drainageway.

Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a drainageway.

ARTICLE V
INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING.

Section 5.01 Inspection and Sampling.

To assure compliance with the standards in this pervasively regulated area, the Township may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Township's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

Section 5.02 Storm Water Monitoring Facilities.

A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Township. The Township may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances and regulations.

Section 5.03 Accidental Discharges.

(1) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Township concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township within five days. The written report shall specify:

(a) The composition of the discharge and the cause thereof.

(b) The exact date, time, and estimated volume of the discharge.

(c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.

(d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.

(2) A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be

considered properly reported only if the discharger complies with all the requirements of Section 5.03(1).

Section 5.04 Record Keeping Requirement.

Any person subject to this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

ARTICLE VI
ENFORCEMENT

Section 6.01 Sanctions for Violation.

(1) Any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than $250 for a first offense, and not less than $500 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The Township supervisor or the zoning administrator are authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

(2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $500 or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(3) Any person who aids or abets a person in a violation of this Ordinance shall be subject to the sanctions provided in this section.

Section 6.02 Stop Work Order.

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the Township is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Township may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

Section 6.03 Failure to Comply; Completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Township may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township for all costs of such work.

Section 6.04 Emergency Measures.

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Township for all of such costs.

Section 6.05 Cost Recovery for Damage to Storm Drain System.

A discharger shall be liable for all costs incurred by the Township as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

Section 6.06 Collection of Costs; Lien.

Costs incurred by the Township and the Drain Commissioner pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the Township Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

Section 6.07 Appeals.

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

(1) The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and

(2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this Ordinance, nor result in less effective management of storm water runoff.

ARTICLE VII
STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS

Section 7.01 Applicability of Requirements.

The requirements of this article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Township for review and approval.

Section 7.02 Storm Water Management Easements.

The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance required by the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

Section 7.03 Storm Water Maintenance Agreements.

(1) The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan, subject to review and approval of the Township Engineer. The storm water maintenance agreements shall provide for routine, emergency, and long-term maintenance of all storm water runoff facilities, in compliance with the approved drainage plan and all provisions of this Ordinance. The storm water maintenance agreement shall include the developer's written commitment to provide routine, emergency and long-term maintenance of the facilities and, in the sent that such facilities are not maintenance in accordance with the approved

drainage plan, that the Township is authorized, but not required, to maintain any on-site storm water runoff facilities as reasonable necessary, at the developer and/or the developer's successor(s)' expense.

(2) After storm water review is completed by the Township Engineer, and the Township Engineer has granted storm water approval, the developer shall execute the storm water maintenance agreement. The Township Zoning Administrator is authorized to enter the storm water maintenance agreement on behalf of the Township. After the storm water maintenance agreement is fully executed, the developer shall record such agreement with the Kent County Register of Deeds, and provide a copy of the recorded storm water maintenance agreement to the Township Zoning Administrator.

Section 7.04 Establishment of County Drains.

Prior to final approval, all storm water management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

ARTICLE VIII
PERFORMANCE AND DESIGN STANDARDS

Section 8.01 Performance Standards.

In order to achieve the goals and purposes of this Ordinance, the following three storm water management zones (Zones A, B and C) are hereby established.

(1) Zone A represents areas which require the most protective storm water management regulations. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. Zone A has, in general, little impervious surface area and few storm water facilities. In this zone, when site conditions permit, infiltration of storm water runoff shall be required, rather than the directed flow of storm water runoff into water bodies. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion. Section 8.02 specifies design criteria for Zone A, in order that the volume and rate of storm water runoff are controlled at predevelopment levels.

(2) Zone B represents developed areas that have significant impervious surfaces and storm water runoff facilities in place. The goal of Zone B is the control of storm water runoff in order to prevent further destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified in Section 8.02 for the achieving of the storm water management standards applicable to Zone B. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.

(3) Zone C consists of highly urbanized areas, or areas where there has been significant modification of drainageways. The amount of impervious surface area in Zone C is generally greater than 25 percent. Among the measures required in Zone C, as stated in

Section 8.02, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and the reduction of impervious surface areas that are directly connected to water bodies. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

Section 8.02 Design Standards.

The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	Zone A	Zone B	Zone C
Criteria	High quality waters. Meets water quality standards. Less than 10 percent imperviousness.	Degraded physical, biological, or water quality indicators. Ten percent to 25 percent imperviousness.	Heavily degraded physical, biological, or water quality indicators. Greater than 25 percent imperviousness.
Storm Water Management Standards	Use infiltration basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area.	Use sediment basins, maintain and enhance buffer strips, and reduce directly connected impervious area.
Water Quality Control	Detain the first 0.5" of runoff from the contributing watershed, with detention per Zone B and infiltration where conditions permit, or provide equivalent treatment.	Detain the first 0.5" of runoff from the contributing watershed for 24 hours or provide equivalent treatment.	Provide sedimentation control within the drainage system.
Bank Erosion Control	Rate of release shall be limited to 0.05 cfs/acre for a 2-year storm event.	None	Storm water runoff shall not exceed the capacity of the downstream conveyance system.
Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per KCDC rules.	Release rate of 0.13 cfs/acre per KCDC rules.	Direct conveyance of storm water runoff within the capacity of downstream system.

Section 8.03 Resolution to Implement Performance and Design Standards.

(4) The Township Board may adopt by resolution a map depicting Zones A, B and C as specified in Sections 8.01 and 8.02. Such resolution, as of the date of its adoption, shall be a part of this Ordinance.

(5) The Township Board may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this Ordinance, and in order to further implement its goals and purposes.

ARTICLE IX
OTHER MATTERS

Section 9.01 Interpretation.

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

Section 9.02 Catch-Line Headings.

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

Section 9.03 Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

Section 9.04 Other Ordinances.

This Ordinance shall be in addition to other ordinances of the Township, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this article.

Section 9.05 Effective Date.

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

Adopted _____

ANIMAL ORDINANCE

(Ord. No. 57)

AN ORDINANCE to protect the public health, safety and general welfare by regulating the control, maintenance of and licensure of dogs and other specified animals within the Township; and to provide penalties for the violation thereof.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Purpose.

The Township has determined that the ownership of an animal is a privilege which carries with it responsibilities to the Township, its residents and others with regard to the care and custody of the animal. It is the intent of this Ordinance (1) to protect the health, safety and general welfare of the people within the Township from adverse effects resulting or that can result from unrestrained or annoying animals, and (2) to advance the public interest by adopting regulations for the keeping, control and licensure of dogs and other specified animals.

Section 2. Definitions.

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

(a) "Animal" means dog, cat, bird, reptile, fish or any other non-human animal. For purposes of this Ordinance, "animal" shall not include bona fide farm animals such as cattle, horses, sheep, swine, mules, and fowl that are raised for agricultural purposes, and similar livestock and other bona fide farm animals that are not kept as household pets but rather are raised or bred for agricultural purposes or family food production; provided, however, that a dog shall not be deemed to be a farm animal.

(b) "Animal control officer" means the agent of the Kent County Department of Animal Control or any other officers designated for such duties by the Township.

(c) "County" means the County of Kent.

(d) "Department" means the Kent County Department of Animal Control.

(e) "Owner" (when applied to the ownership or control of an animal) means every person having a right of property in the animal, or every person who keeps or harbors the animal or has it in his or her care, or every person who permits the animal to remain on or about any premises occupied by him or her. For the purposes of this Ordinance, any person keeping or harboring an animal for at least seven consecutive days shall be deemed the owner.

Section 3. Relationship of Ordinance to County Regulations and State Law.

This Ordinance is intended to supplement the county's animal control regulations and the State Dog Law, Public Act 339 of 1919 (as amended). No provision of this Ordinance shall be construed to impair the enforcement of, or lessen an owner's liability under the terms of, the county's animal control regulations or the State Dog Law.

Section 4. Hunting Dogs.

The provisions of this Ordinance do not prevent the legitimate use of hunting dogs.

Section 5. Dangerous or Vicious Animals.

The Township supervisor is authorized to commence proceedings under Public Act No. 426 of 1988 (MCL 287.321 et seq.) to have an animal declared to be a dangerous animal, in order for the animal to be destroyed or confined.

Section 6. Dog Licenses.

All dogs over the age of four months within the Township shall at all times be currently licensed in accordance with the requirements of state law and of the County Animal Control Ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

Section 7. Barking Dogs.

No person owning or having charge, care, custody or control of a dog shall permit the dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or area or to persons using the public walks or streets of the neighborhood or area.

Section 8. Dogs Running at Large.

No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the dog to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of the dog, within the Township, unless the dog is restrained by a substantial chain or leash not exceeding six feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

Section 9. Dog Kennel Licenses.

All dog kennels must be licensed by the county and may be established only in locations where permitted by the Township zoning ordinance. In accordance with the county's animal control regulations, county kennel license shall not be valid if the kennel has been declared to be a nuisance by the Township Board.

Section 10. Penalties.

(a) Any person who violates Section 5 of this Ordinance, or who shall violate any order to confine an animal owned by him to his premises pursuant to the provisions of this Ordinance, or who shall, after demand, refuse to surrender any animal owned by him or her pursuant to an order made under this Ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than $500 or imprisonment of not more than 90 days, or both such fine and imprisonment.

(b) A violation of any other provision of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Section 11. Severability.

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 12. Conflict.

Any ordinance or any part thereof in conflict with the provisions of this Ordinance is hereby declared to be invalid to the extent of such conflict.

Section 13. Effective Date.

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

Adopted January 11, 2005

RETIREMENT PLAN ORDINANCE

(Ord. No. 58)

THE TOWNSHIP OF SOLON ORDAINS:

Section 1.

The Township of Solon shall establish or maintain one or more pension or annuity plans for employees and elected officials of the Township pursuant to Section 110b of the Revised Statues of 1846 as amended (as set forth in Section 51.110b of the Michigan Compiled Laws). The plans shall be defined contribution plans, providing for contributions by employees and elected officials, contributions by the Township on behalf employees and elected officials, or a combination of both, and not defined benefit plans.

Section 2.

The Township Board shall establish the eligibilities requirements for employees, and the contribution rates for employees, elected officials, and the Township, respectively, from time to time, by resolution of the Board.

Section 3.

The Township Board may establish other terms and conditions of the plans from time to time by resolution of the Board, or may delegate this authority to the Township supervisor.

Section 4.

The plan assets held for the benefit of employees shall be invested in compliance with Act 314 of the Public Acts of 1965 as amended (as set forth in Section 38.1132 et seq. of the Michigan Compiled Laws), regarding the investment of the assets of public employee retirement systems.

Section 5.

The Township supervisor is authorized to take all other action necessary or appropriate to establish and maintain the plans in compliance with applicable law, including applicable tax-qualification requirements under the Internal Revenue Code of 1986, as amended and in effect from time to time, and the corresponding provisions of any successor law.

Section 6.

The Township Board may amend or terminate any plan at any time.

Section 7.

The Pension Plan Ordinance, being Ordinance #27B, dated October 15, 1991, and published October 23, 1991, is hereby repealed.

Section 8.

This Ordinance may be referred to as the Retirement Plan Ordinance.

Section 9.

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

Adopted December 13, 2005

CEMETERY ORDINANCE

(Ord. No. 59)

An Ordinance to protect public health, safety and general welfare by establishing regulations relating to the ownership, operation, repair, maintenance, control and management of cemeteries for human remains which are owned by the Township, to provide penalties for the violation of this Ordinance to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Ordinance Title.

This Ordinance shall be known and may be cited as "The Solon Township Cemetery Ordinance."

Section 2. Definitions.

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

(A) **Grave Lot**. A designated area or space within a Township cemetery sufficient to accommodate from four to eight grave sites.

(B) **Grave Site or Plot**. An area or space that is designed for the earth interment of one adult in a Township cemetery.

(C) **Right of Burial**. A right of earth interment in a grave site within a grave lot.

(D) **Owner or Owners**. A person or persons who has been given or issued by the Township a valid certificate or other authorized document evidencing that the person or persons has purchased a grave site in a Township cemetery.

Section 3. Sale of Grave Sites.

(A) Grave sites shall be available only by purchase from the Township or by transfer between eligible owners if such transfer is approved by the Township Clerk and recorded in the cemetery records of the Township.

(B) Grave sites shall be sold only to residents or property taxpayers of the Township, subject, however, to subsection (C) of this section. No sale of grave sites shall be made to funeral directors, except to them as individuals eligible to purchase grave sites under the terms of this section. For purposes of this subsection, a resident or property taxpayer of the Township shall be a person who is an eligible Township voter, or who owns real property in the Township or who claims the Township as his or her last residence.

(C) Notwithstanding the stated restriction in subsection (B) on the sale of grave sites to only residents or property taxpayers of the Township, the Township may also sell grave sites to purchasers who disclose sufficient personal reasons for burial within a Township cemetery, because of their previous residence in the Township, or the previous Township residence of the person for whom a grave site is sought, or because of their family relationship to persons already interred in a Township cemetery.

(D) The sale of grave sites shall be made only by means of a form or certificate approved by the Township Board and signed by the Township Clerk. The sale of a grave site shall grant a right of burial only, and shall not convey any other title or interest in or to the grave site or grave lot.

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

Section 4. Fees and Charges for Grave Sites.

(A) The purchase price for grave sites shall be as determined by resolution adopted by the Township Board. The size, configuration and location of grave sites shall similarly be determined by resolution adopted by the Township Board

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

(C) Such fees and charges shall be paid to the Township Clerk and shall be deposited into the cemetery fund of the Township.

Section 5. Opening and Closing of Graves.

(A) No grave site shall be opened or closed except under the direction and control of the Township Sexton; provided, however, that this provision shall not apply to properly conducted proceedings for the removal and re-interment of previously interred remains, under the lawful supervision of the County Health Department or other agency having jurisdiction.

(B) The fee or charge for grave openings, grave closings and all other cemetery services shall be established by resolution of the Township Board. All such fees and charges shall be payable to the Township and shall be deposited in the Township cemetery fund.

(C) No Township employee may solicit or accept any form of payment or gratuity for work or services rendered in or associated with a Township cemetery or any grave site therein.

Township cemetery employees shall not perform work for grave site owners or other parties other than the Township, except as specifically permitted by the Township Board.

(D) The full purchase price of a grave site and the charge for grave opening shall be paid prior to any interment in the grave site. The charge for any disinterment shall be paid, in advance, to the Treasurer.

Section 6. Grave Markers.

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

(B) All markers shall consist of stone or other material that is equally durable.

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

(D) A grave marker must be placed on and be supported by a footing or foundation that is at or below ground level. The placement of the grave marker and the construction of the footing or foundation shall be the responsibility of the monument company and the Township Sexton. All costs for the purchase and placement of markers, together with footings or foundations, shall be paid directly to the monument company. The Township shall have no responsibility for the placement of markers or the payment of the costs thereof.

Section 7. Regulations for Interment.

(A) Only one person may be buried in a grave site, except that one adult and one infant may be buried in one grave site, or two children may be buried in one grave site if space allows. In addition, the cremated remains of two persons, or one person and the cremated remains of one other person, may be buried in a grave site.

(B) The Township shall be notified at least 24 hours in advance of the proposed time of any interment in a Township cemetery, so as to allow sufficient time for the opening of the grave site.

(C) Prior to interment, the grave site certificate, together with appropriate identification of the person to be buried, shall be submitted to the Township Sexton who shall forward the same to the Township Clerk or other designated Township official. In those cases where the grave site certificate has been lost or destroyed, the Township Clerk may consult the Township cemetery records, and if the clerk then determines that the person proposed to be buried in the grave site is the appropriate person, then the clerk may authorize the opening of the grave site and the proposed interment.

(D) All burials shall be within a standard concrete vault installed in each burial space before interment.

Section 8. Ground Maintenance of Burial Spaces.

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

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

(C) Only annual flowers and other temporary plantings shall be permitted on a grave lot; permanent plantings of any kind are prohibited, except those planted by the Township.

(D) Any artificial flowers or artificial plants that are placed within or near burial spaces must be so placed not earlier than May 15 each year and must be removed not later than October 15 of the same year. All flowers and plants, whether artificial or live, must be placed within 18 inches of a burial space marker.

(E) Landscape materials other than earth or sod are prohibited.

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

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

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

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

(J) The Township shall not be responsible for damage to grave markers or grave sites as a result of the elements, vandalism, thievery, or by other causes beyond the control of the Township.

Section 9. Conduct of Persons Within the Cemetery.

(A) The cemetery grounds shall not be used as a place for recreational activity. Proper and dignified conduct, appropriate to a place of public burial, shall be observed within the cemetery at all times. The Township may remove from the cemetery any person who acts in a disrespectful manner, inappropriate to the character and nature of the cemetery. Persons are prohibited from picking flowers, breaking or injuring any tree, shrub or plant, writing upon, defacing or destroying any grave marker, memorial, or other structure. No person shall destroy or otherwise

disturb the birds or other animal life in the cemetery if not authorized to do so by the Township Board.

(B) No person shall loiter, bring in alcoholic beverages or consume them in the cemetery, nor disturb or interfere with any funeral or memorial service or prevent or disturb other persons who are at grave sites or elsewhere in the cemetery for the purpose of honoring or memorializing those interred at any grave site. No person other than a duly authorized law enforcement officer or authorized military escort for a funeral or memorial service shall possess any firearm within the cemetery.

(C) The owners of a grave site, their relatives and invited friends and guests shall be permitted at any time to approach and remain at any grave site, for purposes of meditation or in memory or honor of any person interred in the cemetery. Only authorized persons shall enter any cemetery building.

(D) Children under 15 years of age shall not be permitted in the cemetery unless they are accompanied by at least one adult who is responsible for them.

(E) No loud talking or any other vocal disturbance shall be permitted in the cemetery within hearing distance of persons attending funeral services. No signs, notices or advertisements of any kind shall be allowed in the cemetery, unless placed there by authorized Township employees. Littering within the cemetery is prohibited; smoking in any cemetery building is prohibited.

(F) Motor vehicles within the cemetery shall always keep to the right side of a cemetery road. Motor vehicles shall not park or come to a complete stop in front of an open grave unless the occupants of the vehicle are in attendance at a funeral. Motor vehicles shall not be driven off a cemetery road or be driven in a manner such as to damage any grass, tress, shrubbery or plants in the cemetery. No person shall park or leave a motor vehicle in such a location as to prevent any other motor vehicle from passing. Motor vehicles operated within a cemetery shall maintain a speed of no greater than five miles per hour. A vehicle shall not be operated in the cemetery for recreation purposes. Any motor vehicle improperly parked within a cemetery may be removed by the Township, and the owner and/or operator of the vehicle shall be responsible for all costs of such removal.

Section 10. Cemetery Hours.

Township cemeteries shall generally be open from dawn to dusk. Persons shall not enter into or remain in the Township cemeteries during any other time, except upon the prior approval of the Township Board or the Board's designee.

Section 11. Cemetery Records.

The Township Clerk shall maintain records of all sale and transfer of grave sites, all burials, burial permits, funds provided for the habitual care of grave lots and grave sites and other matters concerning burials within Township cemeteries. Such records shall be maintained separately from other Township records. They shall be available for public inspection during Township office hours.

Section 12. Repurchase of Grave Sites and Grave Lots.

The Township will repurchase any grave sites and grave lots from the owner for the original amount paid to the Township by the purchaser, upon the written request of the owner thereof or the owner's heirs at law or other legal representatives or assigns.

Section 13. Cemetery Committee.

In its discretion, the Township Board may establish by resolution an advisory Cemetery Committee, having such responsibilities for Township cemeteries as the Board may determine.

Section 14. Absence of Township Liability.

The Township owns and maintains the Township cemeteries in its governmental function as a Township. The Township shall not be liable for liability or damage of any kind with respect to any matter arising out of or in any way related to the ownership or operation of any Township cemetery or any part thereof. No officer, agent, or employee of the Township shall have any liability for any damage which may occur to any persons or property as a result of any act, decision or other consequence or occurrence arising out of any duties or conduct associated with the Township cemeteries. The Township shall not be responsible or liable for any flowers, plants, floral designs, or any other type of decoration or object used on or at any grave or grave site, nor liable or responsible for any grave marker, other than to accept such items for use in the cemetery.

Section 15. Violations.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than $500, along with costs which may include all expenses, direct and indirect, incurred by the Township in connection with the municipal civil infraction. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The sanctions herein provided for shall be in addition to any injunctive or other relief which might be available or appropriate under the circumstances.

Section 16. Severability.

The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

Section 17. Publication; Effective Date.

This Ordinance shall take effect 30 days following publication of the ordinance, or a summary thereof, as provided by law.

Adopted November 6, 2007

PLANNING COMMISSION ORDINANCE

(Ord. No. 61)

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. General Provisions

(A) **Short Title**. This Chapter shall be known and may be cited as the Solon Township Planning Commission Ordinance.

(B) **Statutory Authority**. This Ordinance is authorized by Public Act 33 of 2008, as amended.

(C) **Continuation of Planning Commission**. The existence and status of the Township Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.

(D) **Repeal**. Any prior resolution establishing the Township Planning Commission is repealed.

(E) **Definitions**. Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

Section 2. Transition.

All actions taken by the Township Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue, but shall be subject to the terms hereof.

Section 3. Membership and Officers

(A) **Composition**. The Planning Commission shall consist of seven members.

(B) **Appointment**. The Township Supervisor shall appoint each Planning Commission member, subject to the approval of the Township Board, by majority vote of the Board members elected and serving.

(1) **Qualifications for Members**. The members of the Planning Commission shall be qualified electors of the Township, except that one member need not be a qualified elector. A person is a qualified elector if a person resides and is eligible to register to vote in the Township. Appointment of one non-qualified elector to the Planning Commission is discretionary only.

(2) **Representation**. To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Township.

(3) **Township Board Member**. One member of the Planning Commission shall be a member of the Township Board. The term of a Township Board member on the Planning Commission shall be the same as the member's Township Board term. A Township Board member may not serve as chairperson of the Planning Commission.

(4) **Township Employees**. Township employees shall not be eligible for membership on the Planning Commission.

(C) **Officers**. At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the Commission shall also elect a secretary from among the remaining members. The secretary shall have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each such officer shall be one year; an officer may be re-elected.

(D) **Term of Office**. Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A succeeding member's term commences on the date of appointment and terminates three years from the date of appointment unless that member is a member of the Township Board whose term on the Planning Commission corresponds to his or her term as an elected official. Despite the foregoing, a Planning Commission member shall continue to serve until his or her successor is appointed.

(E) **Vacancies**. The Township Board shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term or for a term that corresponds to his or her term as an elected official.

(F) **Removal**. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.

(G) **Compensation**. Planning Commissioners may receive such compensation and expense reimbursement as the Township Board may determine.

(H) **Zoning Board of Appeals**. One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

Section 4. Powers and Duties

(A) **In General**. Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended, and applicable Township ordinances.

(B) **Duties and Responsibilities**. The Planning Commission shall perform the following duties and responsibilities, among others:

(1) **Bylaws and Other Matters**. The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Township Board.

(2) **Master Plan**. To guide the development of the Township, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.

(3) **Zoning Ordinance**. The Planning Commission shall administer the Township zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Township ordinances and state law.

(C) **Capital Improvements**. The Township Board retains the responsibility of adopting a capital improvements program for the Township.

Section 5. Meetings.

The Planning Commission may hold meetings as frequently as it determines, subject to Township Board oversight, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

Section 6. Notice; Effective Date.

This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Township.

Adopted March 10, 2009; Eff. May 21, 2009

GREAT LAKES ENERGY COOPERATIVE ELECTRIC FRANCHISE ORDINANCE

(Ord. No. 62)

Section 1. Grant of Franchise.

The Township of SOLON, located in Kent County, Michigan (the "Township"), hereby grants to Great Lakes Energy Cooperative, its subsidiaries, successors, and assigns (the "Company") consent, permission, right and authority is hereby given to construct, lay, operate, maintain, use, and replace electric, fiber, and other communication lines, poles, cables, conduits, appliances, buildings and other necessary works, in the highways, streets, alleys and other public places in the Township and a non-exclusive franchise is hereby granted to the Company, its subsidiaries, successors, and assigns to transact local business in the Township for the purposes of producing, storing, transmitting, selling, and distributing electricity and broadband communication services into and through the Township and all other matters incidental thereto, not including services for which a permit is required by the Metropolitan Extension Telecommunications Right-Of-Way Oversight Act, Public Act 48 of 2002.

Section 2. Consideration.

In consideration of the rights, power and authority hereby granted, the Company shall faithfully perform all things required by the terms hereof.

Section 3. Use of Streets and Other Public Places.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Township and shall within a reasonable time after making an opening or excavations, 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 the Township and to every owner of proeprty abutting the Company's lines or other facilities, for all damages and costs arising from the negligence of the Company or its officer, agents, and servants.

Section 4. Force Majeure.

The Company shall not be liable for failure to furnish service as herein provided, or for any breach of the Company's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Company.

Section 5. Indemnification and Hold Harmless.

As part of the consideration for the granting of this Franchise, the Company shall, at its sole cost and expense, fully indemnify and hold the Township, its officers, boards, commissions, agents and employees, harmless against any and all claims, demands, lawsuits, actions, liability and judgments for damages arising out of the granting or operation of this Franchise, including but not limited to liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this Franchise. In further consideration for the granting

of this Franchise, the Company shall pay actual attorney's fees, costs and expenses which may be incurred by the Township in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this Franchise or the revocation of prior franchises, whether or not judgment is entered against the Township.

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

This Franchise 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; provided, however, that when this Franchise shall become effective the Township Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication thereof as required by law, and the Company shall, within sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof. The Company shall pay any publication fees.

Section 7. Franchise Not Exclusive.

The rights, powers and authority granted by this Franchise are not exclusive, and nothing contained herein shall prevent the Township from granting other non-exclusive electric franchises or Metro Act permits.

Section 8. Franchise Revocable.

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. Effect and Interpretation of Franchise.

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

Section 10. Successors and Assigns.

The words "Great Lakes Energy Cooperative" and the "Company," wherever used herein, are intended and shall be held and construed to mean and include both Great Lakes Energy Cooperative and its subsidiaries, successors, and assigns, whether so expressed or not.

Adopted June 7, 2023; Eff. June 23, 2023

ANTI-NOISE ORDINANCE

(Ord. No. 64)

Section 1. General Noise Regulation.

No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any unreasonable or unnecessary loud noise or disturbance which endangers the comfort, health, peace, quiet or safety of persons in the Township or their property.

Section 2. Specific Violations of Noise Regulation.

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 constructed to exclude other violations of this ordinance not specifically enumerated:

(A) **Radio, Television, Musical Instruments**. The playing of a radio, phonograph, television, musical instrument or any other device producing sound, at any time, but especially between 10:00 p.m. and 9:00 a.m. in such a manner or with such volum as to be audible beyond the property line, or loudly enough to disturb the quiet, comfort or repose of other persons in the vicinity.

(B) **Race Courses and Tracks**. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind in nature in any area of the township where the noise emanating therefrom would be unreasonably annoying or disturbing to other persons in the vicinity.

Section 3. Exceptions.

None of the prohibitions hereinbefore enumerated shall apply to the following:

(A) **Emergency Vehicles**. Any police vehicles, ambulances, fire engine or emergency vehicle while engaged in necessary emergency activities.

(B) **Highway and Utility Maintenance and Construction**. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Township, the County of Kent, or any other public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.

(C) **Warning Devices**. Warning devices emitting sound for warning purposes as authorized by law.

(D) **Agricultural Operations**. Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act no. 93 of 1981, as amended.

(E) **Township Approved Activities**. Township sponsored or approved parades, festivals, fairs or events.

Section 4. Penalties.

Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $250 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all costs, damages, expenses and attorney fees incurred by the Township. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

The issuance of a municipal civil infraction citation and the imposition of penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator as part of the municipal civil infraction proceeding or in a separate circuit court action. In a proceeding for injunctive relief, the violation shall be responsible for all costs, damages, expenses and attorney fees incurred by the Township. A violation of this ordinance is hereby declared to be a nuisance per se.

Section 5. Severability.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, such determination shall not effect any push in this ordinance other than said part or portion thereof.

Section 6. Effective Date.

This ordinance shall become effective 30 days after publication or newspaper in general circulation within the Township.

ORDINANCE TO REGULATE THE TOWNSHIP PARK ALONG MIDDLE LAKE IN THE ECHO PARK PLAT AND RELATED MATTERS

(Ord. No. 65)

Section 1. Intent, Purpose and Short Title.

SECTION 1.1 INTENT AND PURPOSE. The Solon Township Board, in recognition of the recreational, aesthetic, ecological, and other beneficial uses of the park on the north shore of Middle Lake, as well as the rights and interest of riparian landowners located adjacent to the park, has concluded that the proper use of the park requires reasonable regulations to ensure the safety of park users, quality of Middle Lake and the park, and respect for the rights of adjacent property owners. The Township Board has adopted this ordinance for the purpose of balancing the rights and interests of riparian property owners, members of the public, and the Township such that the park is safe for use, accessible by the public, and maintained in an orderly fashion.

SECTION 1.2 SHORT TITLE. This Ordinance shall be known and may be referenced as the "Middle Lake Park Ordinance," and shall hereafter be referred to as the "Ordinance."

Section 2. Scope. This Ordinance applies to the Echo Park plat, located in Section 2 of the Township, along the north shore of Middle Lake. More specifically, this Ordinance regulates the park, located within the Echo Park plat, which makes up the northernmost shore of Middle Lake and is bordered to the east, west, and north by privately owned residential properties and Eno Drive N.E.

Section 3. Definitions. The following words are used throughout this ordinance as defined below.

A. "Accessory Use" shall mean any use of Park property in conjunction with a permitted Morring in a manner that is secondary, or complementary, to the use of the Mooring.

B. "Eno Drive Properties" shall mean the six (6) parcels located directly across Eno Drive N.E. from the Park to the north which have southern boundaries along Eno Drive N.E. These six (6) parcels are identified in the Echo Park plat as lots 9, 10, 11, 12-14, 15-16, and 17-20.

C. "Lake" shall refer to Middle Lake, Solon Township, Kent County, Michigan, located in Section 2 of the Township, east and south of Upper Lake and north and west of Lower Lake.

D. "Lot Owner" shall refer to the owner of one of the six (6) parcels in the Eno Drive Properties or the eight (8) parcels in the Woods Drive Properties.

E. "Mooring" shall include any structure or device, whether permanent or temporary, where a Watercraft is or may be stored, anchored, moored, attached, docked, or

otherwise held for storage, access, or utilization purposes. It is irrelevant whether such structure or device is actually used in conjunction with a Watercraft at any time. This includes a dock, shore station, boat cradle, boat launch, boat tether, mooring ball, buoy, and any other similar structure or device.

F. " Park" shall mean the property controlled by Solon Township in the Echo Park plat which makes up the northernmost shore of Middle Lake and is bordered to the east and west by privately owned residential properties and to the north by Eno Drive N.E. and privately owned residential properties. This parcel is identified in the Echo Park plat as "Park."

G. "Township" shall mean Solon Township, Kent County, Michigan.

H. "Watercraft" shall mean a boat, jet ski, sailboat, dinghy, skiff, kayak, canoe, or other vessel designed to float and transport people or items on water.

I. "Woods Drive Properties" shall mean the eight (8) parcels located adjacent to the Park, east of Eno Drive N.E. and south of Woods Drive N.E. These eight (8) parcels are identified in the Echo Park plat as lots 1, 2, 3, 4, 5, 6, 7, and 8.

Section 4. General Park Regulations.

A. Private Docks. No Mooring or similar object used for the storage of boats or access to the Lake shall be installed, stored, or utilized on the Park property, or the shoreline or bottomlands of the Park, except as otherwise permitted in Section 5.

B. Government Docks. A Mooring may be installed on Park property for public uses by the Township, Kent County, or the State of Michigan without complying with this Ordinance.

C. Hours of Usage. The Park shall only be utilized between the hours of 6:00 a.m. and 10:00 p.m. on any given day unless different hours are posted by the Township at the Park.

D. Public Access. All Park bottomlands, shoreline, and dry lands shall be open and accessible to the public during the hours of usage. Members of the public may not enter or interact with any Moorings permitted by this Ordinance, or any Accessory Use of such Moorings, unless permitted by the owner of the Mooring.

E. Prohibited Activities. The following activities are prohibited on Park property in all circumstances:

i. Littering.

ii. Camping.

iii. Lighting a fire, except in a structure or device provided by the Township for such a purpose.

iv. Repairing Watercraft.

v. Defacing trees, signs, private Moorings, or other public property.

vi. Engaging in any conduct which impairs, impedes, or diminishes the free use or travel within the Park by other members of the public.

vii. Parking or driving any motor vehicle except where such activity has been authorized by the Township.

viii. Playing music or other sounds which are audible beyond the Park.

ix. Erecting a permanent structure or object in the Park.

x. Leaving personal property items in Park outside of the hours of usage, unless otherwise permitted in this Ordinance.

F. Exceptions.

i. Officers, employees, agents, contractors, and others at the Township's direction are not required to adhere to this Ordinance to the extent that it interferes with the execution of their duties or authority.

ii. Emergency motor vehicles may drive and park on the Park lands as necessary to resolve an emergency.

Section 5. Private Dock Regulations.

SECTION 5.1. PERMISSIBLE PRIVATE DOCKS. Private Moorings are permitted in the following manner if the Lot Owners receive a permit and comply with the other requirements of this Section:

A. Permitted Docks. Lot Owners of the Eno Drive Properties and Woods Drive Properties shall be allowed one (1) Mooring, which may be installed on the bottomlands, shoreline, and dry lands of the Park as necessary for the proper installation and function of the Mooring. The Mooring must be placed directly in front of the respective parcel, such that it would be within the boundaries of the parcel if the boundaries were extended directly into the Lake.

B. Permitted Use Dates and Removal. Moorings permitted under this section are only permitted in the bottomlands, shoreline, and dry land of the Park between the dates of March 15 and October 31 of each calendar year. All Moorings must be removed from the Park bottomlands, shoreline, and dry lands before November 1 of a given calendar year.

SECTION 5.2. WATERCRAFT STORAGE. A Lot Owner, pursuant to a permitted Mooring, may park and store Watercraft on or adjacent to the Mooring up to the amounts described in one of the following combinations:

A. Two (2) large Watercraft, which are greater than ten (10) feet in length and five (5) feet in width, and no other Watercraft; or,

B. One (1) large Watercraft, which is greater than ten (10) feet in length and five (5) feet in width, and two (2) other Watercraft; or,

C. Three (3) Watercraft which are less than ten (10) feet in length or five (5) feet in width.

SECTION 5.3. PROHIBITED ACCESSORY USES.

A. No Accessory Uses of any kind are permitted including storage of items on Park property.

B. Lot Owners are prohibited from making permanent physical alterations to the Park bottomlands, shoreline, or dry lands.

C. A Lot Owner is prohibited from driving or parking motor vehicles on any part of the Park property, unless otherwise permitted by the Township.

SECTION 5.4. PERMIT APPLICATION REQUIREMENTS.

A. Initial Permit Application. No Mooring shall be installed under this section unless a written permit has been issued by the Township. A Lot Owner may apply for such a permit for their respective lot by submitting the following to the Administrative Assistant:

i. The name, address, and contact information of the individual who is responsible for the care and maintenance of the Mooring.

ii. A diagram of the proposed Mooring displaying its size, location, and configuration.

iii. A written description of the proposed use of the Mooring, which includes the type of usage, the approximate dates and frequency of usage, and who will be using the Mooring.

iv. Proof of certificate of liability insurance covering the Mooring in the amount of at least $500,000 naming Solon Township as an additional insured.

B. Permit Renewal. Prior to the expiration of the initial permit or any subsequent renewal, a Lot Owner may renew said permit without Township Approval by providing the Township Supervisor with the information required in Section 5.6(A). A permit renewal

shall be valid for one (1) year from the date of its issuance. Any material changes to the Mooring structure must be supplied by the Lot Owner with the renewal request. The Township Supervisor must review make a determination as to the renewal request within one (1) month from receipt and may reject renewal if the required information is insufficient, the Supervisor believes the Mooring is substantially different from or not in compliance with the initial permit application granted by the Township Board, or the Township Board has directed the Supervisor not to renew. If the Supervisor fails to review or rejects the renewal request within the one (1) month review period, the existing permit is automatically extended for one (1) month after expiration of the one (1) month review period or rejection so that the Lot Owner may petition the Township Board for renewal under Section 5.7. Failure to petition the Township Board before expiration of the extended permit period results in immediate expiration of the permit. If a petition for renewal is timely submitted to the Township Board, the permit is automatically extended until the Board has made a final determination on the renewal.

SECTION 5.5. PERMIT APPLICATION REVIEW. The Township Board may approve a permit application by motion and support from a majority of those present. The Township Board may only issue a permit for a Mooring under this Section if the following requirements are met:

A. The requirements of Section 5.6(A) are satisfied.

B. The Mooring will not unreasonably interfere with the safe, proper, and lawful use of the Park property by members of the public.

C. The Mooring's size, length, position, configuration, Accessory Uses, and proposed uses are reasonable and in compliance with other Township Ordinances.

D. The Lot Owner has demonstrated his or her ability to maintain the Mooring and comply with this Ordinance.

The Township Board may attach any reasonable condition on an issued Mooring permit or require a Lot Owner to comply with a reasonable condition before issuance of a Mooring permit. An initial permit shall be valid for one (1) year from the date of its issuance. Upon issuance of a permit by the Township Board or renewal by the Township Supervisor, the Administrative Assistant shall create and issue a form to the Lot Owner evidencing such permission, the holder of the permit, the expiration date, and listing any conditions required by the Township Board.

SECTION 5.6. PERMIT REVOCATION. The Township Board may revoke a permit at any time if it has determined that the Mooring is not in compliance with this Ordinance or any other Township ordinance. Failure to update the information supplied in the initial permit application under Section 5.6(A) is grounds for revocation. Upon revocation, a Lot Owner may file an appeal to the Township Board within one (1) month of revocation seeking a hearing to demonstrate compliance with Section 5.7 and reissuance of the permit. Upon revocation, the existing permit is invalid and will not be extended or reissued until the Board has made a final determination on a timely appeal.

Section 6. Penalties and Enforcement.

SECTION 6.1.PENALTY. Violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person with 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated responsible. Each day such violation continues shall be considered a separate offense. If a violation was committed in connection with a permitted Mooring, the Township Board may revoke the permit for said Mooring at its discretion and in addition to the above penalties. Repeated violations may result in denials of current permits and future applications.

SECTION 6.2. ENFORCEMENT. This Ordinance shall be enforced and administered by the Township Supervisor, Kent County Sheriff, or any other Township official as designated by the Township Board.

Section 7. Severability.

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

Section 8. Publication Effective Date.

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