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9/9/03  
Updated 04/22/2010

**BOOK 1**  
**ADMINISTRATION AND ENFORCEMENT**

**CHAPTER 1  
MUNICIPAL CIVIL  
INFRACTION**

(Ord. no.31.5, eff. June 23, 1998)

**Sec. 100 PURPOSE.**

To amend the provisions of the Zoning Ordinance pertaining to violations and penalty so that a violation of the ordinance is a municipal civil infraction and to provide the penalty for such violations.

**Sec. 101 VIOLATIONS OF ORDINANCE.**

Any person, firm, or corporation which violates the provisions of this ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than Fifty Dollars (\$50.00), plus cost and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which that person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than Five Hundred Dollars (\$500.00), plus costs and other sanctions. The Township shall have all remedies available to it to cure or correct the violation of this Ordinance, and shall not be limited only to the sanctions herein provided. The violation of this Ordinance shall constitute a nuisance per se, and each day that a violation exists shall constitute a separate violation. The Township Supervisor, the duly appointed Township Attorney, and the duly appointed Township Zoning Administrator are authorized to enforce the provisions of this ordinance by all means available to the Township including, but not limited to, the issuance of summons and complaints or the issuance of appearance tickets.

9/9/03  
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**CHAPTER 2  
CREATION OF ZONING  
BOARD OF APPEALS**

(Ord. no.58, eff. Jan. 2, 2001)

**For full text see Wright Township Zoning Book Chapter 16.**

Sec. 200 **PURPOSE.**

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance, to provide that the Zoning Board of Appeals shall consist of three members, and that the Township Board may also appoint an alternate member to serve in the absence of a regular member.

**CHAPTER 3  
MOTOR VEHICLE  
CODE**

(Ord. no.82, eff. April 24, 2003)

**Sec. 300 PURPOSE.**

An Ordinance enacted pursuant to MCL 257.951-257.955 and MCL 41.181 to adopt by reference the Michigan Vehicle Code and the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002, and to adopt by reference certain state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

**Sec. 301 TITLE.**

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

**Sec. 302 ADOPTION OF UNIFORM TRAFFIC CODE BY REFERENCE.**

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the Township of Wright.

**Sec. 303 ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE.**

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

- A. Chapter I (Words and Phrases Defined): MCL 257.1-257.82
- B. Chapter II (Administration, Registration): MCL 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- C. Chapter III (Operator's and Chauffeur's License): MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, 257.328.

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- D. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.

**Sec. 304 ADOPTION OF OTHER STATE LAWS BY REFERENCE.**

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

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

**Sec. 305 PENALTIES**

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

**CHAPTER 4**  
**PLANNING COMMISSION ORDINANCE**  
(Ord. no.110, eff. June 25, 2009)

**Sec. 400      PURPOSE**

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

**Sec. 401      MEMBERS**

- A.      The Commission shall consist of five members. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
1.      The member shall be a qualified elector of Wright Township, except that one member may be a non-qualified elector who lives outside the boundaries of the Township;
  2.      One member shall also be a member of the Wright Township Board of Trustees, whose term of office shall coincide with his or her elected term of office on the Board of Trustees. This member shall not serve as the chairperson of the Planning Commission.
  3.      Except as provided in Section 2 A. 2 an employee or elected officer of Wright Township shall not serve as a member of the Planning Commission.
  4.      The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Wright Township, in accordance with the major interests as they exist in the township as follows:
    - a.      Agriculture;
    - b.      Natural resources;
    - c.      Recreation;
    - d.      Education;
    - e.      Public health;
    - f.      Government;
    - g.      Transportation;
    - h.      Industry;
    - i.      Commerce;
  5.      The membership shall also be representative of the entire geography of Wright Township to the extent practicable.



**Sec. 402 MEMBERSHIP - APPOINTMENT AND TERMS**

- A. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.
- B. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of ? of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of ? of all commission members continue to expire each year.
- C. At the beginning of each year the Wright Township Clerk shall determine which members' terms of office expire, and may seek applications and nominations for Commission members.
- D. The Wright Township Board shall consider the applications and nominations received, and members shall be appointed as provided in Section 3A for a three year term of office.
- E. Removal from office. The Wright Township Board of Trustees may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
- G. Vacancies. The Wright Township Board of Trustees shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
- H. Membership transition. The transition from the previous Wright Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Wright Township Board of Trustees shall continue to make annual appointments, appointing approximately ? of the membership of the Commission as specified in this Ordinance, so that three years from the effective date of this ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance and PA 33 of 2008, the Michigan Planning Enabling Act. All other aspects of this ordinance shall have immediate effect.
- I. Membership compensation. All members of the Planning Commission shall serve as such with compensation as established by the Wright Township Board of Trustees.

**Sec. 403 MEETINGS**

- A. The Commission shall meet monthly as necessary but at least four times during the calendar year. A majority of the Commission shall constitute a quorum for the transaction of the ordinary

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business of said Commission. All questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission which are present, so long as a quorum is present.

- B. The affirmative vote of the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

#### **Sec. 404 POWERS AND DUTIES**

The Commission shall have the powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*). In addition, duties shall include the following:

1. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
2. Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.
3. Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
4. Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development.
5. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
6. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
7. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
8. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
9. Perform other duties and responsibilities or respond as requested by any Township Board or commission.

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10. The Planning Commission, assisted by Township Staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Township Board as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six year period. The CIP shall be forwarded as a recommendation to the Township Board if prepared by the Planning Commission.

If the Township Board does not direct the Planning Commission to prepare the CIP then the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

**Sec. 405      STAFF**

- A. The Commission may recommend to the Township Board a planning director, planning consultant, or other planning staff within the budget provided for this purpose.
- B. The appointment of the planning director, planning consultant, and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Wright Township.

**Sec. 406      APPROVAL, RATIFICATION, AND RECONFIRMATION**

All official actions taken by all Wright Township Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Wright Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

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**BOOK 2**  
**CONSTRUCTION**

**CHAPTER 1  
BUILDING CODE**

(Ord. no.10, eff. Nov.12, 1980)

State Construction Code Act of 1972, Act 230, 1972, MCLA 125.1501 Ct. seq.

Sec. 100     **PURPOSE.**

This ordinance is adopted to establish the use of the State Construction Code under Act of 1972, Act 230, 1972, MCLA 125.1501 Ct. seq.

Sec. 101     **CODE ADOPTED.**

Pursuant to the provisions of Act 230 of 1972, and in particular Section 8 and 9, the Township of Wright hereby elects to adopt by reference the State Building Code, and to enforce the same within the Township limits. It further is ordained that the enforcement provisions of Public Act 230 of 1972 hereby are adopted by the Township of Wright.

Sec. 102     **ENFORCING AGENCY; EFFECTIVE DATE.**

It further is ordained that the Township of Wright designated the Michigan Township Services as the enforcing agency to discharge the responsibilities of the Township under this Ordinance. It further is ordained that enforcement of the Building Code shall come and be of effect as of November 12,1980.

**CHAPTER 2  
ELECTRICAL CODE**

(Ord. no.7, eff. Sept.12, 1979 as amended by Ord. No. 12 eff. June 8, 1988)

**Sec. 200 PURPOSE.**

This ordinance is adopted to establish the use of the National Electrical Code and enforcement thereof.

**Sec. 201 CODE ADOPTED.**

Pursuant to the provisions of Act 230 of 1972, and in particular Sections 8 and 9, the Township of Wright hereby elects to adopt by reference the National Electrical Code, 1987 Edition, as approved by the American Standards Association, and to enforce the same within the Township limits. It further is ordained that the enforcement provisions of Public Act 230 of 1972 hereby are adopted by the Township of Wright.

(ord. no.7 eff. Sept.12, 1979; amend. by ord. no.12 adopt. June 8, 1988)

**Sec. 202 ENFORCING AGENCY; EFFECTIVE DATE.**

It is further ordained that the Township of Wright designates the Building Inspector as the enforcing agency to discharge the responsibilities of the Township under this Ordinance. It further is ordained that enforcement of the National Electrical Code shall come and be of effect on September 12, 1979.

**CHAPTER 3  
MECHANICAL CODE**

(Ord. no.9, eff. Apr. 5, 1980)

**Sec. 300 CODE ADOPTED.**

Pursuant to the provisions of Act 230 of 1972, and in particular Section 8 and 9, the Township of Wright hereby elects to adopt by reference the Michigan Mechanical Code, and to enforce the same within the Township limits. It further is ordained that the enforcement provisions of Public Act 230 of 1972 hereby are adopted by the Township of Wright.

**Sec. 301 ENFORCING AGENCY; EFFECTIVE DATE.**

It further is ordained that the Township of Wright designated the Michigan Township Services as the enforcing agency to discharge the responsibilities of the Township under this Ordinance. It further is ordained that enforcement of the Michigan Mechanical Code shall come and be of effect as of April 5, 1980.

**Sec. 302 MICHIGAN MECHANICAL CODE.**

The Michigan Mechanical Code is one of the major components of the rules promulgated under the Construction Code Act, Act 230, PA 1972, as amended.

Under Act 230, Section 9(1), counties are responsible for the administration and enforcement of this act and code throughout the county. A city, village or township may by ordinance assume responsibility for administration and enforcement. The specific options for a city, village or township are explained further under the heading of "Options".

The Mechanical Code Rules are of prime concern to the construction official or to the county or municipal officer charged with the responsibility for arranging for appropriate enforcement. Design firms and contractors also have a responsibility for code compliance.

The rules for the Michigan Mechanical Code were filed with the Secretary of State on October 5, 1979. The Michigan Mechanical Code was developed under the authority granted to the Construction Code Commission under Act 230 of the Public Acts of 1972, as amended, and was promulgated in accordance with the Michigan Administrative Procedures Act of 1969, as amended. The rules become effective on April 5, 1980.

The Michigan Mechanical Code consists of the BOCA Basic Mechanical Code, 1978 edition, except sections M-109.3, M-110.6.1, M-114.2, M-114.3, M-121.0, M-122.0, M-122.1, M-122.2, M-122.2.1, M-122.2.2, M-122.2.3, M-122.2.4, M-122.2.5, M-122.3, M-122.4, M-122.4.1, M-122.4.2, M-122.4.3, M-122.5, M-122.5.1, M-122.5.2, M-122.5.3, M-122.5.4, and M-122.6; the definition of fire department in section M-201.0; M-300.12, M-301.3.3, M-301.3.4, table M-301.4, M-301.5.1, M-302.7.3, table M-303, M-303 to M-303.2, M-307.5.1, M-311.2.1, M-311.3.1, M-312.2.1, M-312.2.2, M-316.6.2, M-316.6.3, M-317.11, M-317.1 1.1, M-317.11.2, M-317.11.2.1, M-317.11.2.2, table M-317.11, M-317.11.3, M-317.11.4, M-318.1, M-320.1 to M-320.2.2, M-321.2 to M-322.1, M-323.4.4, M-324.2.2, M-324.3.1 to M-324.3.5, M-326.1.4, M-327.3, M-400.10, M-405.1.1, M405.1.2, M405.5, M-405.5.1, M-405.5.2, M406.2, M406.3, M407.2 to M407.2.3, M-409.8, M409.12.5, M409.12.6, M-410.4.3, M-419.0 to M-419.5, M-420.6.2 to M-422.1, M-423.1 to M423.3, M-500.2 to M-503.1, M-601.1.7, figure M602.7, M-603.1.1 to M-603.1.7, tables M-603.1 and M-603.1.1, M-605.2, M-609.4, M-609.9, M-613.2, M-623.2, M-624.14, M-624.15.2, M-624.17, M-624.18, M-624.21, M-624.23, M-624.23.1, M-624.24.2, M-624.24.3, M-624.27, M-625.4, M-625.7.1, M-702.10, M-902.3.1, M-1101.0 to M-1122.1 which have been deleted and which includes amendments to M-100.1 to M-100.3, M-101.4, M-103.1, M-108.4.1, M-110.6, M-111.1, M-111.1.1, M-114.1, M-115.1, M-117.1, M-117.4, M-118.1, M-118.2, M-201.0, M-300.1, M-300.4, M-300.8, M-300.9, M-300.13.1, M-300.13.5, M-300.14, M-301.3.1, M-301.4 to M-301 .4.2, M-301 .10.2, M-301.11, M-301 .12.1, M-301.12.4, M-301.12.6, M-301.13.2, M-301.14, M-302.2.3 to M-302.2.5, M-302.3, M-302.5, M-302.7.1, M-302.7.4, M-304.0, M-305.0, M-305.1, M-305.2.2, M-305.3.3, M-306.1, M-306.2.3, M-307.0 to M-307.3, M-307.5.2, M-308.1, M-310.2 to M-310.4, M-311.0 to M-311.1.2, M-311.2.2, M-311.3.4, M-312.0 to M-312.2, M-312.3 to M-312.3.3, M-313.2, M-313.7.1, M-314.3, M-315.1, M-315.1.1, M-315.4, M-316.1 to M-316.6.1, M-316.7, M-317.1 to M-317.10.7, and tables M-317.2 to M-317.4, M-317.6 to M-317.10, M-319.1, M-320.0, M-321 .1, M-323. 1, M-323.2. 1, M-323.2.3, M-323.3. 1, M-323.3.4, M-323.4. 1, M-323.4.3, M-324.2.3, M-324.2.6, M-324.3, M-324.4, M-326.1.2, M-326.2, M-327.1.1, M-327.2, M-327.5, M-400.1 to M-400.3, M-400.13, M401.1, M403.1, M-405.2, M405.7, M-407.1, M-408.1, M408.1.1, M-4-09.5, M409.9, M-409.12.2, M-410.2, M-412.1, M-413.3, M-415.3, M-423.4, M-500.1, M-601.0, M-601.2.4, M-601.2.6, M-601.2.7, M-602.1, M-602.5, M-602.7.1, M-603.1, M-603.2., M603.2.4, M-604.1, M604.2, M-605.1, M-605.3, M-608.0 to M-608.7, M-609.2, M-609.5, M-609.5.1, M-609.7, M-609.8, M-610.5, M-612.5, M-613.0, M-613.1, M-613.3, M-613.3.1, M-614.1, M-615.1, M-622.0 to M-622.2, M-624.4, M-624.5, M-624.7.1, M-624.9.3, M-624.10.1 to M-624.10.4, M-624.11.1 to M-624.11.4, M-624.12.1, M-624.12.4, M-624.12.6 to M-624.12.9, M-624.13.2, M-624.15.1, M-624.15.3, M-624.24. 1, M-624.25. 1.1, M-624.25.2, M-624.26. 1, M-624.26.2, M-624.28, M-625.1, M-625.3, M-625.5.1, M-625.5.3, M-625.7, M-625.8 to M-625.10, M-700.4.2, M-700.9, M-706-0, M-706.1, M-716.1.3, M-717.2.3, M-810.3.1, M-812.3.2, M-900.3, M-902.1.8, M-902.3.3, M-902.3.4, M-905.14, M-1000.1, M-1015.1, M-1100.1 and further includes additions being R 408.30909 (M-108.4.4) and (M-108.4.5), R 408.30911 (M-111A.1), R 408.30913 (M-115.1.1.1.), R 408.30916 (M-201.0), R 408.30917(M-300.5.1), (M-300.13.10), and (M-300.16), R 408.30918 (M-301.11.1), R 408.30919 (M-302.2.8.1), R 408.30923 (M-307.3.1), R 408.30924 (M-308.1.1), R 408.30927 (M-312.1.1), (M-312.3.4) and (M-312.4), R 408.30932 table (M-317.5), R 408.30939 (M-327.6), R 408.30940 (M-400.1.1), R 408.30942 -403.3), R 408.30946 (M-409.5.1). R 408.30954 (M-601.2.6.1) and (M-601.2.6.2), R 408.30955 (M-602.8), R 408.30956 tables (M403.2.1 to M-3.2.8), R 408.30959 (M-608.1.1), (M-608.2.1), (M-608.2.2),(M -608.2.3), (M-608.2.4), (M-608.2.5), (M-608.2.5.1), (M-608.2.6), (M-608.2.7), (M -608.4.1), (M-608.4.2). (M-608.4.3), (M-608.4.4), (M-608.6. 1), (M-608.6.2), (M-608.7.1 to M-608.7.4.1), tables (M-608.2.1), (M-608.2.2), R



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408.30962 (M408.8 to M-608.8.17), tables (M-608.8.3) and (M-608.8.6), and figures (M-608.8.4) and (M-608.8.5), R 408.30964 (M-609.2.1), (M-609.2.2), table (M-609.2.2), R 408.30966 (M-612.5.1 to M-612.5.3), tables (M-612.5.1) and (M-612.5.2), R 408.30971 (M-21.5 to M-21.7), table (M421.7). R 408.30974 (M-624.4. 1 to M-624.4. 1.2), (M-624.6.3), (M-624. 13.4), (M-624.13.5), table (M-624.10.3), R 408.30986 (M-717.2.3.1) R 408.30988 (M-810.12.6). R 408.30993 (M-905.16), R 408.30997 (Appendix A), and R 408.30998 (Appendix B).

## Options

During this six-month period before April 5, 1980, a city, village or township has the following options:

Option 1: A municipality may pass a local ordinance to administer and enforce the Michigan Mechanical Code in its area.

Option 2: A municipality may elect not to administer and enforce the Michigan Mechanical Code. The county would then be responsible for the administration and enforcement of the Michigan Mechanical Code in that municipality.

Option 3: A municipality may pass a local ordinance to administer and enforce another nationally recognized model mechanical code without amendment.

However, a city, village or township adopting nationally recognized model codes may approve amendments to those codes by ordinance. **ANY LOCAL AMENDMENT SHOULD BE INCORPORATED IN A SEPARATE ORDINANCE AND MUST BE SENT TO THE CONSTRUCTION CODE COMMISSION BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED.** Such amendments are subject to review by the Construction Code Commission within 120 days after delivery to the Commission. [See Act 230, Public Acts of 1972, as amended, Section 8(3).]

To enable the Bureau of Construction Codes to provide information and assistance to counties and to those governmental units electing to administer and enforce a mechanical code locally, the following information must be furnished to the Bureau of Construction Codes:

- \* Names, addresses and qualifications of the members of the Board of Appeals.
- \* Name, address and telephone number of person designated as the Mechanical Inspector.

Copies of local ordinances to administer and enforce the State Mechanical Code, or another nationally recognized model mechanical code without amendments, should be forwarded to the Bureau of Construction Codes, Mechanical Division. As noted above, any local amendment to a nationally recognized model mechanical code should be incorporated in a separate ordinance and must be sent to the Construction Code Commission by certified mail with return receipt requested.

For additional information or copies of the rules or the act, please call the Bureau of Construction Codes, Mechanical Division at 517/322-1798 or the Bureau Director's office at 517/322-1701. Or you may

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address written requests to the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

**CHAPTER 4**  
**PLUMBING CODE**

(Ord. no. 6, eff. Sept.12, 1979)

Sec. 400 CODE ADOPTED.

Pursuant to the provisions of Act 230 of 1972, and in particular Sections 8 and 9, the Township of Wright hereby elects to adopt by reference the Michigan State Plumbing Code, and to enforce the same within the Township limits. It further is ordained that the enforcement provisions of Public Act 230 of 1972 hereby are adopted by the Township of Wright.

Sec. 401 ENFORCING AGENCY; EFFECTIVE DATE.

It further is ordained that the Township of Wright designated the Plumbing Official as the enforcing agency to discharge the responsibilities of the Township under this Ordinance. It further is ordained that enforcement of the Michigan State Plumbing Code shall come and be of effect as of September 12,1979.

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**CHAPTER 5**  
**BUILDING PERMIT**

(Ord. no.9, eff. Dec. 17, 1980)

Sec. 500 BUILDING PERMITS; ILLEGALLY SPLIT LOTS

The Wright Township Board hereby resolves that no building permits will be issued for building on illegally split lots in a platted sub-division within Wright Township.

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**BOOK 3**  
**COMMUNICATION AND**  
**FRANCHISE AGREEMENTS**

**CHAPTER 1  
MICHIGAN  
CONSOLIDATED  
GAS COMPANY GAS  
FRANCHISE**

(Ord. No. 17, eff. May 13, 1994)

**Sec. 100 PURPOSE.**

To grant to MICHIGAN CONSOLIDATED GAS COMPANY, its successors and assigns, the right, power, and authority to lay, maintain, and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF WRIGHT, OTTAWA COUNTY, MICHIGAN for a period of thirty years.

**Sec. 101 GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.**

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

**Sec. 102 GAS SERVICE AND EXTENSION OF SYSTEM.**

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

**Sec. 103 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 said Township of Wright and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns,

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shall use due care in exercising the privileges herein contained and shall be liable to said Township of Wright for all damages and costs which may be recovered against the Township of Wright arising from the default, carelessness, or negligence of the company or its officers, agents, and servants.

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

**Sec. 104 STANDARDS, CONDITIONS OF SERVICE; RULES, REGULATIONS, RATES.**

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

**Sec. 105 SUCCESSORS AND ASSIGNS.**

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

**Sec. 106 EFFECTIVE DATE: TERM OF FRANCHISE AND ACCEPTANCE.**

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

**Sec. 107 EFFECT AND INTERPRETATION OF ORDINANCE.**

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such

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ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.



**CHAPTER 2  
TELECOMMUNICAT  
IONS PROVIDERS IN  
THE PUBLIC  
RIGHTS-OF-WAY**

(Ord. No. 74, eff. December 26, 2002)

**Sec. 200 PURPOSE.**

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and to exercise reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) and other applicable law, and to ensure that the Township qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

**Sec. 201 CONFLICT.**

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

**Sec. 202 TERMS DEFINED.**

The terms used in this ordinance shall have the following meanings:

**Act.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

**Township.** The Township of Wright.

**Township Board.** The Township Board of the Township of Wright or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Township Board.

**Township Supervisor.** The Township Supervisor or his or her designee.

**Permit.** A nonexclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Township for its telecommunications facilities. All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

**Authority.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to the Act.

**MPSC.** The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

**Person.** An individual, corporation, partnership, association, governmental entity, or any other legal entity.

**Public Right-of-Way.** The area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

**Telecommunication Facilities or Facilities.** The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

**Telecommunications Provider, Provider and Telecommunications Services.** Those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

A cable television operator that provides a telecommunications service.

Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

A person providing broadband internet transport access service.

Sec. 203 **PERMIT REQUIRED.**

*Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Township for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

*Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with the Act. A telecommunications provider shall file one copy of the application with the Township Clerk, one copy with the Township Supervisor, and one copy with the Township Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider’s existing and proposed facilities in accordance with the Act.

*Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from Michigan's Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

*Application Fee.* Except as otherwise provided by the Act, an application shall be accompanied by a one-time nonrefundable application fee in the amount of \$500.00.

*Additional Information.* The Township Supervisor may request an applicant to submit such additional information that the Township Supervisor deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Township Supervisor. If the Township and the applicant cannot agree on the requirement of additional information requested by the Township, the Township or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

*Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Township under Section 251 of the Michigan Telecommunications Act, Act No. 179 of the Public Acts of 1991, as amended, and authorizations or permits issued by the Township to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this ordinance.

*Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Township as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, Act No. 179 of the Public Acts of 1991, as amended, shall submit to the Township an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority for good cause, as provided in Section 5(4) of the Act.

#### Sec. 204     **ISSUANCE OF PERMIT.**

*Approval or Denial.* The authority to approve or deny an application for a permit is delegated to the Township Supervisor. Pursuant to Section 15(3) of the Act, the Township Supervisor shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit in accordance with Section 4(b) of this ordinance for access to a public right-of-way within the Township. The Township Supervisor shall notify the MPSC when the Township Supervisor has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Township Supervisor shall not unreasonably deny an application for a permit.

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*Form of Permit.* If an application for permit is approved, the Township Supervisor shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

*Conditions.* Pursuant to Section 15(4) of the Act, the Township Supervisor may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and use of the public right-of-way.

*Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Township Supervisor may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

#### Sec. 205      **CONSTRUCTION/ENGINEERING PERMIT.**

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Township without first obtaining a construction or engineering permit as required by law for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

#### Sec. 206      **CONDUIT OR UTILITY POLES.**

In accordance with the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

#### Sec. 207      **ROUTE MAPS.**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Township, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Township. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

#### Sec. 208      **REPAIR OF DAMAGE.**

A telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Township, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

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Sec. 209     **ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.**

In addition to the non-refundable application fee paid to the Township set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Township's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 210     **MODIFICATION OF EXISTING FEES.**

In compliance with the requirements of Section 13(1) of the Act, the Township hereby modifies, to the extent necessary, fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and use of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Township also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Township's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Township shall provide each telecommunications provider affected by the fee a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Township's policy and intent, and upon application by a provider or discovery by the Township, shall be promptly refunded as having been charged in error.

Sec. 211     **SAVINGS CLAUSE.**

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Sec. 212     **USE OF FUNDS.**

Pursuant Section 10(4) of the Act, all amounts received by the Township from the Authority shall be used by the Township solely for rights-of-way related purposes.

Sec. 213     **ANNUAL REPORT.**

Pursuant to Section 10(5) of the Act, the Township Supervisor may file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Sec. 214     **CABLE TELEVISION OPERATORS.**

Pursuant to Section 13(6) of the Act, the Township shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1,

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2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

**Sec. 215     EXISTING RIGHTS.**

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Township may have under a permit issued by the Township or under a contract between the Township and a telecommunications provider related to the use of the public rights-of-way.

**Sec. 216     COMPLIANCE.**

The Township declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions of this ordinance should be construed in such a manner as to achieve that purpose. The Township shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from disclosure consistent with the Act and state law as provided in Section 4(c) of this ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;
- (c) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Township, in accordance with Section 5(a) of this ordinance;
- (d) Notifying the MPSC when the Township has granted or denied a permit, in accordance with Section 5(a) of this ordinance;
- (e) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;
- (f) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;
- (g) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and use of the public right-of-way, in accordance with Section 5(c) of this ordinance;
- (h) Not requiring a bond of a telecommunications provider that exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the

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telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

- (i) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;
- (j) Providing each telecommunications provider affected by the Township's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;
- (k) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and
- (l) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

**Sec. 217 RESERVATION OF POLICE POWERS.**

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the Township's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Township's authority to ensure and protect the health, safety, and welfare of the public.

**Sec. 218 SEVERABILITY.**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

**Sec. 219 AUTHORIZED TOWNSHIP OFFICIALS.**

The Township Supervisor or his or her designee is hereby designated as the authorized Township official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal violations bureau) for violations under this ordinance as provided by the Township ordinances.

**Sec. 220 MUNICIPAL CIVIL INFRACTION.**

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction and shall be subject to a fine of One Hundred and Fifty (\$150.00) dollars for the first offense, Two Hundred and Fifty (\$250.00) dollars for the first repeat offense, and Five Hundred (\$500.00) dollars for a second or subsequent offense. Each day that a violation continues shall be a separate offense. Nothing in this Section shall be construed to limit the

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remedies available to the Township in the event of a violation by a person of this ordinance or a permit.



**CHAPTER 3  
COMMUNITY  
ANTENNA  
TELEVISION AND  
MULTICHANNEL  
VIDEO PROVIDERS**

(Ord. no.79, eff. Feb. 20, 2003)

**Sec. 300 PURPOSE.**

An Ordinance to provide for the Franchising of Community Antenna Television and Multichannel video providers.

**Sec. 301 NEED FOR CONSENT AGREEMENT OR FRANCHISE.**

a) All multichannel video providers shall obtain a consent agreement or franchise from the Township of Wright to providing service to any resident, business or person within the Township, and shall have a consent agreement or franchise in full force and effect at all times while such service is being provided.

**Sec. 302 DEFINITIONS.**

a) "Multichannel video provider," as used in this Ordinance, shall be defined to mean a person or entity who meets one or more of the following tests.

1. The provider is a "cable operator," as such term is defined in the Federal Cable Act, being Title VI of the Federal Communications Act of 1834, 47 U.S.C. sections 521 and following, as amended, or is otherwise required to obtain a "franchise," as such term is defined in such Act.
2. The provider is an operator of an "open video system," as such term is defined in Title VI of the Federal Communications Act of 1834, and implementing regulations, as amended.
3. Any person or entity who provides multichannel video service to a resident, business or person within the Township, where such service is transmitted in whole or in part via wires or lines that are in or cross any public rights-of-way within the Township. The preceding sentence shall apply whether the provider owns, leases or otherwise obtains the right to use such wires or lines, including wires or lines of a telecommunications provider used pursuant to tariff or otherwise for such purpose. "Multichannel video service," as used herein, shall mean multiple channels of video programming where the individual video channels are generally considered comparable to programming provided by a television broadcast station or by a direct or home satellite service.
4. A person or entity providing multichannel video service who is otherwise required to obtain a franchise or consent agreement under applicable law.

**Sec. 303 VIOLATIONS.**

- a) Any person, firm, corporation, trust, partnership, or other legal entity which violates

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this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine as provided by Ordinance. Each day a violation occurs or continues shall constitute 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 or equity.

Sec. 304     **REPEAL.**

a) All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Sec. 305     **EFFECTIVE DATE.**

This Ordinance shall take effect seven days after its publication as provided by the provisions of the Township Zoning Act, MCLA 125.281, et seq.

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**CHAPTER 4  
CELLULAR  
COMMUNICATION  
TOWERS**

(Ord. no.31.5, eff. June 23, 1998)

**For full text see Wright Township Zoning Book Chapter 3, Sec. 316. “Wireless Telecommunication Towers and Antennas.”**

**Sec. 400 PURPOSE.**

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance, Ordinance No.5, to provide definitions and regulations for cellular communication towers.

**Sec. 401 MODIFICATION OF BUILDING SIZE REQUIREMENTS**

(Ord. no.53 eff. May 23,2000)

**For full text see Wright Township Zoning Book Chapter 3, Section 316, subsection H, “Wireless Telecommunications Towers and Antennas”**

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**BOOK 4**  
**LICENSING AND PERMITTING**

**CHAPTER 1  
ALCOHOLIC  
LIQUOR LICENSE**

(Ord. no.16 eff. Nov. 25, 1993)

**Sec. 100     PURPOSE**

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer and wine or spirits.

**Sec. 101     APPLICATION FOR NEW LICENSE.**

Applications for licenses to sell beer and wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent hereof, if a Partnership or corporation, verified by oath of affidavit, and shall contain the following statements and information:

- (1)     The name, age and addresses of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest in the stock of such corporation is owned by one person or his nominee, then name and address of such person.
- (2)     The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- (3)     The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
- (4)     The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
- (5)     The location and description of the premises or place of business which is to be operated under such license.
- (6)     A statement whether the applicant has made application for a similar or other license on the premises than described in 'this application, and the disposition of the application.
- (7)     The statement that the applicant has not been convicted of a felony within the preceding ten (10) years, and that the applicant is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or of the laws of the State of Michigan.
- (8)     A statement that the applicant will not violate any laws of the State of Michigan or of the

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United States or any ordinances of the Township in the conduct of its business.

(9) The applicant shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific area where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, and where appropriate, adequate plans for screening and noise control.

Sec. 102     **RESTRICTIONS ON LICENSES.**

No such license shall be issued to:

- (1) A person whose license, under this ordinance, has been revoked for cause.
- (2) A person who, at the time of the application or renewal of any license issued hereunder, would not be eligible for such license upon first application.
- (3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
- (4) A corporation, if any officer, manager, or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
- (5) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- (6) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor or of controlled substances within the preceding ten (10) years. If a person has ever been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor or of controlled substances, then that person shall submit to the Township Board written references from persons who are not related to the applicant which show the good moral character of the applicant. The Township Board shall thereafter conduct a public hearing to receive information or objections to the issuance of a liquor license to the applicant.
- (7) A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
- (8) Any law enforcing' public official or any member of the Township Board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic beverages.
- (9) For the premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinances.

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(10) For any new license or for the transfer of any existing license unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as, but not limited to, food sales, motel operations, or recreational activities.

(11) For premises where it is determined by a majority of the Township Board that the premises do not or will not reasonably soon after the commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control, or where a nuisance does or will exist.

(12) Where the Board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

(13) For any premises to which the Liquor Control Commission has issued a “dance” or “entertainment” permit if any of the following conduct occurs or happens on the licensed premises:

(a) The licensee suffers or allows in or upon the licensed premises a person who exposes to public view the pubic region, anus or genitals;

(b) The licensee suffers or allows in or upon the licensed premises the showing of films, television, slides, or other electronic reproduction depicting scenes wherein any person exposes to public view the pubic region, anus or genitals, or other types of nudity as defined in this ordinance;

(c) The licensee suffers or allows in or upon the licensed premises a person who performs or simulates performance of the following explicit sexual activities: sexual intercourse, masturbation, sodomy, bestiality, fellatio, cunnilingus, or the actual or simulated touching, caressing or fondling of the following:

(i) breasts of a female person;

(ii) buttocks of a male or female person;

(iii) anus or genitals of a male or female person;

(d) The licensee suffers or allows in or upon the licensed premises a person who exposes to public view the areola of the breasts or breasts of a female, or of the buttocks of a male or female person.

(e) The Licensee suffers or allows in or upon the premises other bizarre or unusual behavior which shocks or offends commonly accepted standards of public behavior, such as, but not limited to the following: “dwarf tossing contests”, in which real persons are thrown through the air by contest participants; mud wrestling; bathing suit contests, in which contestants model or wear bathing suits; lingerie shows, in which participants model or wear men's or women's underwear, undergarments, or

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sleeping attire.”

**Sec. 103      TERM OF LICENSE**

Approval of a license shall be for a period of three (3) years, subject to renewal on its periodic expiration if the licensee has complied with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling shall be commenced within six (6) months of the action of the Township Board or Michigan Liquor Control Commission approving such licenses, whoever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

**Sec. 104      RESERVATION OF AUTHORITY**

No such applicant for a liquor licenses has the right to issuance of such license to him, her or it, and the Township reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the Township Board further reserves the right to take no action with respect to any application filed with the Township Board. The Township Board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens.

**Sec. 105      LICENSE HEARING**

The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance is in the best interests of the Township at large and for the needs and convenience of its citizens. Following such hearing, the Board shall submit to, the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Section 2202 above.

**Sec. 106      OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION.**

**Sec. 106.1      PROCEDURE.**

Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license holder, by first class mail, mailed at least ten (10) days prior to the hearing with a notice of hearing. The notice of hearing shall contain the following information:

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



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witnesses.

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

Sec. 106.2      CRITERIA FOR NONRENEWAL OR REVOCATION.

The Township Board shall recommend nonrenewal or revocation of a license upon a determination by it that, based on upon a preponderance of the evidence presented at the hearing, any of the following exists:

- (1)      A violation of any of the restrictions on licenses set forth in Section 2202 above;
- (2)      Maintenance of a nuisance upon the premises; or
- (3)      A violation of any requirements, conditions or terms of the license issued to the Licensee by the Liquor Control Commission.

**CHAPTER 2  
MINERAL MINING  
LICENSING**

(Ord. no.18 eff. Jan. 1, 1995 as amended by Ord. No. 80 eff. Feb. 20, 2003)

**Sec. 200 PURPOSE.**

To provide for licensing, regulating, inspecting, and monitoring of all mineral, mining/extracting and earth change operations in the Township of Wright, to provide penalties for violations of this ordinance including suspension or revocation of permit, and to provide fees to be paid by the licensees, to provide for the administration and enforcement of this Ordinance, to promote the public health, safety and general welfare of persons and property in the Township, to preserve and manage natural resources, and to prevent the creation of nuisance or hazardous conditions.

**Sec. 201 DEFINITIONS.**

**Earth Change** Any activity that results in a modification, alteration or change to the topography of the land from that existing prior to the activity, regardless of whether the change is temporary or permanent.

**Mineral** Any naturally occurring substance that is neither animal nor vegetable.

**Soil** Topsoil, subsoil, clay, sand, gravel, rock, stone, and aggregate, earth, or any other similar material proposed to be moved, removed, excavated, mined or dumped on land.

All other words, terms, or phrases used in this Ordinance shall have the meaning customarily assigned to them in ordinary usage, unless the context suggests otherwise.

**Sec. 202 GENERAL RESTRICTIONS.**

No soil or mineral shall be moved, removed, excavated, mined or dumped in any manner on or from any land situated in the Township of Wright unless it is done in accordance with the following restrictions and regulations:

(A) All soil or mineral moved, removed, excavated, mined or dumped shall be stabilized as soon as possible so that soil or dust are not blown, washed or otherwise transferred to adjacent lands, public streets or roads, or private streets, ways or roads.

(B) Trees, vegetation or other ground cover shall not be stripped from land prior to moving, removing, excavating, mining, or dumping soil or minerals so as to prematurely or unnecessarily expose the land to wind or water erosion.

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The restrictions and regulations shall apply regardless of whether a permit is required by this Ordinance.

Sec. 203     **PERMIT REQUIRED.**

If the soil or minerals are to be moved, removed, excavated, or mined at one parcel of land in the Township and dumped at another parcel of land in the Township, then TWO (2) permits are required; one for moving, removing, excavating or mining the soil and the other for dumping the soil.

Only ONE (1) permit is required if soil is to be moved, removed, excavated or mined at ONE (1) location on a parcel of land and dumped elsewhere on the SAME parcel of land.

It shall be unlawful for any person, firm or corporation to move, remove, excavate, mine or dump any soil or minerals on or from any property situated in Wright Township unless such person, firm or corporation has first obtained a permit therefore from the Township. Provided, however, that no Township permit shall be required in the following circumstances: **(These circumstances, however, in no way exempt the applicant from obtaining a soil erosion permit, if required, from the Ottawa County Soil Erosion Department.)** (ord. no. 18 eff. Jan.1, 1995, as amended by ord. no. 80 eff. Feb. 20, 2003)

(A)     When the total amount of soil or minerals to be moved, removed, excavated, mined or dumped in any one (1) project is less than six hundred (600) cubic yards;

(B)     When the soil or minerals to be moved, removed, excavated, mined or dumped is directly related to or necessary for the construction or alteration of a building, structure or other improvements for which a building permit has been issued; or

(C)     When the soil or minerals to be moved, removed, excavated, mined or dumped is directly related to or necessary for the landscaping of a lawn or yard, the construction or alteration of a driveway, the construction of subdivision improvements, the construction of public streets or roads, or the filling of the inside of a building or structure.

Sec. 204     **APPLICATION FOR SOIL MOVING PERMIT.**

An application for the issuance of a Soil Moving Permit shall be filed with the TOWNSHIP Clerk, together with two extra copies of the application and all necessary documents that are part of the application.

The application shall be made by and signed by the person, firm or corporation who owns the land on or from which soil or minerals are to be moved, removed, mined, extracted or dumped. In the event that the person who owns the land does not own the mineral rights to the land, then the owner of the mineral rights shall also join in and sign the application. In the event that property is being sold on land contract, the land contract purchaser may make the application, but the Township may require the consent of the land contract vendor prior to the issuance of a permit.

In all projects, the land owner, the owner or the mineral rights in the soil, and all persons, firms or

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corporations who do the actual moving, removing, mining, extracting and dumping of soil or minerals shall be responsible for and comply with all the terms and provisions of this Ordinance. An application for a Soil Moving Permit shall set forth the following information and be accompanied by the following data:

- A. Full identification of the applicant and all persons to be directly or indirectly interested in the Permit if granted.
- B. The business address of the applicant.
- C. The legal description (including street address) of the land to which the Permit is to apply.
- D. The exact nature of the proposed project, the type of soil to be moved, removed, excavated, mined or dumped, and an estimate of the approximate number of cubic yards of soil or minerals to be moved, removed, excavated, mined or dumped.
- E. The applicant shall further describe in detail, by maps or otherwise, the contour and condition of the land as proposed upon completion of the Project. This shall include a description of any landscaping to be done or other stabilization control to be employed to leave the land in a reasonably usable condition, and to prevent erosion, dust, and other nuisance conditions.
- F. A statement of the manner in which the project work is to be completed and the kind of equipment proposed to be employed.
- G. The proposed route which applicant proposes to use over the public streets and over private property in transporting the soil.
- H. The experience of the engineers and contractors in the type of work to which the permit pertains and the name, address and experience of the person to be in charge of the project.
- I. Whether or not any similar permit or application has ever been revoked or suspended; and, if so, the circumstances or such revocation or suspension.
- J. The time within which the Project is to be commenced after the granting of the Permit and the time when it is to be completed.
- K. The measures that will be taken by applicant to control noise, vibration, dust and traffic.
- L. A description of any traffic control devices, public facilities, or public services which will be required for the proposed operations and a statement as to how and by whom applicant proposed that the costs thereof be paid.
- M. Any measures which applicant proposes to take to insure public safety, the exclusion of children from the land, and the lateral support of surrounding land, buildings, structure or other improvements.
- N. Such further information as the Township Board or Planning Commission may reasonably require.

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This information may include, but is not limited to the following:

1. A survey of the property by a registered civil engineer or land surveyor.

2. A topographic map by registered civil engineer or land surveyor. The Planning Commission or Township Board may request that the topographic map include the land on which the project is to take place and the land within three hundred feet (300') of the boundary of the project land. If a topographic map is requested, the contour intervals shall not be greater than five feet (5').

**Sec. 205 RESTRICTIONS GOVERNING PERMIT HOLDER.**

Every person to whom any permit is granted under this Ordinance shall comply with the following:

- A. All vehicles transporting soil from or to a Project over public streets in the Township shall follow the established truck route or shall travel only over such routes as may be directed by the TOWNSHIP BOARD to be least dangerous to public safety, cause the least interference with general traffic, and cause the least damage to the public streets.
- B. Adequate safeguards shall be provided during the Project to prevent soil and/or dust from being deposited on adjoining lands and public or private streets, from waste erosion, or blowing soil, and/or dust.
- C. The final elevation of the land on which the project is to take place shall be compatible with the surrounding area and the land shall be left in a condition suitable for subsequent development of the land for uses permitted in the zoning district in which the land is zoned by the Wright Zoning Ordinance.
- D. If, at the time it grants the permit hereunder, the Township Board shall determine that any project will present a dangerous condition if left open and unfenced, then such project shall be enclosed by chain link, wire mesh, or snow fence, completely surrounding the portion of the land where the project extends; said fence to be not less than four feet (4') in height with appropriate gates, which are to be kept locked when operations are not being carried on. Barbed wire shall not be used as part of any such fence.
- E. Any soil or minerals that are deposited on any public streets or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
- F. Any roads used for the purpose of ingress and egress to said project site which are located within three hundred (300) feet of an occupied residential or commercial or industrial establishment shall be kept dust-free by hard topping with concrete, bituminous substance, chemical treatment, or such other means as may be proposed by the applicant and approved by the Township Board at the time it grants a permit hereunder. The method of hard topping of the roads or of otherwise keeping the roads dust free shall be specifically noted in the minutes of the Township Board and stated in the permit.
- G. In the event that the applicant plans to process the materials removed on site, such as by screening, washing, crushing, etc, such processing operation shall be set back at least Two Hundred feet (200') from any residence and at least one hundred feet (100') from any street or property line.

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H. At the time the excavation or mining is completed, the slopes of the banks of the Project excavation shall not be greater than THREE (3) FEET of RUN to ONE (1) FOOT of RISE. Provided, however, that if all excavation is set back at least FIFTY (50') feet from the boundary lines of the Project, then the slope of the banks of the Project excavation shall not be greater than TWO (2') Feet of RUN and ONE (1') Foot of RISE. However, the TOWNSHIP BOARD may, by resolution at the time it grants a permit hereunder, prescribe more lenient or stricter requirements in order to give sub lateral support to surrounding property.

I. Where Project operations result in the creation of a pond, at the completion of the Project, authorization for the maintenance of such Pond shall be obtained pursuant to the all other applicable ordinances of the Township and state and federal laws.

J. No cut or excavation shall be made nearer than THIRTY (30) FEET to a street or road right-of-way, nor nearer than FORTY (40) FEET to any adjacent residential or commercial property, and not closer than TWENTY-FIVE (25) FEET to any woodlot, farmland, or pastureland. Provided however, that if the finished slopes of the banks of the Project excavation shall not be greater than THREE (3) FEET of RUN to ONE (1) FOOT of RISE, then no cut or excavation shall be made nearer than FIFTEEN (15) FEET to any adjacent residential or commercial property, and no closer than FIFTEEN (15) FEET to any woodlot, farmland, or pastureland. Provided, however, that the TOWNSHIP BOARD may, by resolution at the time it grants a permit hereunder, prescribe stricter requirements for setbacks if it believes that such stricter requirements are necessary for the preservation or protection of the public health, safety and welfare.

K. RESERVED.

L. The land utilized for each phase of the Project shall be so landscaped or stabilized upon completion of each phase so that all soil erosion by wind and water shall be eliminated.

M. No soil shall be moved, removed, mined, excavated, or dumped in such a manner as to cause water to collect or to result in a place of danger or a menace to the public health. The land shall at all times be graded so as to not interfere with surface water drainage.

N. If the permit granted is for a stripping operation, wherever topsoil exists, suitable for growing turf or for other land uses at the time the operation began, sufficient topsoil or overburden shall be stockpiled so that the entire site, when stripping operations are completed, can be restored. The replacement of topsoil shall be made immediately following the termination of the stripping operations, provided, however, that if such stripping operations continued over a period of time greater than THIRTY (30) DAYS, the operator shall replace the stored topsoil over the stripped area as the work progresses.

O. The TOWNSHIP BOARD may require additional performance standards or stricter performance standards than are provided herein where, because of peculiar conditions, such standards are necessary to achieve the purposes of these Regulations. In addition, the TOWNSHIP BOARD may also attach and impose conditions, restrictions, or requirements as it shall determine are necessary to achieve the purposes of these Regulations. Violation of any performance standard condition, restriction, or requirements imposed by the Township Board shall be deemed a violation of these Regulations.

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P. The operation of equipment at the project site shall not begin earlier than seven o'clock a.m., nor continue later than eight o'clock p.m., unless emergency conditions on the site require the operation of the equipment beyond such hours in order to prevent damage to persons or property.

**Sec. 206 PAYMENT OF FILING FEE.**

At the time of filing the application for a permit hereunder, the applicant shall pay a filing fee as may be determined by the TOWNSHIP BOARD from time to time by resolution. Such application fees shall be for the purpose of offsetting and defraying any cost or expense to the Township of investigating, reviewing, and processing such an application.

**Sec. 207 PLANNING COMMISSION RECOMMENDATION.**

A. **PROCEDURE:** Immediately upon the filing of an application for a permit as provided in Section 5, one copy thereof, together with all supporting data, shall be delivered to the Planning Commission.

B. **INVESTIGATION:** The Planning Commission shall review the application and make a written recommendation to the Township Board concerning the granting or denial of the permit. In its review the Planning Commission may consider all factors it deems relevant to the application and may further conduct such investigations, interviews and hearings that it deems necessary in making its recommendation to the Township Board.

**Sec. 208 HEARING BEFORE THE TOWNSHIP BOARD.**

After receiving the recommendation of the Planning Commission for a permit pursuant to Section 207, and before acting upon such application, the Township Board may hold a public hearing. If such a hearing is held the owners and occupants of all property within three hundred feet (300') of the proposed site shall be notified by mail of the date, place and time of the public hearing. Such notices shall be mailed no later than 20 days prior to the hearing.

(ord. no.57 eff. Nov. 16, 2000)

**Sec. 209 CONSIDERATION OF APPLICATION BY TOWNSHIP BOARD.**

The Township Board shall take into consideration the recommendation of the Planning Commission, the zoning of the site, the past performance of the applicant in similar undertakings, the financial responsibility of the applicant, and all matters relevant to the accomplishment of the purposes of this. A permit shall not be granted if, in the judgment of the Township Board, it appears from the investigation thereof that the Project would cause serious consequences to the Township, or to neighboring properties, or to the property for which the project is proposes.

(ord. no.57 eff. Nov. 16, 2000)

**Sec. 210 PERMITS: DEPOSIT OF BOND AND CERTIFICATE OF INSURANCE.**

The Township Board may, in its discretion, require as a condition to the granting of a permit that the applicant file or deposit with the Township Treasurer either a performance bond written by an insurance

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company licensed to do business in the State of Michigan, insuring to the benefit of the Township and in form satisfactory to the Township Attorney; or cash, certified or cashier's check payable to the Township; or an irrevocable bank letter of credit, in form satisfactory to the Township Attorney.

The Township Board shall, in establishing the amount of the bond, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions and requirements of these Regulations and any special performance security of the Township Board shall, by resolution, determine that any such standard, condition, restriction, or requirement has been violated.

The Township Board may also require, as a condition to the granting of any such permit, that the applicant deposit a certificate of an indemnity company licensed to do business in the State of Michigan, in an amount reasonably related to the proposed work to be done as specified by the Township Board, insuring the Township against any loss, damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his behalf, in carrying on any work connected directly or indirectly with the issuance of said permit.

**Sec. 211      EXPIRATION OF PERMIT.**

All permits issued by the Township Board pursuant to this Ordinance shall be valid for a period of one year from the date of issuance. Permits may be renewed by the Township Board upon request of the applicant for good cause shown. The Township Board may, but need not, hold a public hearing prior to the renewal of a permit. If a public hearing is held, the same notice requirements shall be observed as in the case of an application for an original permit.

In the event that any work for which a Permit has been granted under these Regulations is not commenced within six (6) months from the date of granting of said permit, or in the event work is started on projects pursuant thereto and said work is abandoned for a period of six (6) months, said permit shall automatically expire and cease to be valid for any purpose. Such expired permit may be reviewed by the Township Board for reinstatement or continuance without payment of a permit filing fee, if the commencement date of the project was delayed because of access problems, weather conditions or other conditions or circumstances beyond the control of the applicant.

**Sec. 212      REVOCATION AND SUSPENSION OF PERMIT.**

Any permit granted pursuant to these Regulations may be revoked or suspended for failure to comply with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of a permit. Revocation of such permit shall be accomplished only pursuant to a hearing held before the Township Board after thirty (30) days written notice to such permit holder stating the grounds of the complaint against the Permittee, stating the time and place where such hearing will be held.

**Sec. 213      LICENSE OPERATING FEES.**



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A person, firm or corporation for whom a permit has been issued shall pay a license operating fee in the amount as may be determined from time to time by resolution of the Township Board. Such fee shall be paid upon issuance or renewal of the permit to the Township Clerk, and shall be based upon the records of the licensee for the material removed, in excess of the exemptions provided under this Ordinance. These fees shall be used for the purpose of paying expenses in enforcing and monitoring operations authorized pursuant to this Ordinance.

The Licensee shall keep accurate records of the materials removed and these records shall be open to inspection at all reasonable times by the Townships Enforcement Officials.

**Sec. 214 FINES.**

Any person, firm or corporation who violates any of the provisions of these Regulations shall be subject to fine me of up to FIVE HUNDRED and no/100 DOLLARS (\$500.00) for each offense or an imprisonment of not to exceed NINETY (90) DAYS. Each day that a violation exists shall be considered a separate violation.

**Sec. 215 AMENDMENTS TO ORDINANCE NO. 5 “REGULATION APPLICABLE TO ALL DISTRICTS**

Section 307.7, entitled “Soil Moving Permit” of Ordinance No. 5 is amended to read in its entirety as follows:

“No permit will be required when the total amount of soil to be moved, removed, excavated, mined or dumped is less than six hundred (600) cubic yards. This in no way exempts the applicant from obtaining a soil erosion permit, if required, from the Ottawa County Soil Erosion Department.”  
(ord. no.80 eff. Feb. 20, 2003)

**Sec. 216 AMEND REQUIREMENT FOR PUBLIC HEARING FOR MINING PERMIT**

(Ord. no. 57 eff. Nov. 16, 2000)

**See Ordinance 18 “ Mineral Mining Licensing” Book 4, Chapter 2 of the General Powers for full text.**

**Sec 216.1 Purpose.**

To remove the requirement for public hearing by the Township Board for a mineral mining permit.

**Sec. 217 AMENDMENTS TO SOIL MINING AND REGULATIONS APPLICABLE TO ALL DISTRICTS (Ord. no. 80 eff. Feb. 20, 2003)**

**Sec. 217.1 Purpose.**

To amend the quantity of soil that can be moved without a permit.

**Sec. 217.2 Amendment of quantity.**

No permit will be required when the total amount of soil to be moved, removed, excavated, mined or

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dumped is less than six hundred (600) cubic yards. This in no way exempts the applicant from obtaining a soil erosion permit, if required, from the Ottawa County Soil Erosion Department.

Sec. 217.3 Necessity for an Ottawa County soil eroison permit.

It shall be unlawful for any person, firm or corporation to move, remove, excavate, mine or dump any soil or minerals on or from any property situated in Wright Township unless such person, firm or corporation has first obtained a permit therefore from the Township. Provided, however, that no Township permit shall be required in the following circumstances: **(These circumstances, however, in no way exempt the applicant from obtaining a soil erosion permit, if required, from the Ottawa County Soil Erosion Department.)**

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**CHAPTER 3  
WASTE  
HAULERS/COLLECTOR  
S LICENSING -  
REPEALED**

(Ord. no.14 eff. Jan. 21, 1993; Repealed in its entirety by Ord. no. 87 eff. Feb. 26, 2004)

Sec. 300     **PURPOSE**

To provide for the licensing of garbage, trash, and recyclables collectors or haulers, to provide licensing and operating requirements for such collectors or haulers, and to provide penalties for the violation of these requirements.

**CHAPTER 4**  
**MEDICAL MARIHUANA(a.k.a. marijuana and cannabis)**  
(ord. no. 112, eff. Aug. 24, 2010)

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE  
ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR THE  
SALE OR DISPENSATION OF MEDICAL MARIHUANA, AND TO  
PROHIBIT THE SALE OF MEDICAL MARIHUANA (aka:  
Marijuana and Cannabis)**

THE TOWNSHIP OF WRIGHT (the “Township”) ORDAINS:

**Section 401. Findings.** In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 246 of the Public Acts of 1945, as amended, Wright Township has determined that:

1. The provisions within the Wright Township ordinances have not kept pace with recent developments and the passing into law of Initiated Law 1 of 2008, the Michigan Medical Marihuana Act.
2. It is within the rights and authority of the Township to establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety and welfare in a manner consistent with the Michigan Medical Marihuana Act.
3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Code of Ordinances.
4. During this moratorium period, the Township Board and Planning Commission will investigate potential modifications to the Township’s ordinances that may establish reasonable regulations to control the possession, sale, and dispensation of medical marihuana in order to protect the public health, safety and welfare.

**Section 402. Administrative Action.** A moratorium is hereby imposed upon the issuance of any Township permit, license, variance or use, or similar approval for the sale or dispensation of medical marihuana within the Township so long as this Ordinance is in effect. During the moratorium term specified in this Ordinance no Township official, employee, body, or agent shall issue any such permit, license, variance or other approval.

**Section 403. Prohibition on Sale or Dispensation of Medical Marihuana.** No sale or dispensation of medical marihuana shall occur within the Township pursuant to the Michigan Medical Marihuana Act (or any other law or statute) while the moratorium imposed by this Ordinance is in effect. Such prohibition shall not apply to the direct dispensation by a primary caregiver of marihuana to that primary caregiver’s registered qualifying patient if fully lawful under the Michigan Medical Marihuana Act as well as all other applicable state and federal statutes. The prohibition contained in this section shall apply to the sale or dispensation of marihuana by anyone

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other than a primary caregiver administering directly to that primary caregiver’s qualifying patient in full compliance with the Michigan Medical Marihuana Act.

**Section 404. Term of This Ordinance.** The moratorium imposed by this Ordinance shall remain in effect for six months following the effective date of this Ordinance or until amendments to the Township’s ordinances regarding the sale or dispensation of medical marihuana become effective, whichever occurs first. Prior to the expiration of the six-month moratorium, the Township Board may, by resolution, extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the Code of Ordinances.

**Section 405 Effective Date.** This Ordinance shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Becker, Worrell, Schoenborn, Way & Westgate NAYS: None

ADOPTION: August 11, 2010

PUBLICATION: August 23, 2010 in the Advance Newspapers

EFFECTIVE DATE OF ORDINANCE: August 24, 2010

DATE ORD. SENT TO COUNTY CLERK: August 27, 2010

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Wright Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: August 11, 2010

By \_\_\_\_\_  
Linda Way  
Wright Township Clerk

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**BOOK 5**  
**PUBLIC CONDUCT**

**CHAPTER 1  
OUTDOOR  
GATHERINGS**

(Ord. no. 3 eff. April 21, 1971)

**Sec. 100 PURPOSE.**

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 100 in number, to provide penalties for violations thereof and to repeal all ordinances inconsistent therewith.

**Sec. 101 PREAMBLE.**

The township board of Wright finds and declares that the interests of the public health, safety and welfare of the citizens of Wright 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. (ord. no.3 eff. Apr.21, 1971)

**Sec. 102 DEFINITIONS.**

**Outdoor Assembly.** Hereinafter referred to as “assembly” means any event, attended by more than 100 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. An event which is conducted or sponsored by a governmental agency on publicly owned land or property; or
2. An event which is conducted or sponsored by an entity qualifying for tax exempt status under Section 501(c) (3) of the Internal Revenue Code of 1954, being 26 U.S.C. S 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.

**Person.** Any natural person, partnership, corporation, association or organization.

**Sponsor.** Any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

**Attendant.** 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.

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**Licensee.** Any person to whom a license is issued pursuant to this ordinance.

Sec. 103     **LICENSE REQUIRED.**

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

Sec. 104     **APPLICATION FOR LICENSE; REQUIRED IN-FORMATION; FEE.**

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 Wright Township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 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 \$500.00).
- 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.

Sec. 105     **APPLICATION FOR LICENSE; ACCOMPANYING MATERIAL.**

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.



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- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up 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.

**Sec. 106 APPLICATION; REVIEW.**

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, 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.

**Sec. 107 TIME LIMIT FOR ACTING ON APPLICATION.**

Within 30 days of the filing of the application, the township 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 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice.

**Sec. 108 DENIAL OF LICENSE.**

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.

**Sec. 109 LICENSE TO BE POSTED; INFORMATION THEREON.**

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

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assembly, and shall not be transferred to any other person or location.

**Sec. 110 MINIMUM CONDITIONS TO BE MET BY LICENSEE.**

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 Wright Township 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 portable 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 Wright Township 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 township 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	1:200		
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

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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 Wright Township 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 Wright Township 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 Wright Township 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 Wright Township 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 nor cause a nuisance or 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 Wright Township 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. 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. Said 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.

h. **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 applicable provision of state or local law.

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i. **ACCESS AND TRAFFIC CONTROL.** The licensee shall provide for ingress and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is apart 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 Highways must approve the licensee's plan for access and traffic control.

j. **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 (4) attendants.

k. **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. While Act 171 does not become effective until January 1, 1971, for purposes of this ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.

j. **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 plan shall be approved by the township building inspector.

m. **INSURANCE.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than (\$100,000/\$300,000 - select appropriate figure) and property damage insurance with a limit not less than (\$25,000 -select appropriate figure) 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 Wright Township in writing at least 10 days before the expiration or cancellation of said insurance.

n. **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 (\$10,000, \$50,000, \$100,000, or select appropriate figure) in a form to be approved by the Wright 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 Wright 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 resulting from the assembly.

o. **FIRE PROTECTION.** The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.

p. **FENCING.** The licensee shall erect a fence completely enclosing the site, of sufficient height

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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.

q. COMMUNICATIONS. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

r. MISCELLANEOUS. Prior to the issuance of a license, the Wright 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.

**Sec. 111 REVOCATION.**

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.

**Sec. 112 VIOLATIONS.**

It shall be unlawful for a licensee, his employees, 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.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit courts, and is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

**CHAPTER 2  
PUBLIC NUDITY**

(Ord. no.34 eff. January 14, 1998)

**Sec. 200 PURPOSE.**

This ordinance is intended to prohibit nudity in public places pursuant to the township ordinance power conferred by MSA 5.45<sup>1</sup>, MCL 41.181, and to establish a definition of nudity pursuant to 1980 AACRS R436. 1409. This Ordinance is not intended to exclude sexually oriented businesses, as defined in Wright Township Ordinance; from opening and operating in Wright Township, to deny adults access to sexually oriented businesses and their products, to deny sexually oriented businesses access to their intended markets, to implicate ordinary public behavior, to implicate material having serious literary, artistic, political or scientific value, or to offend the guarantees afforded by the First Amendment to the United States Constitution. Neither is it the intent of this Ordinance to legitimize activities prohibited by Wright Township ordinance, state or federal law.

**Sec. 201 DEFINITIONS.**

The following words and terms, as used in this Ordinance, shall have the meaning indicated in this Section.

A. Public Nudity - The knowing or intentional display of any individual's genitals, anus, or of a female individual's breast, in a public place, or at any other place for payment or promise of payment by any person. An individual's genitals or anus shall be considered to be displayed if it or they are visible; an individual's genitals or anus shall not be considered to be displayed if they are covered by a fully opaque covering. A female individual's breast shall be considered to be displayed if the nipple or areola is visible; a female individual's breast shall not be considered to be displayed if the nipple and areola are covered by a fully opaque covering. Payment or promise of payment includes the payment of, or promise of payment of, any consideration or admission fee. Public nudity does not include any of the following:

- (1) The exposure of a woman's breast while breast feeding a child, whether the nipple or areola is visible during or incidental to the feeding.
- (2) Any materials which meets or satisfies the definition contained in Section 2 of Act No.343 of the Public Acts of 1984, as amended, being MCLA 752.362.
- (3) Any sexually explicit visual material, as defined in Section 3 of Act No.33 of the Public Acts of 1978, as amended, being MCLA 722.673.
- (4) Any display of an individual's genitals or anus, or of a female individual's breast, which occurs as part of the regular curriculum of an educational institution that

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<sup>1</sup>November 11, 1998

is funded, chartered or recognized by the State of Michigan.

B. Public Place - Any real property or appurtenance to real property, which is owned by the State of Michigan, by any municipality of this State, a public agency, or by a college or university of this State. The term includes, but is not limited to a structure, enclosure, facility or complex, such as a court, mall, park, or other area, feature of element which is owned or operated by the State of Michigan or any subordinate unit of government, agency, commission or instrumentality of the state. "Public Place" shall also mean a business or an educational, refreshment, entertainment, recreation, health, transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

C. Person - An individual, sole proprietorship, partnership, corporation, limited liability company, or association.

Sec. 202     **PROHIBITED CONDUCT.**

No person shall engage in public nudity, nor shall any owner, officer, or person in charge of or in control of the premises of any business establishment permit persons to engage in public nudity.

Sec. 203     **AIDING AND ABETTING PROHIBITED.**

No person shall assist, aid, abet, or encourage any other person to engage in public nudity.

Sec. 204     **EXCEPTION.**

Public nudity pursuant to a regular curriculum at an educational institution in any way funded, chartered, or recognized by the State of Michigan shall not be subject to the prohibitions of this Ordinance.

Sec. 205     **NUISANCE PER SE.**

A violation of this Ordinance is deemed to be a nuisance per se. Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

Sec. 206     **SEVERABILITY.**

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is determined to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

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Sec. 207 **PENALTIES.**

Any person violating this Ordinance shall be subject to a misdemeanor, may face fines of up to not more than Five Hundred and NO/100 (\$500.00) Dollars, or imprisonment of up to not more than ninety (90) days or both for each offense. Each day of violation shall constitute a separate offense.



**CHAPTER 3  
DISORDERLY  
CONDUCT**

(ord. no.8 eff. Nov. 13, 1979)

**Sec. 300 PURPOSE.**

An Ordinance to define and prohibit disorderly conduct within Wright Township, Ottawa County, Michigan including definitions of disorderly conduct and to prescribe penalties for the violation thereof.

**Sec. 301 DEFINITIONS.**

**1.Public Place.**

As used in this Ordinance shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

**Sec. 302 ACTS PROHIBITED.**

No person shall:

- (1) Commit an assault, or an assault and battery on any person.
- (2) Be drunk in any public place or under the influence of any narcotic drug in any public place.
- (3) Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- (4) Discharge any firearm, air rifle, air pistol or bow and arrow in the Township, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, or except on unplatted land within the Township.
- (5) Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by the statutes of the State of Michigan.
- (6) Engage in peeping in the windows of an inhabited place.
- (7) Bathe in any body of water in a naked state in public, or with his or her person so much undressed that there shall be an indecent exposure of the body.
- (8) Make any immoral exhibition or indecent exposure of his or her person.
- (9) Print, engrave, sell, offer for sale, give away, exhibit or publish or have in his possession for any such purpose any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, cast, statuary, image or representation of other articles of an indecent or immoral nature, or any book, paper, print, circular or writing made up principally of pictures or stories of immodest

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deeds, lust, or crime or exhibit any such article within the view of any passerby.

(10) Willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the Township or located in the public places of the Township, or mark or post handbills on, or in any manner mar the walls of any public building, or fence, tree, or pole within the Township, or destroy, take, or meddle with any property belonging to the Township, or remove the same from the building or place where it may be kept, placed or stored, without proper authority; or disturb, tamper with, disconnect or damage any Township property without proper authority.

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

(12) Loiter on or play games 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.

(13) Engage in any act of prostitution.

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

(15) Keep or maintain a gaming room, gaming table, or any gaming device, used for gaming; or knowingly suffer a gaming room, gaming table, or any gaming device to be kept, maintained, played or sold on any premises occupied or controlled by him.

(16) Obstruct, resist, hinder, or oppose any member of the Police Department, or any peace officer in the discharge of his duties as such.

(17) Disturb any school, meeting, or congregation lawfully assembled, whether religious, political, or otherwise.

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

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

(20) Summon, as a joke or prank or otherwise without any good reason therefore, by telephone or otherwise, the Police or Fire Department of any public or private ambulance to go to any address where the service called for is not needed.

(21) Be guilty of disorderly conduct or any conduct tending toward the breach of the peace, either in a private place or any public place within the Township of Wright.

(22) Make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township of Wright, said prohibited acts to include among

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other things, but not by way of limitation, the sounding of horns, signaling devices and radios, phonographs, loud speakers, amplifiers for advertising, yelling, shouting, hooting, whistling or singing in the public streets, particularly between the hours of 11 o'clock p.m. and 7 o'clock a.m.

(23) Cause, permit, or engage in any activity resulting in the dissemination of offensive, foul, noxious, or putrid odors perceptible to neighboring or adjacent residents and property owners.

(24) Allow a dog to be at large or stray beyond the premises of the person owning, possessing or having charge of such dog unless such dog is held properly in leash, meaning a physical restraint not more than 8 feet in length, or unless such dog is engaged in lawful hunting or hunting practice and accompanied by a person; nor harbor or keep any dog which by loud or frequent or habitual barking, yelping or howling shall cause annoyance or be a nuisance to the neighborhood or to any person using any sidewalk or public right-of-way; nor own or harbor a fierce or vicious animal or any animal that has been bitten by an animal known to be afflicted with rabies.

**Sec. 303 PENALTY.**

Any person convicted of violations of this Ordinance shall be punished by a fine of not more than \$100.00 and costs of prosecution or be imprisoned for not more than ninety (90) days or by both such fine and imprisonment.

**Sec. 304 DISORDERLY PERSONS** (ord. no.38 eff. March 18, 1999 as amended by ord. no. 65 eff. Jan. 9, 2002)

**Sec. 304.1 Purpose.**

An Ordinance to define and prohibit disorderly conduct within Wright Township, Ottawa County, Michigan including definitions of disorderly conduct and to prescribe penalties for the violation thereof.

**Sec. 304.2 Definitions.**

A. No persons shall conduct himself or herself in a disorderly manner in the Township of Wright, Ottawa County, Michigan. For the purpose of this Ordinance, a person conducts himself or herself in a disorderly manner when he or she does any act or engages in any practice hereinafter listed, or aids or abets any person who does any such act or engages in any such practice hereinafter listed:

1. Engage in any indecent, immoral, or obscene conduct in any public place;
2. Swim or bathe in the nude in any public place or on private property without specific permission of the owner;
3. Utter any vile, blasphemous, vulgar or obscene language in any public place or in such a way as to subject the public to such language;
4. Tell or pretend to tell fortunes for hire, gain, reward, or profit whether by means of cards, token trances, inspection of the hands or skull, mind reading, consulting the movements of the heavenly bodies, or otherwise; or for hire, gain, reward, or profit, pretend to enable another to recover

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lost or stolen property, or pretend to give success in any business enterprise, speculation or game of chance, or by improper means induce any person to dispose of property in favor of another;

5. Willfully destroy, damage, deface, injure, or tamper with any property of another, or without proper authority, or in any manner mar the walls of any building or any fence, tree, or pole within the Township; or take, or meddle with any property belonging to the Township, or remove the same from the building or place where it may be kept, placed, standing, or stored, without authority from the official custodian of said property;
6. Collect or stand in crowds for illegal or mischievous purposes in any public place;
7. Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;
8. Permit or suffer any place occupied or controlled by him to be unreasonably noisy, boisterous or to be occupied by persons acting in a disorderly manner as herein defined;
9. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct; or make, aid, give countenance to, or assist in making any improper noise, disturbance, breach of the peace or diversion tending to a breach of the peace, in any place within the Township;
10. Disturb any service of worship or any other assembly gathered for lawful purposes;
11. Permit any loud or boisterous noise, congregation, disturbance, or sound by which the peace and good order of the Township are disturbed, in or about his or her premises, or premises controlled by such person;
12. Shout, yell, hoot, whistle, sing, or make any loud noises on the public streets or public or municipal parks between the hours of. 11:00 p.m. and 7:00 p.m.;
13. Create any loud noises or use any loud speaker, sound amplifier or other electrical or mechanical device intended to increase the volume or sound at any place or places within the Township in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons between the hours of 1:00 a.m. and 7:00 a.m.;
14. Create any loud noises by the erection, including excavation therefore, demolition, alteration, maintenance or repair of any property or the excavation of any streets or highways at any time, except between the hours of 6:00 a.m. and 9:00 p.m. or except as may be necessary for emergency construction operations or repairs;
15. Knowingly sell, give, or furnish liquor, wine or beer to any drunken, intoxicated or disorderly person; or do or engage in any act relating to traffic in alcoholic liquors without such licenses as may be required under the laws of the state;
16. Disobey any validly posted signs in any public park or other public place; enter into or remain at any property of the Township which is not open to the general public (such as the Township's property on which are situated the sewer treatment lagoon system);

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17. Trespass or unlawfully enter or remain on the premises of another to the annoyance or disturbance of the lawful owner or occupant thereof;

18. Consume alcoholic liquor in or upon any public street, or other public place, or place or parking lot open to the public, unless such place is duly licensed to sell alcoholic liquor for consumption on the premises, or furnish alcoholic liquor to any person not of the lawful age to possess it;

19. Enter into any place, area, or building or any part thereof, without having first paid any fee, charge, or other consideration required for admission;

20. Knowingly furnish to any police officer, or other official of the Township of Wright, Ottawa County, a false name or address in connection with an arrest for the commission of any crime or misdemeanor;

21. Possess any knife, dagger, dirk, razor, stiletto, or machete, with a blade over three (3) inches long, or a club, nightstick, bludgeon, weapon of the martial arts, or any other deadly weapon or instrument without a legitimate cause related to the person's occupation or business; except on the person's own private property.

22. Possess or discharge a firearm, bow and arrow, trap, or any other hunting or trapping equipment, while on any property of the Township, unless the Township Board ~as adopted a resolution which specifically permits hunting or trapping on such property.

23. Falsely indicates a lack of knowledge or fails to disclose or conceal knowledge of the actual commission of a violation of any statute or Township ordinance from a law enforcement officer, a prosecuting attorney, the Township attorney or a judge investigating the violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself or herself or any other legally recognized privilege or right. (ord. no. 65 eff. Jan. 9, 2002)

24. Knowingly and willfully furnish to any law enforcement officer or other official or employee of the Township, acting in the lawful discharge of his or her duties, a false name, address, age or date of birth, or a false or misleading report in connection with a fire, crime, police inquiry, medical emergency, traffic accident, or the investigation of an alleged commission of any crime, misdemeanor, or citation.  
(ord. no. 65 eff. Jan. 9, 2002)

Sec. 304.3 Invalid clauses.

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

Sec. 304.4 Violations.

Any person, firm, or corporation which violates the provisions of this ordinance shall be responsible

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for a municipal civil infraction. The sanction for a violation of this ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this ordinance by a person, firm, or corporation. A “repeat violation” of this ordinance is a second or subsequent violation of this ordinance committed by a person, firm, or corporation within six months of a prior violation of this ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), the Township Constable, any law enforcement officer of the Ottawa County Sheriff’s Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infractions citations for violations of this ordinance.

**Sec. 305 AMENDMENT TO “DISORDERLY PERSONS ORDINANCE; DISORDERLY DEFINITIONS”**

**For full text see ord. no. 38, Wright Township General Ordinance Book 5, Chapter 4 “Disorderly Persons”.**

Sec. 305.1 Purpose.

To add new subsections to the definitions section.

**CHAPTER 4  
SEXUALLY ORIENTED  
BUSINESSES**

(ord. no.35 eff. Jan. 14, 1998)

**Sec. 400 PURPOSE AND INTENT.**

The purpose and intent of this Ordinance is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, to promote the health, safety and welfare of the performers at such businesses, and to promote the health, safety and welfare of the citizens of the Township. The provisions of this Ordinance are not intended, nor shall they have the effect, of imposing a limitation or restriction on the content of any communicative materials, including but not limited to, sexually oriented materials. Additionally, it is not the intent of the provisions of this Ordinance, nor shall they have the effect, to restrict or deny access by adults to sexually oriented materials that are protected by the First Amendment to the United States Constitution or by Article 1, Section 5 of the Michigan Constitution of 1963. Further, it is not the intent of the provisions of this Ordinance, nor shall they have the effect, of denying access by the distributors and exhibitors of sexually oriented entertainment to their intended market. This Ordinance shall not be interpreted as intending to legitimize any activities which are prohibited by federal or state law, or by any other ordinance of the Township of Wright.

**Sec. 401 DEFINITIONS.**

The following words and terms, as used in this Ordinance, shall have the meaning indicated in this Section.

A. *“Public Nudity”* means the knowing or intentional display of any individual's genitals, anus, or of a female individual's breast, in a public place, or at any other place for payment or promise of payment by any person. An individual's genitals or anus shall be considered to be displayed if it or they are visible; an individual's genitals or anus shall not be considered to be displayed if they are covered by a fully opaque covering. A female individual's breast shall be considered to be displayed if the nipple or areola is visible; a female individual's breast shall not be considered to be displayed if the nipple and areola are covered by a fully opaque covering. Payment or promise of payment includes the payment of, or promise of payment of, any consideration or admission fee. Public nudity does not include any of the following:

- (1) The exposure of a woman's breast while breast-feeding a child, whether the nipple or areola is visible during or incidental to the feeding.
- (2) Any materials which meets or satisfies the definition contained in Section 2 of Act No. 343, of the Public Acts of 1984, as amended, being MCLA 752.362.
- (3) Any sexually explicit visual material, as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MCLA 722.673.
- (4) Any display of an individual's genitals or anus, or of a female individual's breast, which occurs as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

B. *“Public Place”* means any real property, or appurtenance to real property, which is owned by the

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State of Michigan, by any municipality of this State, a public agency, or by a college or university of this state. The term includes, but is not limited to a structure, enclosure, facility or complex, such as a court, mall, park, or other area, feature of element which is owned or operated by the State of Michigan, or any subordinate unit of government, agency, commission, or instrumentality of the state. "Public Place" shall also mean a business or an educational, refreshment, entertainment, recreation, health, transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

C. "*Person*" means an individual, sole proprietorship, partnership, corporation, limited liability company, or association.

D. "*Sexually Oriented Business*" means a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically controlled, electrically controlled, or mechanically controlled still picture or motion pictures machines, projectors, or image-producing or image-projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected, produced or displayed are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store means a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs 1 or 2, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it comprises 20% or more of the establishment's gross revenues, or if such materials occupy 20% or more of the floor area or visible inventory within- the establishment.

Adult Cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity,
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual



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- media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or,
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel means a hotel, motel or similar commercial establishment that, as one of its business purposes or services:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than twelve (12) hours.

A commercial establishment may have other business purposes or services that do not involve the offering or sale of the accommodations described in paragraphs 1, 2 or 3, above, and still be categorized as an Adult Motel. The offering or sale of such accommodations shall be deemed to constitute a business purpose or service if the commercial establishment derives 20% or more of its gross revenues from such accommodations, or if such accommodations or services are available in 20% or more of the commercial establishment's rooms that are generally available to the public.

Adult Motion Picture Theater means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date of another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.

Nude Model Studio means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who pay money or any form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

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Sexual Encounter Center means a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:

1. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons, or between persons of the same sex, when one or more of the persons is in a state of nudity.

E. “*Specified Anatomical Areas*” are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below a point immediately above the top of the areola; or,
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. “*Specified Sexual Activities*” means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast;
2. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or,
4. Excretory functions as part of or in connection with any of the activities set forth in paragraph 1, 2, or 3 above.

## Sec. 402     **REQUIREMENTS**

A. No person younger than eighteen (18) years of age shall enter into or be permitted to remain on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

B. Any sexually oriented business which offers live entertainment shall provide:

1. A dressing area for performers which has direct access to and from the dressing area and the performance area or stage, so that the performer may enter the performance area or stage without entering the area from which the patrons view the performance; the dressing area must be separate from and not freely accessible from areas of the business to which patrons or customers have ready access, and also it must contain hot and cold running water, toilet facilities, and must also be handicap accessible to the extent required by the Americans with Disabilities Act, as amended.
2. A performance area or stage which is at least twelve (12) inches above the area from which patrons view the performance.
3. Signs must be posted which notify patrons of the sexually oriented business that contact between the patrons and any employee, owner, independent contractor, or performer who displays Specified Anatomical Areas or who performs Specified Sexual Activities is prohibited. At a minimum, at least two such signs must be displayed on the premises of the sexually oriented business. The required signs must be situated in the area of the sexually oriented business in which patrons are admitted to the sexually oriented business and in which

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patrons are served beverages, if any. The signs must be at least twenty-four (24) inches by thirty-six (36) inches in size, and contain the following notice:

NOTICE: Physical contact between patrons and performers who display Specified Anatomical Areas or who perform Specified Sexual Activities is prohibited by Wright Township ordinance. Violators will be prosecuted.

The notice must be printed in bold face type which is at least 24 points in size.

C. An employee, owner, independent contractor, or performer of any kind, who displays Specified Anatomical Areas or performs Specified Sexual Activities, shall not have any physical contact with patrons of the sexually oriented business in regards to or to receive tips or gratuities. Physical contact with a patron includes, but is not limited to, any contact between the employee, owner, independent contractor, or performer of the sexually oriented business and a patron in which the patron touches any part of the employee's, owner's, independent contractor's, or performer's body, or if the patron causes something in his or her direct control to touch any part of the employee's, owner's, independent contractor's, or performer's body.

D. An operator of a sexually oriented business shall permit the Township Ordinance Enforcement Official and his or her agents, including any law enforcement official, to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the requirements of this Ordinance, of any other Township ordinance, or of any other law or regulation.

E. No employee, owner, independent contractor, or performer shall engage in any act of public nudity, unless that person is in or on the performance area or stage area.

F. No patrons shall be permitted to engage in any act of public nudity.

Sec. 403 **PROHIBITED CONDUCT, AIDING AND ABETTING.**

No person shall operate a sexually oriented business in any manner which violates a provision of this Ordinance. No person shall aid, assist, abet, or encourage any other person to engage in or commit any act which violates a provision of this Ordinance.

Sec. 404 **NUISANCE PER SE.**

Any act which is a violation of this Ordinance is deemed to be a nuisance per se. Nothing in this Ordinance shall prohibit the Township or any other interested party from seeking such other relief as may be permitted by law or equity regarding the existence of a nuisance.

Sec. 405 **PENALTY.**

Any person who violates a provision of this Ordinance shall be responsible for a municipal civil infraction, and upon a admission or determination of responsibility thereof, shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus court costs. Each day that a violation occurs shall be considered to be a separate violation. The issuance of a citation for a municipal civil

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infraction shall, not in any way limit the Township in seeking enforcement of the provisions of this Ordinance, including, but not limited to, requesting a civil restraining order from any court of competent jurisdiction.

Sec. 406      **SEXUALLY ORIENTED BUSINESS AMENDMENTS**

(ord. no.40 eff. March 23, 1999)

Sec. 406.1      Purpose.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance, Ordinance No. 5, to provide that “sexually oriented businesses” are permitted as a special exception use in the Community Commercial District, to provide a definition for “sexually oriented businesses,” and to provide the criteria for the approval of special exception uses for sexually oriented businesses.

For full context see Zoning Ordinance Book:

Chapter 10, Section 1003, b)

Chapter 2 “Sexually Oriented Business”  
    “ Specified Anatomical Areas”  
    “ Specified Sexual Activities”

Chapter 19, Section 1908

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**BOOK 6**  
**PUBLIC SAFETY/HEALTH AND**  
**ENVIRONMENT**

**CHAPTER 1  
TALLMADGE/WRIGHT  
FIRE PREVENTION**

(Ord. No. 111081, eff. Nov.14, 1981)

**Sec. 100 PURPOSE.**

To establish a fire prevention division in the joint fire department for the Township of Tallmadge and the Township of Wright; prescribe general regulations for fire prevention; require permits for the handling transportation and storage of certain dangerous substances; adopt certain fire prevention codes by reference and prescribe penalties for violations of its provisions.

**Sec. 101 DEFINITIONS.**

- (1) "Fire Chief" or "Inspector" shall be the person appointed by the Township Board of Tallmadge Township and the Township Board of Wright Township to supervise the Fire Prevention Division.
- (2) "Person" is any individual, firm partnership, association, corporation, company, joint venture, or organization of any kind.
- (3) "Township" is the Township of Tallmadge and the Township of Wright.

**Sec. 102 CREATION OF FIRE PREVENTION DIVISION.**

There is hereby created in the joint Fire Department for Tallmadge Township and Wright Township, a Fire Prevention Division, supervised by the Fire Chief.

**Sec. 103 DUTIES OF FIRE PREVENTION DIVISION.**

The Fire Prevention Division under the supervision of the Fire Chief, shall enforce this Ordinance and all laws and ordinances, if any, applicable to the following:

- (1) Inspection of potential fire hazards.
- (2) Abatement of existing fire hazards.
- (3) Investigation of the cause, origin, and circumstances of fires.
- (4) Control and use of explosives and flammables.
- (5) Regulation of the maintenance of fire escapes.
- (6) Regulation of the maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment.
- (7) Control of the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters, and all other places in which numbers of persons work, meet, live or congregate.

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Sec. 104     **FIRE PREVENTION BOARD OF APPEALS; CREATION AND MEMBERSHIP.**

There is hereby established a Fire Prevention Board of Appeals (“Board”) which shall perform its duties and exercise its powers as provided herein, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following members:

- (1) Wright Township Building Inspector
- (2) Tallmadge Township Building Inspector
- (3) Wright Township Electrical Inspector
- (4) Tallmadge Township Electrical Inspector
- (5) Fire Chief

Sec. 105     **RIGHT TO ENTER FOR INSPECTION.**

The Fire Chief or his designee shall have the right and authority to enter any building, structure, or premises within the corporate limits of the Township for the purposes of making inspections or investigations at all reasonable hours; provided that except in cases of emergency, the right and authority conferred by this Section shall not apply to the entry of a private residence unless written notice is served on the occupant thereof. Such written notice shall contain a statement of the time that inspection will be made and shall also contain a statement of the purpose of such inspection or investigation.

The inspection and examination authorized by this Ordinance shall be for the purpose of reporting and correcting the following fire hazards pertaining to building and their occupants:

- (a) Disrepair
- (b) Age and dilapidated condition
- (c) Faulty or unapproved construction
- (d) Inadequate fire escapes or lack of means of egress
- (e) Inadequate fire extinguishing equipment
- (f) Inadequate fire alarm protection
- (g) Materials and buildings especially susceptible to fire
- (h) Any conditions endangering life or property.

Sec. 106     **REQUIRED INSPECTIONS.**

It shall be the duty of the Inspector to inspect as often as he shall find necessary for the enforcement of this Ordinance, all buildings and premises in the Township, in addition to the following duties:

- (1) Buildings and Premises. The Inspector shall inspect all buildings and premises as often as he deems necessary.
- (2) Places of Public Assembly. The Inspector shall inspect all places of public assembly not less than once a year.
- (3) Places Housing Dangerous Materials. The Inspector shall inspect, not less than once a year, or as often as he deems necessary, all hazardous manufacturing processes, and all installations of and

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places storing gases, chemicals, oils, explosives and flammable materials.

- (4) Before approval for occupancy, the Inspector shall inspect all new buildings or structures, and all alterations or additions to buildings or structures, to determine if there is compliance with this Ordinance.

#### Sec. 107 **ORDER TO CORRECT VIOLATION**

Where violations of this Ordinance or of any other laws or ordinances relating to fire hazards are found by the Inspector, he shall serve a written order to correct the violation upon the owner, operator, occupant, or other person responsible for the violation. Whenever the Inspector shall determine that any building, house, installation or other structure, has been burned or destroyed to such an extent as to create a safety or fire hazard, such condition shall be a violation of this Ordinance and he shall order the owner, operator, occupant, or other person or persons in charge thereof to make the premises safe.

- (1) Method of Service. Any order authorized herein may be served in any one or more of the following ways:

- (a) By making personal delivery of a copy of the order on the person responsible for the violation.
- (b) By affixing a copy of the order to the door at the entrance of the premises in violation.
- (c) By publishing a copy of the order in a local paper once each week for three (3) successive weeks.

In all cases the order shall also be served by mailing a copy to the last known address of the owner of the premises, upon which the violation has occurred, by certified mail, return receipt requested.

- (2) Time for Compliance. The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In cases of imminent danger to life or property, the Inspector shall have the authority to require compliance immediately upon service of the order.
- (3) Appeal from Order. A person to whom an order hereunder is directed shall have the right, within seventy-two (72) hours of the service of such order, to appeal to the Board which shall review the order within seven (7) days and file its decision thereon. An appeal shall stay the enforcement of the order unless the Inspector shall certify to the Board that a stay will, in his opinion, cause imminent risk to life or property, in which case the order shall not be stayed other than by a restraining order of the Board or the Circuit Court. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom it is directed, within such time as shall be prescribed by said Board, but in no event shall the time for compliance exceed six months.
- (4) Failure to Comply -- Misdemeanor. Any person to whom an order is directed who shall fail to comply with such order within the specified time shall be guilty of a misdemeanor.
- (5) Failure to Comply -- Abatement of Violation. When any person to whom an order is directed fails to comply with the order within the specified time, the Inspector shall have the authority to



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contract with others for the correction of the violation and to charge the cost therefore to the person to whom the order is directed. The person correcting the violation under a contract made hereunder shall be authorized to enter any premises to correct the violation. If the cost of correction is not paid within ten (10) days after receipt of a statement therefore from the Inspector, such cost shall be levied, as a special assessment, against the property upon which the violation occurred. The levy of such assessment shall not affect any charge brought pursuant to this Ordinance.

**Sec. 108 INVESTIGATION OF FIRES.**

The Inspector, or his designee, shall investigate promptly the cause, origin and circumstance of each and every fire occurring in the Township in which property has been destroyed or damaged, and if it appears after making such investigation that the fire is of suspicious origin, he shall then take immediate charge of the physical evidence and notify the proper authorities designated by law to make the investigation of such matters and shall further cooperate with them in the collecting of the evidence and in the prosecution of the case.

**Sec. 109 RECORD OF FIRES.**

The Fire Chief shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, to what amount. All such records shall be public.

**Sec. 110 REPORT ON ACTIVITY OF FIRE PREVENTION DIVISION.**

The Fire Chief shall submit a monthly report on the activities of the Fire Prevention Division to the Township Boards on the first day of each month or as reportable activity occurs.

**Sec. 111 PERMITS.**

The Inspector is hereby authorized and empowered to issue any written permit required by this Ordinance, including permits authorized by Section 12(5) and Section 15 hereof, and to attach or prescribe conditions or limitations on the issuance thereof.

- (1) Inspection Prior to Issuance. Before issuing a permit, the Inspector shall inspect and approve any receptacles, vehicles, buildings, structures, appliances, installations, equipment, storage places or other items required to be inspected hereunder.
- (2) Application for Permits. All applications for permits required by this Ordinance shall be made to the Inspector in such form and detail as he shall prescribe.
- (3) Period of Permits. Every permit granted by the Inspector shall be for such period as the Inspector shall determine. Permits shall not be transferable and must at all times be kept on the premises designated therein, and shall at all times be subject to inspection by the Inspector or his designee.
- (4) Revocation of Permits. The Inspector shall revoke any permit issued under this section when he finds:
  - (a) That said permit is being used by any person other than the person to whom it was issued;

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or

- (b) That the conditions or limitations set forth in said permit have been violated; or
- (c) That violations set forth in any written notice served upon a permittee by the Inspector have not been corrected within the time required by said notice; or
- (d) That said permit is being used for any premises or location or purpose other than that for which it was issued; or
- (e) That the permittee is in violation of any provision of this Ordinance.

(5) Number of Permits Required in Certain Circumstances.

One permit only shall be required for each retail establishment dealing in, or each manufacturing plant using, two or more flammable, combustible, or explosive materials, or keeping the same in such establishment at any one time.

(6) Permits Required. Permits are required for:

- (a) Installation for use of petroleum products, and storage, handling and transportation of flammable liquids or liquefied petroleum. Petroleum products used for farm purposes should be subject to inspection and other provisions of this Ordinance, but shall not be subject to permit requirements.
- (b) Use, storage, sale and transportation of explosives.
- (c) Installation and operation of mechanical refrigeration systems.
- (d) Pyrotechnic displays.
- (e) Installation and operation of acetylene generators.
- (f) Carbide storage .
- (g) Public garages.
- (h) Operation of Tank trucks, Tank trailers, Tank truck semi-trailers.
- (i) Installation and operation of paint spray booths.
- (j) Storage and sale of small arms, ammunition and gunpowder.
- (k) Storage of nitrocellulose film.
- (l) Storage and handling of pyroxylin plastic in excess of fifty (50) pounds.
- (m) Tire retreading and rebuilding plants.
- (n) Installation of hot plates, ranges, broilers, grease hoods and vents other than in residential premises.

(7) Cost of Permits.

The charge for any permits authorized by this Ordinance shall be as established by resolution of the Township Board from time to time.

Sec. 112 **FIRE DRILLS.**

The Inspector shall require the officials of public, private or parochial schools and other educational institutions to keep all doors and exits unlocked during school hours. He shall require them to have one fire drill each month or to hold six (6) drills during the first semester and four (4) drills during the second semester. The Inspector, or his designee, shall be in attendance at all such drills.

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**Sec. 113 HAZARDOUS PRACTICES.**

No person shall engage in any of the following hazardous practices:

- (1) Smoking or carrying lighted tobacco, where signs are posted prohibiting such.
- (2) Making or assisting in the making of any bonfire or any open fires, other than domestic fire, in or upon any street or place within the Townships without a written permit from the area Fire Chief at no cost.
- (3) Causing a false alarm.
- (4) Using inflammable decorations, unless inspected and approved by the Inspector.

**Sec. 114 APPLICABLE CODES.**

- (1) Incorporated herein by reference and made a part of this Ordinance is the Michigan Fire Prevention Code, being the Fire Prevention Act of the State of Michigan; Act 207 of the Public Acts of 1941, as amended, and the Fire Regulations promulgated there under by administrative rule and any additions or amendments thereto. Any future amendments of the foregoing code shall be deemed amendments to this Ordinance without further notice or action by the Township Board. Complete copies of said Code are available for public use and inspection at the offices of the Township Clerk of Tallmadge Township and the Township Clerk of Wright Township.
- (2) Incorporated herein by reference and made a part of this Ordinance is the BOCA Basic Fire Prevention Code/1981. Whenever there is a reference in the Code to "municipality" or "name of the jurisdiction", said terms shall mean the Township. Any future amendments thereto shall be deemed amendments to this Ordinance without further notice or action by the Township Board. Complete copies of said Code are available for public use and inspection at the offices of the Township Clerk of Wright Township and the Township Clerk of Tallmadge Township.

**Sec. 115 CONFLICTS BETWEEN CODES.**

Whenever there are conflicts in the provisions of this Ordinance or the Codes adopted by reference by Section 15 of this Ordinance, the Inspector shall have the discretion to enforce that provision which, in his opinion, will best protect the public health, safety and welfare in a reasonable manner.

**Sec. 116 ASSESSMENT OF COSTS OF VIOLATIONS.**

The costs of violations and inspections shall be born by the violator and/or owner of the property on which the violation occurs.

**Sec. 117 PENALTIES.**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500) or be imprisoned for a period of not exceeding ninety (90) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

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Sec. 118      **RECOVERING COSTS OF FIRE PROTECTION OF COMMERCIAL VEHICLES**

(ord. no. 15 eff. May 27, 1993)

Sec. 118.1      Purpose.

To recover costs of fire protection of commercial vehicles within the Township of Wright, County of Ottawa, State of Michigan.

Sec. 118.2      Liability for costs.

Whenever it is required that fire fighting equipment or personnel of Wright Township be called upon to extinguish a commercial vehicle fire or hazardous material incident the actual costs of extinguishing the fire or controlling the incident and dispatching personnel and equipment for these purposes shall be assessed against the person or persons described below. The owner or operator of a commercial vehicle(s), or personal vehicle(s) being used for commercial purposes in Wright Township.

Sec. 118.3      Payment.

Payment of the above assessed costs shall be made in full within thirty (30) days of receipt of billing for services.

Sec. 118.4      Penalty.

Whoever fails to comply with any of the provisions of this ordinance is guilty of a misdemeanor and shall be fined not more than Five Hundred (\$500.00) dollars or imprisoned not more than ninety (90) days or both. A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.

Sec. 118.5      Responsibility for violation.

The costs and penalties assessed under sections Two and Three shall be assessed against a person, or corporation, or the corporate officers of any corporation or partnership who are responsible for the violation of this ordinance.

Sec. 119      **COST RECOVERY ORDINANCE** (Ord. No.73, eff. Nov. 22, 2002)

Sec. 119.1      Purpose.

To allow Wright Township to recover costs incurred by the township in connection with the provision of certain emergency services, and to provide for the enforcement of this ordinance and certain administrative provisions.

The Township finds that persons in and traveling through the Township historically have needed, caused

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or contributed to the need for certain public safety and fire emergency services, which needs have negatively affected the health, environment, and welfare of some Township residents and real property. In addition, the Township has found that it has incurred costs associated with the provision of these services. The Township further finds that while individuals who reside in or own real property in the Township contribute directly or indirectly to the Township's revenues, those persons simply traveling through the Township do not; therefore, the Township will not assess those individuals for the costs of medical services provided as a result of a motor vehicle accident or fire. As a result of these determinations, the Township has adopted this Ordinance to allow the recovery of certain costs incurred by the Township in connection with these services.

Sec. 119.2 Definitions.

For the purpose of their use in this Ordinance, the following words and terms are defined. Any word or term not defined shall be considered to be defined in accordance with its common or standard definition.

- A. *Assessable Costs* - The costs incurred by the Township including, but not limited to, the actual labor and material costs to the Township (including, without limitation, employee wages; Workers' Compensation benefits; fringe benefits; administrative overhead; costs of equipment; costs of equipment operation; costs of materials; costs of transportation; costs of material disposal; costs of any contracted labor; and any and all other costs), whether or not such services are provided by the Township or by a third party independent contractor on behalf of the Township (including any other local unit of government which responds to an incident, whether pursuant to a mutual aid agreement or otherwise); service charges or interest; attorneys' fees; litigation costs; and any costs, charges, fines, or penalties to the Township imposed by any local, state, or federal governmental entities.
- B. *Hazardous Materials* - Those elements, substances, wastes, or their byproducts, including, but not limited to, petroleum products, automotive anti-freeze, polychlorinated biphenyls, and asbestos, which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (the "EPA") or the list of toxic pollutants designated by Congress or the EPA or which are defined as hazardous, toxic, pollutant, infectious, flammable, combustible, explosive, or radioactive by any other Federal, State or local statute, law, ordinance, code, rule, regulation, order, or degree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance or material, as now or subsequently in effect (collectively, the "Environmental Laws").
- C. *Release* - Any actual or threatening spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment including, but not limited to, the air, the soil, groundwater and surface water.

Sec. 119.3 Assessment of costs.

All Assessable Costs which are incurred by the Township and associated with any of the actions or services described in subsections A through C below may be jointly and severally assessed by the Township to any or all responsible parties, unless otherwise provided in this Section. These Assessable

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Costs include:

- A. Costs incurred to halt, abate, remediate or remedy any Release of any Hazardous Materials and any resulting liabilities;
- B. Costs incurred to extinguish or fight a fire; any demolition costs if a structure damaged by fire must be demolished to protect the public safety; and any resulting liabilities; or
- C. Costs associated with a motor vehicle accident or fire and any resulting liabilities (provided, however, that individuals who reside in or own real property in the Township at the time medical services are provided to them as a result of a motor vehicle accident or fire shall not be assessed the costs of those medical services).

Sec. 119.4 Failure to pay; procedure to recover.

All costs assessed pursuant to this Ordinance shall be paid within 30 calendar days of the date of the statement. Any responsible party who fails to pay the costs assessed pursuant to this Ordinance within 30 calendar days of the date of the statement shall be considered in default. In the case of default, the Township Board may authorize the Township attorney to commence a civil action to cover the costs, plus a late payment penalty of one percent per month or part of a month during which the costs remain unpaid, together with its attorneys' fees and any other costs allowed by law.

Sec. 119.5 Severability and captions.

This Ordinance and its various parts, Sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, Section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Sec. 119.6 Administrative liability.

No officer, agent, employee or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

**CHAPTER 2  
SMOKING POLICY**

(Ord No. 42, eff. May 20, 1999)

**Sec. 200 PURPOSE.**

An Ordinance to establish a policy to govern the smoking of cigarettes, cigars, pipes, and other lighted smoking devices in all buildings of Wright Township.

**Sec. 201 STATEMENT OF POLICY.**

To protect and enhance indoor air quality and contribute to the health and well being of all persons who enter any building owned or occupied by Wright Township, the Township Board of Wright Township does hereby adopt the following regulations:

- A. Smoking is prohibited within all buildings of Wright Township, including conference rooms, reception areas, restrooms, stairwells, hallways and workstations. This regulation applies to all persons who are in a building owned or occupied by Wright Township.
- B. All terms used in this ordinance shall be defined in their ordinary<sup>1</sup> common usage, except as modified by the provisions of the Michigan Clean Indoor Air Act, MCLA 333.12601, et seq, as amended.
- C. Prominent signs shall be posted in all buildings owned or occupied by Wright Township which shall contain the following statement:

“Smoking in this building is prohibited by Wright Township Ordinance No. 42, and the Michigan Clean Indoor Air Act.”

**Sec. 202 ASSISTANCE TO SMOKERS.**

The Township shall direct any person who would like to take the opportunity to quit smoking to the Michigan Department of Community Health regarding programs to help persons to stop smoking.

**Sec. 203 COMPLAINTS.**

Any person who observes a violation of this ordinance may report the same to a member of the Township Board. The Township Board may prescribe forms to be completed by a person who observes a violation.

**Sec. 204 VIOLATIONS.**

A violation of this ordinance shall constitute a civil infraction, and any person who is adjudicated to be responsible for a civil infraction shall be fined by the District Court an amount up to Fifty Dollars (\$50.00), plus court costs.

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In addition to the civil infraction fine, the Township shall have the right to seek any other remedy provided by the Revised Jurisdiction Act for a civil infraction violation.



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**CHAPTER 3  
WASTEWATER  
TREATMENT PLANT  
RESIDUAL DISPOSAL  
REPEAL**

(Ord. no.51, eff. March 9, 2000)

Sec. 1900. **PURPOSE.**

To repeal, in its entirety, the Ordinance adopted 4/11/1984, regarding the disposal of wastewater treatment plant residuals, according to provisions of Public Act 29 of 1997 and the regulations promulgated thereunder which took effect on or about October 31, 1999.

(By this Public Act the Township can no longer regulate the disposal of wastewater treatment plant residuals.)

**CHAPTER 4  
DANGEROUS ANIMALS**

(ord. no.50 eff. March 16, 2000)

**Sec. 400 PURPOSE.**

This Ordinance is intended to promote the health, safety and welfare of the Township, its residents and its visitors by regulating Dangerous Animals which are housed, caged, allowed to roam or otherwise kept in the Township.

**Sec. 401 DANGEROUS ANIMALS - DEFINITIONS.**

The following words and phrases shall be defined as indicated:

- (1) The word "Township" means the Township of Wright, Ottawa County, Michigan.
- (2) The phrase "Dangerous Animals" means animals which are not normally considered to be household pets or farm animals, but which are potentially dangerous. Dangerous Animals include, but are not limited to alligators, bears, bobcats, caymans, cougars, crocodiles, jaguars, leopards, lions, panthers, poisonous snakes, poisonous reptiles, tigers, wolves, and wolf-dog cross breed. In the event that a person disagrees with the Zoning Administrator's determination that an animal is or is not a Dangerous Animal, that person may appear to the Township Board for determination.
- (3) "Township Board" means the Board of Trustees of Wright Township.

**Sec. 402 REGULATION OF DANGEROUS ANIMALS.**

No Dangerous Animal may be housed, caged, allowed to roam, or otherwise kept in the Township unless the owner of the Dangerous Animal has received a license therefore, issued by the Planning Commission. In considering whether or not to issue such a license, the Planning Commission shall consider the following standards:

- (1) The size, nature and character of the Dangerous Animal;
- (2) The proximity of the Dangerous Animal to adjoining properties;
- (3) The nature of the surrounding neighborhood (e.g., how the land in the neighborhood is used, the intensity of that use, etc.);
- (4) Potential traffic congestion caused by the Dangerous Animal;
- (5) The effect or potential effect of the Dangerous Animal on the surrounding neighborhood (e.g., noise, odors, danger, etc.);
- (6) The nature and character of the land, building, or structures to be utilized for the keeping of the

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Dangerous Animal; and

(7) Any other applicable and relevant standards which are determined by the Planning Commission to be reasonably related to the public health, safety and welfare, including but not limited to any other state or federal statute or regulation that affects the keeping of any animal that satisfies the definition of a dangerous animal under this Section 3.24.”

Sec. 403 **SEVERABILITY AND CAPTIONS.**

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjusted unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Sec. 404 **REPEAL.**

All resolutions, ordinances or orders in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed.

Sec. 405 **ADMINISTRATIVE LIABILITY.**

No officer, agent, employee or member of the Township shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

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**BOOK 7**  
**SEWER**

**CHAPTER 1  
SEWER RULES AND  
REGULATIONS**

(ord. no. 1 eff. June 14, 1967, amend. eff. Nov. 13, 1968, repealed and replaced by ord. no. 87 eff. ????)

**Sec. 100      PURPOSE.**

An Ordinance to establish standards, rules and regulations, with respect to the use of the POTW, to provide for rates and charges for connection to and use of the System, to establish limits for the discharge of pollutants into the System and to prevent the pollution of the environment pursuant to a Water and Sanitary Sewer Service Agreement dated January 1, 1999, between Grand Rapids and the Township and certain other customer communities as amended and as may from time to time be amended or extended.

- (1) This Chapter sets forth requirements for dischargers into the Grand Rapids wastewater collection and treatment systems, and enables the Grand Rapids system to protect the public health and environment in conformity with all applicable state and federal laws relating thereto.
- (2) The objectives of this Chapter are:
  - (a) To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the System or contaminate the resulting sludge;
  - (b) To prevent the introduction of pollutants into the POTW which do not receive adequate treatment in the POTW and which will pass through the System into receiving waters or the atmosphere or otherwise be incompatible with the System;
  - (c) To improve the opportunity to recycle and reclaim wastewater and sludge from the System.
- (3) This Chapter provides for the issuance of permits for the regulation of discharges into the POTW.

**Sec. 101      FINDINGS.**

The Township Board finds the following:

- (1) That there is a need to assure the quality of the wastewater discharged by the Publicly Owned Treatment Works (POTW) to which wastewater originating in the Township is sent to prevent the degradation of the Grand River;
- (2) That there is a need to protect the biological systems, operation and infrastructure through the regulation of discharge into the POTW;
- (3) That there is a need for the Township to enhance its ability to regulate the discharge of wastewater to the POTW consistent with local, state and federal laws and consistent with the requirements of Grand Rapids as owner and operator of the POTW.

**Sec. 102      DEFINITIONS.**

For the purposes of this Chapter, 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) **Authorized Representative:**

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(a) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function;

(b) In the case of a limited liability company a principal managing member or the member in charge of the principal business functions;

(c) In the case of a partnership or proprietorship, a general partner or proprietor;  
and

(d) An authorized representative of the individual designated above if: (i) such a representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (ii) the authorization is in writing; and (iii) the written authorization is submitted to the POTW.

(2) **BOD** - Biochemical Oxygen Demand is an empirical test in which standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted water. The standardized laboratory procedures to be used can be found in Part 136 of the Code of Federal Regulations, specifically in the method for the "Five (5) Day BOD Test".

(3) **Bypass** - The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(4) **Categorical Pretreatment Standards** - National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.

(5) **City Manager** - The City Manager of Grand Rapids and any persons designated to act on behalf of the City Manager in the administration or enforcement of this Chapter.

(6) **Clean Water Act** - The Federal Water Pollution Control Act, 33 USC Sec. 1251 et seq., as amended and applicable regulations promulgated thereunder.

(7) **Combined Sewer** - Any sewer designed or intended to receive both storm water and sewage.

(8) **Combined Waste Stream Formula** - The wastestream at industrial facilities where regulated process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process. Where required by Federal or State law, and only to the extent required by Federal or State law, the combined wastestream formula provided in 40 CFR 403.6(e) and Rule 323.2311(7) of the MAC will apply to the limits applicable to a combined wastestream.

(9) **Commercial User** - A person or entity whose premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters and governmental buildings. However, some commercial users may also be designated as Significant Industrial Users (SIU) should they meet the criteria established in 403.3(t), Rule 323.2302(cc) of the MAC and **Section 2.62(45)** of this Chapter.

(10) **Compliance Schedule** - A schedule consisting of one (1) or more milestone dates required for corrections, additions or modifications of treatment systems or related pollution prevention or control activities as a result of enforcement actions, expansions or changes in operations or changes in local or categorical treatment standards. Compliance schedules do not preclude additional enforcement actions due to violations of requirements of this Chapter.

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(11) **Confined Space, Permit Required** - Space defined by reference to Part 90 of Act No. 154 of the Public Acts of 1974, as amended, of the Michigan Compiled Laws.

(12) **Discharger** - Any person or entity owning, controlling or operating any real property that directly or indirectly utilizes the POTW.

**Discharger** also means any employee, officer, director, partner, member, contractor or other person who participates in, or is legally or factually responsible for, any act or omission which is a violation of this Chapter or which results in a violation of this Chapter. This definition shall be interpreted broadly to include any person or entity who participates in an act or omission that results in a violation of this Chapter.

(13) **Domestic User** - A person or entity whose premises are domiciles for single or multiple family uses.

(14) **Effluent** - Waste material (as smoke, liquid, industrial refuse or sewage) discharged into the POTW.

(15) **Enforcement Action** - Action taken to return a user into a state of compliance with the standards established in this Chapter of this Code. This may include, but is not limited to, fines, penalties and compliance schedules.

(16) **Garbage** - Animal and plant waste resulting from the handling, preparation and cooking of foods.

(17) **Grand Rapids** – The City of Grand Rapids, Kent County, Michigan.

(18) **Industrial Effluent** - Waste matter or material discharged into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.

(19) **Industrial User** - Any person or entity that discharges into the POTW from any non-domestic source subject to regulation under Section 307(b), (c), or (d) of the Clean Water Act.

(20) **Industrial Waste** - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

(21) **Infiltration** - The water entering a sewer system, including sewer service connections, from the ground, through such manner as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(22) **Inflow** - The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm drains and combined sewers, catch basins, stormwater, surface run-off, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

(23) **Interceptor Sewer Lines** - Those lines whose basic function is to collect wastewater from two (2) or more separate trunk sewer lines and to transport such wastewater to the sewage treatment plant.

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- (24) **Interference** - A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW collection, treatment processes or operations, or its sludge processes or operations, use, disposal, or causes a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or any more stringent State or Local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.
- (25) **Isolated Violation** – A violation which is infrequent or where there is no pattern of noncompliance.
- (26) **Lateral Sewer Line** - A sewer pipe beginning at the local collector sewer or other connection point and extending to the premises actually served. The lateral sewer includes the stub to which a user connects.
- (27) **MAHL** - The Maximum Allowable Headworks Loading expressed in pounds per day that the POTW can accept without experiencing: fire or explosion hazards, fume toxicity, pass through, sludge quality impairment, treatment inhibition or causes a violation of State Water Quality Standards.
- (28) **New Source** - Any building, structure, facility or installation of which the construction commenced after the publication of the proposed Pretreatment Standards under Section 307(c) (33 USC) which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section provided that: (i) the construction is a site at which no other source is located; or (ii) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (iii) the production or wastewater generating processes are substantially independent of an existing source at the same site. See 40 CFR 403.3(k) (2-3) or Rule 323.2302(r) of the Michigan Administrative Code for the remainder of the definition.
- (29) **NPDES** - National Pollution Discharge Elimination System, a permit issued pursuant to Section 402 of the Act (33 USC 1342), as amended.
- (30) **Pass Through** - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase of the magnitude of duration of a violation).
- (31) **Person or Entity** - An individual, firm, partnership, association, public or private corporation, limited liability company or public agency or instrumentality.
- (32) **pH** - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- (33) **Pollutant** - The term includes, but is not limited to: any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive



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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.

(34) **POTW** (Publicly Owned Treatment Works) - A treatment works as defined by Section 212 of the Clean Water Act, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Clean Water Act that has jurisdiction over the indirect discharges to and the discharges from such treatment works.

(35) **Premises** - Each lot or parcel of land or building having any connection to the POTW.

(36) **Pretreatment** - The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be physical, chemical or biological processes, process changes or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

(37) **Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(38) **Property Owner** – Any person having legal or equitable title to real property or any person having or exercising care, custody or control over any real property.

(39) **Public Sewer** - Local collector, trunk and interceptor sewer lines including lift stations and all appurtenances that are owned or controlled by the POTW.

(40) **Recurring Violation** – A situation in which there are violations for two or more consecutive monitoring periods or there is a pattern of noncompliance.

(41) **REU** – Residential equivalent unit is that sewage usage of a single-family residence.

(42) **Severe Property Damage** - Substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(43) **Sewage** - Any liquid or water carried waste received from domestic, commercial and industrial customers, including any infiltration or inflow as may be present.

(44) **Sewage Treatment Plant** - Any arrangement of devices and structures used for treating sewage.

(45) **Sewer** - Any pipe or conduit for the conveyance of sewage.

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(46) **Significant Change** - Any change in a discharger's effluent which causes the constituents of the discharge to be different and/or increases in the concentration or flow by twenty (20) percent over those reported on the discharger's permit application.

(47) **Significant Industrial User** - Any discharger to the POTW who: (i) has a discharge flow of twenty-five thousand (25,000) gallons or more of process wastewater per day (excluding sanitary, non-contact cooling and boiler blowdown wastewater) or contributes a process wastestream which makes up more than five (5) percent of the average dry weather hydraulic or organic capacity of the plant, as determined by the City Manager under authority of 40 CFR 403.12(a) and in Rule 323.2302 of the Michigan Administrative Code on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6) and Rule 323.2306(h) of the Michigan Administrative Code) or discharges or has the potential to discharge wastes having toxic pollutants as defined pursuant to Section 307 of the Clean Water Act or; (ii) is found by the City Manager, Michigan Department of Environmental Quality (MDEQ) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system the quality of sludge, the system's effluent quality or air emissions generated by the system, or; (iii) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and Rule 323.2311 of the Michigan Administrative Code and 40 CFR Chapter I, Subchapter N. Upon a finding that an industrial user meeting criteria (i) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City Manager may at anytime, on his/her own initiative, or in response to a petition received from an Industrial User or the POTW, and in accordance with 403.8(f)(6) and Rule 323.2306(h) of the Michigan Administrative Code, determine that such industrial user is not a Significant Industrial User.

(48) **Significant Noncompliance** - Any industrial user with a violation that meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the City Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under **Section 2.83** of this Chapter to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

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(h) Any violation or group of violations, which the City Manager determines will adversely effect the operation or implementation of the local pretreatment program. As required by Federal Regulations, Grand Rapids shall at least annually publish a list of Industrial Users that during the previous twelve (12) months were in significant noncompliance with applicable standards or pretreatment requirements.

(49) **Significant Violation** – A violation which fulfills any one of the requirements defined as Significant Non-compliance in Section 300(48) of this Ordinance unless the City Manager determines that the Significant Non-compliance status is due solely to a low number of samples, and that based on knowledge of the process (es) employed, it is reasonable to conclude that the discharge is not representative for the period in question.

(50) **Slug Discharge** - A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.

(51) **Storm Drain** - Any underground pipe or any facility intended to convey only storm water runoff, street wash waters, groundwater and drainage. This will also include discharges allowed by State or Federal discharge permits.

(52) **Suspended Solids** - All matter existing in nonliquid state which is removable by filtration in accordance with 40 CFR 136 referenced as “Residue, Nonfilterable”, or an alternative method approved by the EPA Administrator in accordance with 40 CFR 403.12(b)(5)(vi) and Rule 323.2310(e)(vi) of the Michigan Administrative Code.

(53) **System** – Refers to the POTW.

(54) **Township** – Wright Township, Ottawa County, Michigan.

(55) **Toxic Pollutant** - Any pollutant identified pursuant to Section 307 of the Clean Water Act, or pursuant to Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, or pursuant to any other applicable laws or regulations.

(56) **Uncontaminated Industrial Effluents** - Water which has not come into contact with any substance used in, or incidental to, industrial processing operations, such as non-contact cooling water and to which no deleterious or toxic substance has been added.

(57) **Upset** - An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards (or other limits of this Chapter) because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

(58) **User Class** - Either a domestic, commercial or industrial group of users.

(59) **Wastewater** - Water, or any liquid, whether or not containing pollutants, which is discharged or permitted to be discharged into the sanitary sewer system.

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(60) **Water Business Office** - The Division of the Grand Rapids Water System that is responsible for the reading of meters, submitting bills for water and/or sewer service, collection of payment for bills and the preparation and maintenance of the customer accounts including applications for service.

Sec. 103 **ABBREVIATIONS.**

The following abbreviations shall have the designated meanings:

- |     |      |   |
|-----|------|---|
| (1) | BTEX | Benzene, Toluene, Ethylbenzene and Xylene |
| (2) | CFR  | Code of Federal Regulations               |
| (3) | MTBE | Methyl tertiary butyl ether               |
| (4) | MAC  | Michigan Administrative Code              |
| (5) | mg/l | Milligrams per liter                      |
| (6) | TSS  | Total suspended solids                    |

Sec. 104 **SEWER USE**

Sec. 104.1 Management of the POTW.

The POTW shall be and remain under the management, supervision and control of the City Manager. The City Manager may make such rules, orders or regulations as are deemed advisable and necessary to assure the efficient management and operation of the System, subject, however, to the rights, powers and duties with respect thereto which are reserved by law to the City Commission of Grand Rapids.

Sec. 104.2 City Manager's Emergency Authority.

When a necessary or advisable emergency protective measure or action is required, the City Manager is authorized to cause such measures and actions to be taken. The cost of such protective measures or actions shall be at the expense of the property owner responsible for such measure or action. Failure to pay such cost will constitute a lien upon the property as provided for by law.

Sec. 104.3 Inspection

Under current Federal and State laws, rules and regulations, Grand Rapids is held responsible for the discharge of wastewater into the POTW, therefore, Grand Rapids has the right and obligation to inspect connections and discharges to the System in order to confirm compliance with state and federal laws and provisions of this Chapter.

The City Manager and other duly authorized employees of Grand Rapids bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. Any person who uses, applies for use and/or is connected to the POTW under this Chapter shall be deemed to have consented to inspections pursuant to this Section, including entrance upon that person's property at reasonable times to make inspections. In the event that a violation of this Chapter is

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identified the property owner shall be responsible for all costs of inspection and remediation if necessary.

Sec. 104.4 Standards, Rules, Regulations and Administrative Reference Guide.

The standards, rules and regulations established in, or pursuant to, this Chapter are deemed to be the absolute minimum consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment and to fulfill the obligations of Grand Rapids with respect to state and federal law, including all rules and regulations adopted in conformance thereto. All such additional standards, rules and regulations not contained in this Chapter shall be approved by the Township Board. The discharge into the POTW of any substance that exceeds the pretreatment requirements contained herein, or in any manner fails to conform hereto, is hereby declared to be a public nuisance and a violation of the Code.

Sec. 104.5 Use of the POTW.

Any person or entity conforming to the standards, rules and regulations established in, or pursuant to, this Chapter shall be permitted to discharge effluent into the POTW provided there exists adequate sewer service available to which he/she can connect.

Sec. 105 **REGULATIONS**

Sec. 105.1 General Discharge Conditions and Prohibitions.

(1) All buildings connected to the POTW shall meet the following requirements:

(a) Minimum size of the building drain/sewer, including required cleanouts, shall be four (4) inches or greater in diameter;

(b) A grease interceptor, with a maintenance cleaning schedule appropriate for its intended use, shall be required to receive the drainage from fixtures and equipment having grease-laden waste, located in food preparation areas such as in restaurants, commercial kitchens, bars, clubs or similar facilities. The grease interceptor shall not be less than a three (3) compartment, one thousand (1000) gallon septic tank unless the City Manager approves an alternative system. Food waste grinders shall not discharge to the building drainage system through the grease interceptor. Grease interceptors shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the City Manager. At no time shall the level of grease and sludge in any compartment of the trap be greater than twenty five percent of the tank liquid level. Proof of maintenance and cleaning shall be sent to the City Manager on an annual basis or as approved in the maintenance schedule.

(c) Sand traps and similar interceptors for removal of heavy solids by commercial users, as determined by the City Manager, shall be designed and installed, according to the Grand Rapids *Sand Trap for Garages* design specifications. They shall be located as to be readily accessible for cleaning and shall have a water seal of not less than six (6) inches. Sand traps and similar interceptors shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the City Manager. Proof of maintenance and cleaning shall be sent to the City Manager on an annual basis or as approved in the maintenance schedule.

(d) Oil/Water separators are required at repair garages, gasoline stations with grease racks, grease pits or work racks and at factories, or other facilities, where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be

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discharged before emptying in the building drainage system or other point of disposal. Oil separators shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall not have less than an eighteen (18) inch water seal. An alternative design may be approved by the Grand Rapids Plumbing Inspector, as provided for by the Grand Rapids Plumbing Code. Oil/water separators shall be cleaned and maintained in accordance with a schedule as submitted to, and approved by, the City Manager. Proof of maintenance and cleaning shall be sent to the City Manager on an annual basis or as approved in the maintenance schedule.

(2) No discharger shall introduce into the POTW any pollutant(s) that cause pass through or interference. The following general and specific prohibitions of this Section apply to each discharger introducing pollutants into the POTW whether or not the discharger is subject to any Federal, State or local pretreatment standards or requirements.

(a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.

(b) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW or results in interference.

(c) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or a pH greater than 10.5. These pH limits will be evaluated annually as part of the rate study and the limits set forth in this Section will be revised as deemed necessary.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or exceed the limitations set forth in a Categorical Pretreatment Standard.

(e) Any noxious or malodorous liquids, gases or solids which either singly, or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which, alone or in conjunction with a discharge or discharges from other sources, may cause a violation of the POTW's NPDES permit or any applicable State or Federal water quality standards or interferes with any treatment process, or causes treatment residues, sludges or scums, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State standards applicable to the sludge management method being used.

(g) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(h) Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but, in no case heat in such quantities that the temperature at the headworks of the POTW exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) unless the MDEQ, upon the request of the POTW, approves the alternative temperature limits.

(i) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

Any unpolluted water including, but not limited to, noncontact cooling water, unless a discharge authorization is approved by the City Manager.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or

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concentration except as set forth in 10 CFR Part 20. Introduction of radioactive wastes that interfere with the operation of the POTW including, but not limited to, the use and disposal of sludge, the recycling of any and all waste products or if the discharge causes the POTW to violate any local, State or Federal laws.

(l) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(m) Any discharge of petroleum oil, nonbiodegradable cutting oil, animal fat, vegetable fat, oil, grease, products of mineral oil or any combination thereof at a concentration of greater than one hundred (100) milligrams per liter, unless it can be demonstrated that matrix interference is responsible for levels greater than this amount, but, in no case in amounts that will cause an obstruction, interference or pass through in the POTW.

(n) Any substances not identified in (m) above, that will become solid or viscous after entering the POTW.

(o) Any effluent having an average daily flow greater than two (2) percent of the POTW's average daily flow. The City Manager, upon review, may approve greater discharges subject to conditions as authorized by this Chapter or special conditions he/she deems necessary in order to preserve and protect public health, safety and welfare, subject to conformance with the applicable Federal and State law.

(p) Any trucked or hauled pollutants, except at discharge points designated by the City Manager.

(q) Any detectable level of mercury using EPA Method 245.1 with a detection limit not to exceed 0.2 ? g/l unless the user can demonstrate that matrix interference prevents the attainment of this level. In the event that mercury is detected the user shall develop and implement a mercury elimination plan including elements deemed necessary by the City Manager to progress toward the goal of no detectable discharge of mercury. For users whose operation and discharge characteristics are substantially similar a group mercury elimination plan may be acceptable.

(r) There shall be no discharge to the POTW of groundwater that has been contaminated with gasoline and related petroleum products that would qualify for a State of Michigan general discharge permit for gasoline and related petroleum products in accordance with Rule 2191 promulgated pursuant to Act 451 of the Public Acts of Michigan of 1994, as amended, Part 31, except where no other discharge option exists. If discharge to the POTW is desired under these conditions, the discharger must submit a wastewater discharge permit application as specified in [Section 2.68](#) that may be approved by the City Manager. Upon approval a permit will be issued with appropriate conditions as set forth in [Section 2.72](#). The total BTEX concentration shall not exceed twenty (20) micrograms per liter and the MTBE concentration shall not exceed twenty (20) micrograms per liter.

(s) Disposal of septic tank waste into the POTW is prohibited, except that the City Manager may authorize disposal of portable containers of domestic waste, including waste from recreational vehicles.

(t) Sludge from an industrial or commercial pretreatment system shall not be placed into the POTW. Such sludge shall be disposed of by a licensed hauler in a site approved by the MDEQ.

(u) Any concentration of surfactant that causes excessive foaming in the POTW.

(3) Bypass – Prohibited, except in cases where bypass was unavoidable to prevent a loss of life, personal injury, or severe property damage, and where there are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance. In cases where a bypass may occur it would be subject to the following conditions:

(a) Anticipated bypass - If an industrial user knows in advance of the need for a bypass, the user

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shall submit prior notice to the POTW, if possible, at least ten (10) days before the date of the bypass. Upon notification, the City Manager shall make a determination whether to allow the discharge.

(b) Unanticipated bypass - An industrial user shall immediately notify the City Manager of any unanticipated bypass. The City Manager shall make a determination whether to allow the discharge to continue. A written submission shall also be provided within five (5) days of becoming aware of the bypass. The written submission shall contain a description of the bypass and its cause, the dates and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass.

(4) Any discharger shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Rule 323.2303 of the Michigan Administrative Code, where the discharger can demonstrate that:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference and;

(b) either:

1. A local limit designed to prevent pass through or interference was developed for each pollutant in the user's discharge that caused pass through or interference and the user was in compliance with each such local limit immediately before and during the pass through or interference; or

2. A local limit was not applicable and immediately before and during the pass through or interference the user's discharge did not substantially change in volume or constituents from the user's previous discharges when the POTW was regularly in compliance with its NPDES permit and, in the case of interference, all applicable requirements for sludge use or disposal.

## Sec. 105.2 Limitations on Wastewater Strength.

(1) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory shall immediately supersede the limitations imposed under this Chapter. Compliance by existing sources with Categorical Pretreatment Standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subpart N. A new source shall install, and have in operation at start-up, all pollution control equipment required to meet applicable Categorical Pretreatment Standards before beginning discharge. When the applicable Categorical Pretreatment Standards are expressed in terms of mass of pollutant per unit of production, the City Manager may convert these limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as set forth in 40 CFR 403.6(c) (2-7) and Rule 323.2311(5) of the MAC. In situations in which nonregulated wastestreams are intermixed with the regulated wastestream, the City Manager may use the combined wastestream formula to develop equivalent discharge limits. Whenever equivalent limits are used, they shall be deemed pretreatment standards in determining compliance with the standards. The City Manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and Rule 323.2310 of the MAC. An application for modification of the Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator of EPA by the City Manager when the System achieves consistent removal of the pollutants as defined by 40 CFR Section 403.7 and Rule 323.2313 of the MAC.



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(2) No Industrial User shall increase the use of water or dilute a discharge as a substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

(3) Supplementary Limitations

(a) Supplementary limits were established in accordance with EPA guidance and DEQ approval criteria. Specific limits were derived from the industrial allocable portion of the Maximum Allowable Headworks Loadings listed below.

MAXIMUM ALLOWABLE HEADWORKS LOADINGS

<u>MATERIALS</u>	<u>LOADING</u> <u>(pounds/day)</u>
BOD	79300
TSS	84300
Total Phosphorous	6990

(b) The following is a list of technically based local limits derived from the industrial allocable portion of the compatible pollutant MAHLs shown above as well as limits for toxic pollutants. For users subject to Categorical Pretreatment Standards, which include the following parameters, the following limits, if more restrictive, shall apply, both to the categorically regulated process flow as well as any other flows not specifically regulated by Categorical Pretreatment Standards. For all other dischargers these limits shall apply to the total flow from each connection to the POTW, except silver that is a process discharge limit as noted. All measurements to determine compliance with these limits shall be performed in accordance with EPA approved methods found in 40 CFR 136. The monthly average shall be the average of all samples analyzed by EPA approved methods during a calendar month.

LOCAL LIMITS

<u>MATERIALS</u>	<u>CONCENTRATION (mg/l)</u>	
BOD	Specific Limit by permit	
Suspended Solids	Specific Limit by permit	
Phosphorous	Specific Limit by permit	
	Instantaneous	Monthly
<u>Inorganic</u>	<u>Maximum (mg/l)</u>	<u>Average (mg/l)</u>
Total Cadmium	0.94	NA <sup>2</sup>
Total Chromium	4.0	NA
Hexavalent Chromium	0.72	NA
Total Copper	1.5	NA
Total Cyanide	1.0	NA
Total Lead	1.5	NA
Total Mercury	ND <sup>3</sup>	NA
Total Molybdenum	3.4	NA
Total Nickel	1.5	1.1
Total Selenium	2.3	NA

<sup>2</sup> NA = Not applicable

<sup>3</sup> Non-detectable or as specified in [Section 2.66\(2\)\(q\)](#)

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Total Silver	620 <sup>4</sup>	NA
Total Zinc	2.6	2.0
<u>Organic</u>		
Total Phenols	5.6	NA
Polychlorinated Biphenyls	ND <sup>5</sup>	NA
Tetrachloroethylene	0.25	NA
Trichloroethylene	0.16	NA
MTBE	0.02	NA

(c) For compatible pollutants, the City Manager shall establish specific concentration limits, when necessary, that are adequate to insure that the industrial allocable portion of the MAHL listed herein is not exceeded. Any requests for specific limits must be made at the time of permit application or renewal. Such a determination will be made solely by the City Manager. The establishment of any such limits shall not create any vested right or property rights for the user. Accordingly, no right of appeal from such a determination will exist and the approval may be terminated, modified or subjected to special condition either at time of approval or thereafter, at the discretion of the City Manager.

(d) Specific limits shall only be approved when all of the following conditions are met: (i) the City Manager makes a determination that adequate treatment capacity allowing for the specific limit exists consistent with the MAHL; (ii) the MDEQ approves the technical basis for the establishment of the specific limit; (iii) a proposed permit containing the limitation has been publicly noticed by the City Manager in accordance with approved industrial pretreatment program procedures developed to satisfy 40 CFR 403.5(c) and Rule 323.2303(4) of the Michigan Administrative Code; and (iv) the City Manager determines that all comments received during the public comment period have been adequately addressed. The City Manager may implement a system for setting special alternative specific limits for batch discharges. Special alternative specific limits may be approved when all of the following conditions are met:

1. The user requests a special alternative specific limit through the special alternative limit process.
2. The City Manager makes a determination that adequate treatment capacity exists to allow this special alternative specific limit consistent with the MAHL for those pollutants present.
3. US EPA Region V and/or the Michigan Department of Environmental Quality, as appropriate, approves the technical basis for the establishment of the special alternative specific limit.

In no event shall a special discharge permit be granted or effective which authorizes a discharge in excess of the limitations imposed by any applicable final federal or state pretreatment standard or discharge limit. In addition the City Manager shall not consider any request for an increase above any limits that were calculated based on health or safety criteria.

(4) Accidental Discharges.

(a) Prevention plan.

1. Industrial and Commercial Users shall provide protection from

<sup>4</sup> Process discharge limit for photoprocessors at end of silver recovery unit

<sup>5</sup> Non-detectable per EPA Method 608 with a detection limit not to exceed 0.1 mg/l unless higher levels are appropriate due to matrix interference

accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. If the materials of concern are on the State Critical Materials List, a Pollution Incident Prevention Plan (PIPP) pursuant to Part V of the Michigan Resources Commission Act (M.L. 245) must be submitted to the City Manager. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial or Commercial User's expense. Detailed spill prevention plans certified by a Michigan licensed professional engineer, including the facilities and the operating procedures, shall be submitted to the POTW for review prior to construction.

2. Industrial and Commercial Users who store hazardous substances shall not discharge to the POTW after the effective date of this Ordinance until a State of Michigan required PIPP has been submitted to the City Manager. Receipt of such plans shall not relieve the Industrial or Commercial User from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(b) The City Manager shall evaluate each Significant Industrial User at least once every two (2) years, and other Industrial Users as necessary, to determine whether such user needs a plan to control slug discharges. If the City Manager decides that a slug control plan is needed, the plan shall contain at a minimum the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Sections 600.1 and 600.2, with procedures for follow-up written notification within five (5) days;
4. When deemed necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building containment structures or equipment, measures for containing toxic organic pollutants and/or measures and equipment for emergency response.

(c) Any upset or accidental discharge shall be reported to the City Manager immediately upon occurrence. A detailed report shall be filed within five (5) days. The report shall include location of the upset or discharge, date and time thereof, type of waste, concentration, volume and corrective actions. Failure to file a report shall be a separate violation of this Chapter.

(d) Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug upset or accidental discharge. Employers shall instruct all employees who may cause, or discover such upset or discharge, with respect to emergency notification procedure.

## Sec. 106 **PERMITS**

### Sec. 106.1 Permit Application.

- (1) All new non-domestic users connecting to, or discharging to, the POTW, and all existing non-

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domestic users connected to, or discharging to, the POTW, shall complete a Wastewater Discharge Survey to establish whether a non-domestic user should be classified as a Significant Industrial User as defined in Section 300(47) and require a discharge permit. If, upon review, the City Manager determines a permit may be required, the non-domestic user shall file a permit application that may include, but not be limited to, the following information:

- (a) Disclosure of name, address and location of the discharger;
- (b) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Manual, Bureau of the Budget, 1972, as amended;
- (c) Disclosure of wastewater constituents and characteristics including, but not limited to, toxic pollutants as determined by bona fide chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the EPA and contained in 40 CFR, Part 136, as amended;
- (d) Disclosure of time and duration of discharges;
- (e) Disclosure of average daily and instantaneous peak wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the City Manager;
- (f) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sanitary and storm drain systems, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials that are, or may be, discharged to the POTW;
- (h) Disclosure of the nature and concentration of any pollutants or materials prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Chapter;
- (i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Chapter by an existing source, the discharger shall enter into a consent agreement consistent with the law, and approved by the City Manager, of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The compliance date for such a schedule shall not be later than the compliance date for any applicable standard. A new source (40 CFR 403.3(k) and Rule 323.2302(r) of the Michigan Administrative Code), or an expansion of an existing source, must have in place all necessary equipment to abate pollution. For a new source this will be prior to the commencement of the discharge. For an expansion of an existing source this shall be before any additional wastewater is introduced to the System.
- (j) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Chapter including, but not limited to, dates related to hiring a Michigan licensed professional engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Chapter.
- (k) Under no circumstance shall the City Manager permit a time increment for any single step directed toward compliance that exceeds six (6) months.
- (l) Not later than five (5) days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City Manager, including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being

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taken by the discharger to return the construction to the approved schedule. In no event shall more than one (1) month elapse between such progress reports to the City Manager.

- (m) Disclosure of each product produced by type, amount, process or processes and rate of production;
- (n) Disclosure of the type and amount of raw materials utilized;
- (o) All permit applications shall be signed by an authorized representative of the discharger, and a Michigan licensed professional engineer, where pretreatment facilities are required;
- (p) When required by the City Manager, the discharger shall provide an inspection and sampling manhole(s) or structure(s), non-permitted confined space where feasible, with an opening of no less than twenty-four (24) inches diameter and an internal diameter of no less than thirty-six (36) inches containing flow measuring, recording and sampling equipment as required by the City Manager to assure compliance with this Chapter.

1. Non-domestic users who have previously submitted a survey, as prescribed in this Section, are also required to complete a wastewater discharge survey periodically, at a frequency to be determined by the City Manager.

#### Sec. 106.2 Significant Changes.

The non-domestic user who is not required to obtain a permit is still required to re-apply prior to a significant change in discharge from that shown in the original permit application or survey.

#### Sec. 106.3 Permit Issuance (Significant Industrial Users).

The City Manager will evaluate the completed application and data furnished by the discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the City Manager shall make a determination as to whether the applicant is a Significant Industrial User. For every Significant Industrial User, the City Manager shall issue or deny a Significant Industrial User Discharge Permit subject to terms and conditions provided herein.

#### Sec. 106.4 Permit Modifications.

The City Manager shall have the right to amend any Significant Industrial User Discharge Permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations and prevent a violation of any NPDES limit, water quality standards or interference with residuals management as specified in **Section 2.66(2)(f)**. Upon the promulgation of a Categorical Pretreatment Standard, the Significant Industrial User Discharge Permit of each discharger subject to such standards will be revised to comply with such standards. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Significant Industrial User Discharge Permit as required by Sec. 700.1, the discharger shall apply for a Significant Industrial User Discharge Permit from the City Manager within thirty (30) days after the promulgation of the applicable National Categorical Pretreatment Standard and provide the information required. The discharger shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule for compliance, which does not exceed any compliance dates set by 40 CFR 403.6(b) and Rule 323.2311(3) of the Michigan Administrative Code.

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Sec. 106.5 Permit Conditions.

Significant Industrial User Discharge Permits shall specify the following:

- (1) Statement of duration (not more than five (5) years) including issuance and expiration dates;
- (2) Effluent limitations based on the more stringent of Categorical Pretreatment Standards, local limits as established by this Chapter and State law;
- (3) General and specific discharge prohibitions as established by Sections 600.1 and 600.2 of this Ordinance;
- (4) Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;
- (6) Requirements for notification of spills, bypass or potential problems to the POTW including slug loadings, upsets or violations;
- (7) Requirements to develop and implement spill and slug control plans;
- (8) Requirements for notification and approval of changes prior to discharge. The POTW shall be notified of any proposed substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p) and Rule 323.2310(15) of the Michigan Administrative Code and operational shift changes of greater than four (4) hours;
- (9) Special conditions as the City Manager may reasonably require under particular circumstances of a given discharge to ensure compliance with this Chapter and state and federal pretreatment standards and requirements;
- (10) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- (11) Statement of non-transferability;
- (12) Conditions for modification or revocation of permit;
- (13) Schedule of fees and charges;
- (14) Limits on the average and maximum wastewater constituents and characteristics;
- (15) Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- (16) Requirements for installation and maintenance of inspection and sampling facilities;
- (17) Compliance schedules;
- (18) Requirements for submission of special technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Standard or Pretreatment Requirements.

Sec. 106.6 Permits Duration.

All Significant Industrial User Discharge Permits shall be issued for up to five (5) years, subject to amendment or revocation as provided in this Chapter.

Sec. 106.7 Limitations of Permit.

Significant Industrial User Discharge Permits are issued to a specific discharger for a specific operation and are not assignable to another discharger.

## Sec. 106.8 Baseline Monitoring Report.

(1) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination request, or ninety (90) days prior to the commencement of discharge in the case of a new source, the Industrial User shall submit a baseline monitoring report, in accordance with 40 CFR 403.12(b) and Rule 323.2310(2) of the MAC, for any discharge subject to Categorical Pretreatment Standards and requirements signed by an authorized representative.

(2) Ninety (90) Day Report on Compliance with Categorical Standards. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any discharger subject to Categorical Pretreatment Standards and requirements shall submit a report in accordance with 403.12(d) and Rule 323.2310(3) of the MAC signed by an authorized representative.

(3) Significant Non-Categorical User Compliance Report. For dischargers who are not subject to Categorical Pretreatment Standards, but discharge or have the potential to discharge substances which could adversely affect the POTW's operation, or for violating any pretreatment standard or requirement, a report is to be submitted thirty (30) days following the commencement of discharge and every six (6) months thereafter to the City Manager. The report shall specify the nature and concentration of all prohibited or regulated substances contained in their discharge as set forth in 403.12(h) and Rule 323.2310(7) of the MAC and the average and maximum daily flow in gallons. The report shall state whether the requirements are being met on a consistent basis and, if additional pretreatment is necessary, to bring the discharge into compliance with the requirements. This statement shall be signed by an authorized representative, as set forth in 40 CFR 403.12(l) and Rule 323.2310(11) of the MAC, of the discharger and certified to by a Michigan licensed professional engineer.

(4) Hazardous Waste Notification.

(a) Any Industrial or Commercial User, except as specified in Part (e) below, who discharges any substance to the POTW which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261, shall notify the POTW, the EPA Regional Waste Management Division Director and the State hazardous waste authorities as set forth in 40 CFR 403.12(p) and Rule 323.2310(15) of the Michigan Administrative Code in writing of such discharge.

(b) All hazardous waste notifications shall include:

1. The name of the hazardous waste as set forth in 40 CFR, Part 261;
2. The EPA hazardous waste number;
3. The type of discharge (continuous, batch or other); and
4. A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(c) In addition to the information submitted in Section 700.8, the reports from Industrial and Commercial Users discharging more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW shall contain the following information:

1. An identification of the hazardous constituents contained in the waste;
2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
3. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

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(d) Hazardous waste notifications shall be submitted no later than thirty (30) days after the effective date of this Chapter or prior to the discharge of listed or characteristic hazardous waste for discharges commencing after the effective date of this Chapter, as required in Section 700.2. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharge must be submitted under Section 700.2 of this Chapter. This Section does not apply to pollutants already reported as part of a Significant Industrial User Discharge Permit self-monitoring requirement.

(e) Industrial and Commercial Users are exempt from the hazardous waste notification requirement when they discharge fifteen (15) kilograms or less of non-acute hazardous wastes per calendar month. Discharge of any quantity of acutely hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one (1) time notification.

(f) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste, the Industrial User must notify the POTW, the EPA regional waste management division Director, and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of the regulations.

#### Sec. 106.9 Periodic Compliance Reports.

##### (1) Reporting Requirements.

(a) Industrial Users subject to Categorical Pretreatment Standards shall submit to the City Manager a report indicating the nature and concentration of prohibited or regulated substances in the effluent. The reports shall be submitted for the six (6) month periods of January through June and July through December. Reports are due within thirty (30) days of the end of the reporting period. If the sampling performed by a Significant Industrial User indicates a violation, the user shall notify the City Manager immediately of becoming aware of the violation. At a minimum, the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City Manager within thirty (30) days after becoming aware of the violation. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which during the reporting period exceeded the average daily flow reported in **Section 2.68(1)(e) hereof**. Flows shall be reported on the basis of actual measurement provided, however, where cost or feasibility considerations justify, the City Manager may accept reports of average and maximum flows estimated by verifiable techniques. The City Manager, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(b) Non-significant Industrial Users with discharges that are not subject to Categorical Pretreatment Standards, and are not otherwise deemed to be significant by the City Manager, shall be required to submit reports as deemed appropriate by the City Manager.

(2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow, nature, concentration, production and/or mass, where required by the City Manager.

#### Sec. 106.10 Inspection, Sampling and Analysis.

(1) The City Manager may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Chapter. The discharger shall allow the City Manager to enter



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upon the premises of the discharger at all hours, for the purposes of inspection, sampling or records examination. The City Manager shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations and have access to examine and copy any records. All costs associated with this monitoring requirement shall be born by the discharger.

(2) The reports required by Sections 700.8 and 700.9 of this Chapter shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto or as specified in the applicable Categorical Pretreatment Standard.

(3) The frequency of monitoring shall be specified by the City Manager to assess compliance by Industrial and Commercial Users with applicable pretreatment standards and requirements in accordance with 40 CFR 403.12(g)(3) and Rule 323.2310(6)(d) of the MAC. Where EPA 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedure set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977, and amendments thereto or with any other sampling and analytical procedures approved by the Administrator of the EPA. Where the POTW performs all the required sampling and analyses and collects all the information required for the reports required in **Sections 2.75 and 2.76 of this Chapter, the Significant Industrial User** will not be required to submit the report.

(4) If sampling performed by an Industrial or Commercial User indicates a violation, the user shall notify the City Manager immediately of becoming aware of the violation. At a minimum, the user is required to resample and analyze within thirty (30) days of becoming aware of the violation. The City Manager may, with the issuance of a modified permit, require more frequent sampling and analysis.

(5) If an Industrial User, subject to the reporting requirement in Sections 700.8 and 700.9 , monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this Section, the results of this monitoring shall be included in the report.

(6) The reports required by Sections 700.8 and 700.9 of this Chapter shall include the following certification statement:

“I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, it is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.”

This statement shall be signed by a responsible person. A responsible person means a person in charge of a principal business function of the user or any other person who performs similar policy decision-making functions for the user or means the principal manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures of more than twenty-five million dollars (\$25,000,000.00), in second quarter 1980 dollars, if authority to sign the documents has been assigned or delegated to the manager in accordance with user procedures; by a member or managing member if the user submitting the reports is a limited liability company; by a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively; or by a duly authorized representative if all of the following provisions apply:

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- (a) The authorization is made in writing by the responsible person described in this section.
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or superintendent or a position of equivalent responsibility or that has overall responsibility for environmental matters for the user.
- (c) The written authorization is submitted to the City Manager. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the user, a new authorization satisfying the requirements of this subrule shall be submitted to the control authority before, or together with, any reports to be signed by an authorized representative.

Sec. 106.11            Monitoring Facilities.

- (1) When deemed necessary by the City Manager, each discharger shall provide and operate, at the discharger's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each discharge to the POTW. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the City Manager may concur with the facility being constructed in the public right-of-way providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. Upon appropriate notice by the City Manager for monitoring facilities, a compliance schedule may be issued as a permit condition.
- (2) There shall be ample room in or near such sampling facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition, at the expense of the discharger.
- (3) All required monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications (non-permitted confined space structure where feasible).

Sec. 106.12            Confidential Information.

- (1) Information and data furnished to the City Manager with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction. Wastewater constituents and characteristics will not be recognized as confidential information. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Chapter, the NPDES Permit, the State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report.
- (2) Information accepted by the City Manager as confidential shall not be transmitted to any governmental agency or to the general public until, and unless, a written notification is given to the discharger.

Where a discharger has mass based limits as allowed by Categorical Pretreatment Standards on a production basis, the production data necessary to determine compliance must also be available to the public. Where application of the combined wastestream formula is necessary to apply Categorical Pretreatment Standards to a discharger, the flow measurements and other data used in the calculation must be available to the public.

Sec. 107      **ENFORCEMENT, VIOLATIONS, PENALTIES AND LIABILITIES**

Sec. 107.1      Enforcement.

Any discharger who is found to have violated an order of the City Manager, or who has failed to comply with any provision of this Chapter (or permits issued hereunder), and the regulations or rules of Grand Rapids or the Township, promulgated pursuant to this Chapter, shall be guilty of a violation of this Chapter. Whenever the City Manager finds that any user has violated, or is violating, this Chapter, a Significant Industrial User Discharge Permit or order issued hereunder, or any other pretreatment requirement, the City Manager may serve upon said user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City Manager. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of Grand Rapids or the Township to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Sec. 107.2                  Recovery of Costs Incurred by the City.

Any discharger violating any of the provisions of this Chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the POTW, shall be liable to Grand Rapids for any expense, loss or damage caused by such violation or discharge. This shall include, but not be limited to, penalties levied upon Grand Rapids by the EPA or MDEQ for violation of its NPDES Permit caused by any violation by a discharger, including all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

Sec. 107.3                  Falsifying Information.

Any person or entity who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall, upon conviction, be punished as provided for in Sec. 800.1 of this Chapter.

Sec. 107.4                  Emergency Suspension of Service and Discharge Permits.

The City Manager may for good cause shown, suspend the sewage disposal system service and/or the Significant Industrial User Discharge Permit of a discharger when it appears that an actual or impending discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or the environment, interferes with the operation of the POTW, violates any pretreatment limits or conditions imposed by this Chapter or any Significant Industrial User Discharge Permit issued pursuant to this Chapter. Any discharger notified of the suspension of sewage disposal system service and/or the discharger's Significant Industrial User Discharge Permit, shall, within a reasonable period of time, as determined by the City Manager, cease all discharges. In the event of failure of the discharger to comply

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voluntarily with the suspension order within the specified time, the City Manager may take whatever steps deemed necessary to eliminate the discharge, including cessation of Grand Rapids water service, if applicable, and/or shall commence judicial proceedings for injunctive relief immediately thereafter to compel the discharger's compliance with such order. The City Manager may reinstate the Significant Industrial User Discharge Permit and/or sewage disposal system service and terminate judicial proceeding upon presentation of proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

Sec. 107.5 City Manager's Authority to Issue Administrative Orders.

Whenever the City Manager determines that any discharger has violated this Chapter, or any other applicable laws or regulations which Grand Rapids is authorized to enforce, the City Manager may issue administrative orders of the type listed below, as deemed appropriate under the circumstances. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single discharger.

(1) Cease and Desist Order. A cease and desist order directs the non-complying user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. The City Manager shall have the authority to enter the discharger's property and take such steps as necessary to eliminate the discharge should the discharger fail to comply with such order. Such order shall be final and in effect until a hearing, if requested by the user, is conducted and a final decision is made by the City Manager. A written request for such hearing shall be made within ten (10) calendar days after receiving the order.

(2) Consent Order. An agreement between the City Manager and the user which may contain compliance schedules, requirements for reimbursement of the City for damages and costs incurred or remedial actions, fines and administrative penalties and signatures of the City Manager and the authorized representative. A consent order shall address every identified and potential deficiency in the user's compliance status at the time of the order.

(3) Show Cause Order. Where the violation is not corrected by timely compliance, the City Manager may order any discharger who causes or allows prohibited conduct, to show cause before the City Manager why a proposed permit revocation action should not be taken. A written notice shall be served on the discharger by personal service, or by certified mail, return receipt requested, specifying the time and place of a hearing to be held by the City Manager regarding the violations, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before the City Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. The proceedings at the hearing shall be considered by the City Manager who shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such order may be taken by the discharger in accordance with applicable State law.

(4) Compliance Order. A compliance order directs the discharger to achieve compliance by a date specified in the order. Compliance orders require Industrial users to develop management practices, spill prevention programs and related POTW industrial pretreatment program requirements.

(5) Stop Work Order. Where there is work in progress that constitutes causes or is causing a violation of any provision of this Chapter, the City Manager may issue a Stop Work Order to prevent further violations or damage.

Sec. 107.6 Enforcement Actions.

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A list of all dischargers in significant noncompliance for the NPDES Industrial Pretreatment Program annual reporting period shall be published by the City in *The Grand Rapids Press* by the date specified in the City's NPDES permit.

Sec. 107.7 City Manager's Authority to Require Financial Assurances.

Pursuant to the City Manager's authority to issue administrative orders, the City Manager may require a noncomplying Industrial or Commercial User to post a performance bond sufficient to cover expenses which might reasonably be incurred as a result of future violations. Industrial or Commercial Users who have, in the prior two (2) years, been responsible for causing an upset at the POTW, may be required to obtain liability insurance sufficient to cover the reasonable costs of restoring the POTW in the event of another such incident. These requirements may be made conditions of the Significant Industrial User Discharge Permit.

Sec. 107.8 Judicial Proceedings.

Following the entry of any order by the City Manager with respect to the conduct of a discharger contrary to the provision of this Chapter, the attorney for Grand Rapids or the Township may, following the authorization of such actions by the City Manager, commence a civil, civil infraction or criminal action for appropriate legal and/or equitable relief in the court of competent jurisdiction. Such relief may include, but is not limited to, the following: injunctive relief against an industrial user for failure to comply with pretreatment standards and requirements; suit for damages and costs to Grand Rapids including legal expense; municipal civil infraction actions and criminal prosecution seeking fines and imprisonment as permitted by Sec. 800.1 of this Chapter and State law.

Sec. 107.9 Right of Appeal.

Any discharger shall have the right to request, in writing, an interpretation or ruling by the City Manager on any matter covered by this Chapter and shall be entitled to a prompt written reply. Appeal of any final judicial order entered pursuant to this Chapter may be taken in accordance with State law.

Sec. 107.10 Operating Upsets.

(1) Any discharger experiencing an upset in operations which places the discharger in a temporary state of noncompliance with this Chapter, or a Significant Industrial User Discharge Permit issued pursuant hereto, shall inform the City Manager immediately upon becoming aware of the upset. The City Manager shall make a determination whether this discharge can continue. Upon the City Manager allowing the discharge to continue, a written follow-up report thereof shall be filed by the discharger with the City Manager within five (5) days. The report shall include:

(a) A description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;

The duration of noncompliance, including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur; and

(b) All steps taken, or to be taken, to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.

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(2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the City Manager against a discharger for any noncompliance with this Chapter or any Significant Industrial User Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. It will not, however, be a defense to an action for damages to the POTW or to persons, property or natural resources caused by the upset. An upset will be considered “documented and bona fide” only if the discharger complies with Section 59(1) and with 40 CFR 403.16(c) and Rule 323.2315 of the MAC. In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(3) The user shall have controlled production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(4) Conditions necessary for the demonstration of a bona fide upset. A user who wishes to establish the affirmative defense of an operating upset shall demonstrate through properly signed, contemporaneous operating logs or other relevant evidence that:

- (a) An upset occurred and the user can identify the cause of the upset;
  - (b) The facility was, at the time, being operated in a prudent and appropriate manner and in compliance with applicable operation and maintenance procedures;
  - (c) The user notified the City Manager immediately upon becoming aware of the upset;
- and

(d) A written submission, containing the following information, was provided within five (5) days of commencement of the upset:

- 1. A description of the discharge and cause of noncompliance;
- 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance was expected to continue; and
- 3. Steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

## Sec. 108 **PENALTIES**

### Sec. 108.1 Criminal and Civil Liability.

(1) Any person in violation of this Chapter, or of any permit issued pursuant hereto, or standards, rules and regulations, any order of the City Manager issued pursuant to those rules and regulations or this Chapter, shall be (a) subject to the municipal civil infractions provisions of Ordinance No. 88, with the exception that the fines for violations under this Chapter are set forth in Section 800.1(3), which the City Manager is authorized to enforce citations pursuant thereto on behalf of the Township, and (b) for such violations not covered by the civil infractions provisions of Ordinance No. 88 shall, if convicted, be subject a criminal penalty of up to five hundred dollars per day or imprisonment for ninety (90) days or both such penalty and imprisonment. Each act of violation and every day upon which any violation is permitted or suffered to exist, shall constitute a separate violation and shall be subject to a separate penalty. The City Manager may issue a notice of violation calling for corrective action prior to issuing a citation pursuant to Ordinance No. 88. In the case of a conviction pursuant to this Section of a discharger who is not a natural person, any officer or director of a corporation, any officer or partner of a partnership, or any member of a limited liability company, or any officer or owner of a proprietorship is hereby deemed to be a proper person

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to serve any term of imprisonment imposed by the court as a result of the conviction.

(2) **The following are violations of Ordinance 31.5 as amended by Ordinance 88 of the Compilation of Ordinances of Wright Township:**

Subsection	Violation Type	Nature of Violation	Sections	Period for Repeat Offense
1	Building Sewers & Connections	Failure to obtain a sanitary sewer connection permit	110(1) 114	1 year
2		Opening or connecting with public sewer without permission	115(1)	1 year
3		Failure to install an interceptor device	20(b) 20(c)	N/A
4		Discharge of wastes not containing sewage	20(2)(j)	1 year
5		Failure to disconnect roof drain after notification	113(5)	N/A
6		Failure to have building sewer connection inspected	115(2)	1 year
7		Failure to maintain grease trap	20(1)(b)	1 year
8		Failure to submit grease trap maintenance cleaning records	20(1)(b)	1 year
9	Pretreatment Discharge Violation	Unpermitted discharge; no permit was obtained	30(1)	1 year
10		Any discharge that causes pass-through or interference(see Note 3)	20(2)(f)	1 year
11		Any discharge that endangers human health or the environment or has caused the POTW to exercise its emergency authority	20(2)(a) 20(2)(d) 20(2)(e) 2.63.1 2.83	1 year
12		Failure to meet compliance date by 30 days	21 Permit	1 year
13		Failure to accurately report noncompliance	38(1) Permit	1 year
14		Waste stream is diluted in lieu of treatment	38(2)	1 year
15		Discharge of waste that causes obstruction	20(2)(b) 20(2)(m)	1 year
16		Violation of discharge limit	20 21 3(44)	1 year
17		Violation of applicable Technical Review Criteria (see Note 2)	20 21 3(44)	1 year
18	Pretreatment Record keeping	Failure to develop spill prevention and slug control plans (No harm)	21(4)(a) 21(4)(b) Permit	N/A
19		Failure to develop spill prevention and slug control plans (Harm)	21(4)(a) 21(4)(b) Permit	N/A
20		Copies of records denied	39(1)	
21	Pretreatment Reporting Violation	Failure to provide reports within (30) days	38(1) Permit	1 year
22		Failure to report spill or changed discharge (No harm)	31 21(4)(c) Permit	1 year
23		Failure to report spill or changed discharge (Harm)	31 21(4)(c) Permit	1 year
24		Incomplete or missing records or reports	38	N/A

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Subsection	Violation Type	Nature of Violation	Sections	Period for Repeat Offense
1	Building Sewers & Connections	Failure to obtain a sanitary sewer connection permit	110(1) 114	1 year
25		Failure to report additional monitoring	39(5)	1 year
26		Failure to notify of bypass	20(3)	1 year
27	Pretreatment Monitoring Violation	Failure to monitor all pollutants according to permit	32 34(4) 39	1 year
28		Failure to install monitoring equipment	40	1 year
29		Sampling at incorrect location	34(4)	N/A
30		Sampling using incorrect sampling collection technique	Permit	N/A
31		Failure to follow proper analytical requirements	39(3)	1 year
32	Other Pretreatment Violations	Failure to post POTW phone number in facility	21(4)(d)	1 year
33		Failure to train employees in emergency notification procedure	21(4)(d)	1 year
34		Entry for site visit denied or consent withdrawn	39(1)	1 year
35		Failure to meet compliance deadlines for existing or new source	21(1)	1 year

Note 1: N/A means the offense accumulation time is not applicable or each offense is considered to be a separate and new offense.

Note 2: Technical Review Criteria (TRC) = 1.4 times the limit for BOD, TSS, fats, oil and grease, and 1.20 times the limit for all other pollutants except pH which has no TRC.

Note 3: Mercury elimination plans as described in Section 600.1(2)(q) may be employed for mercury violations.(look for the reference in Wright's or in this)

(3) For violations of the subsections set forth in Section 800.1(2), the following fines have been established:

Subsection numbers 1, 2, 3, 6, 7, 8:

Initial offense - \$100.00

First repeat offense - \$250.00

Second (or any subsequent) repeat offense \$500.00

Subsection number 4:

Initial offense - \$50.00

First repeat offense - \$100.00

Second (or any subsequent) repeat offense – \$500.00

Subsection number 5:

Initial offense - \$500.00

Second or each day uncorrected – \$1,000.00

Subsection numbers 9, 14, 22 and 35:

For isolated offense - \$500.00

For recurring offense – \$1,000.00

For significant offense –\$2,000.00

Subsection numbers 15, 24, 25, 28, 29, 30, 31, 32, 33 and 34:

For isolated offense - \$50.00

For recurring offense – \$250.00



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For significant offense – \$1,000.00

Subsection number 10:

For first offense – \$1,000.00

First repeat offense – \$2,000.00

Second (or any subsequent) repeat offense \$5,000.00

Subsection number 11:

For significant offense – \$10,000.00

Subsection number 12:

Initial offense - \$100.00

By sixty days - \$500.00

Every thirty days after sixty days \$1,000.00

Subsection number 13:

Initial offense - \$100.00

First repeat offense - \$500.00

Second (or any subsequent) repeat offense – \$1,000.00

Subsection number 18:

For isolated offense – \$100.00

Subsection number 20, 26:

For isolated offense – \$100.00

For recurring offense – \$500.00

For significant offense – \$1,000.00

(l) Subsection number 21, 25:

For isolated offense – \$50.00

For recurring offense – \$500.00

For significant offense – \$1,000.00

Subsection number 16, 23:

For significant offense – \$500.00

For recurring offense – \$500.00

For significant offense – \$1,000.00

Subsection number 17, 19:

For significant offense – \$1,000.00

(4) In addition to, and expressly not in lieu of, the foregoing, any discharger who violates this Chapter, or any permit issued pursuant hereto, or the standards, rules and regulations adopted pursuant to this Chapter, or any order of the City Manager issued pursuant to this Chapter, shall be subject to civil penalties, and to the payment of any damages and costs which may be awarded, by any court of competent jurisdiction.

(5) In addition to any applicable state and federal penalties, any person who:

(a) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Chapter, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the City Manager under this Chapter; or

(b) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Chapter, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Chapter; or

(c) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Chapter; or

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(d) commits any other act that is punishable under State law by imprisonment for more than 90 days: shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both at the discretion of the court.

Sec. 109     **RECORD RETENTION**

Sec. 109.1     Record Retention Requirement.

(1) Any person or entity subject to this Chapter shall retain and preserve, for no less than three (3) years, any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records. This includes, but is not limited to, 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 other liquids discharged into the POTW.

(2) Any and all records which pertain to matters which are the subject of a Notice of Violation, Administrative Order, Show Cause Hearing, or any other enforcement or litigation activities brought by the City pursuant to this Chapter, shall be retained and preserved for five (5) years, or until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, whichever is later.

Sec. 110     **MISCELLANEOUS**

Sec.110.1     Removal Credits.

Where applicable, the City Manager may elect to initiate a program of removal credits as part of this Chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR 403.7 and Rule 323.2313(a) of the MAC.

Sec. 110.1     Net/Gross Calculations.

The City Manager may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR 403.15 and Rule 323.2313(c) of the MAC.

Sec. 111     **USER CHARGES**

Sec. 111.1     Purpose of Charges.

Charges for the installation of, connection to and use of the POTW, are hereby established for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation and replacement of the System. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all users of the System.

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Sec. 111.2 Integrated Sewer Connection Fee Schedule.

When a property owner or user is requested or required to connect to the System and has not previously paid or been assessed a connection fee, the following connection fee schedule shall apply:

Integrated Connection Base Fee Schedule

Meter Size (inches)	1/1/04
$\frac{3}{4}$ or less	\$2,200
1	3,650
$1\frac{1}{2}$	7,350
2	11,750
3	25,650
4	46,200
6 and over	102,650

Except as otherwise provided in the immediately succeeding paragraph, the foregoing integrated sewer connection base fee schedule for single-family and multi-family residential dwelling units shall be adjusted upward and downward as follows: A single-family residential dwelling unit located on a parcel containing thirty thousand (30,000) square feet in calendar year 2000, twenty-eight thousand (28,000) square feet in calendar year 2001, twenty-six thousand (26,000) square feet in calendar year 2002, twenty-four thousand (24,000) square feet in calendar year 2003, twenty-two thousand (22,000) square feet in calendar year 2004, and twenty thousand (20,000) square feet in calendar year 2005 and each year thereafter shall pay the applicable integrated connection fee in accordance with the forgoing schedule. To the extent such parcel is greater than or less than the applicable square footage, one-half the applicable integrated connection fee will increase or decrease by the same percentage increase or decrease in the parcel above or below the applicable square footage. In the case of multi-family residential dwellings, in order to determine the size of the parcel assigned to each dwelling unit for purposes of calculating the integrated connection fee to be paid by each multi-family residential dwelling unit, the total square footage of the parcel on which the multi-family residential dwelling is located shall be divided by the total number of residential units. Notwithstanding any other provision in this subsection, the integrated connection fee for a single-family residential dwelling unit or multi-family residential dwelling unit shall not exceed four and one-half times the applicable base integrated connection fee set forth in foregoing schedule.

Effective January 1, 2005, and January 1st of every year thereafter, the Integrated Sewer Connection Base Fees shall be adjusted by a percentage which is determined by the annual change in the Consumer Price Index (the "index") calculated as follows:

- (1) The Consumer Price Index shall be that Index referred to as the Consumer Price Index, US City Average, All Urban Consumers, published by the U.S. Department of Labor-Bureau of Statistics ((1982-84)=100). In the event the method of determining the Index is substantially altered, the basis for determining the annual change thereafter shall be the Index which is most comparable to the Index described above.
- (2) For the purpose of computing the percentage change each calendar year, the Index for the month

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of August for the prior calendar year shall be subtracted from the Index for the immediately preceding August. The result so obtained (if positive) shall be divided by the Index for the month of August for the prior calendar year to obtain the percentage increase which shall be applied to the then current Integrated Sewer Connection Base Fee Schedule to determine the new calendar year schedule.

The foregoing Integrated Connection fee is due and payable at the time a User receives a permit to connect to the Sewer System. A permit issued to connect to the Sewer System shall expire one hundred eighty (180) days from the date the permit was issued.

The user receiving services who applies for a larger water meter than the one presently in service shall pay an Integrated Connection Fee which is the difference in cost between the meter size in service and the one applied for in accordance with the Integrated Connection Fee in effect at the time of application. No credit or rebate shall be made in the case of application for a smaller meter size

Sec. 111.2 Use Charges.

Rates and charges for sewage disposal service furnished by the System shall be charged to all persons using the System. Such charges shall reflect the proportionate costs of providing the service to the Users within the Township.

Sec. 111.3 User Classes.

For the purposes of determining user charges three user classes are established: Domestic, Commercial and Industrial.

Sec. 111.4 Determination of User Rates.

User rates for users within the Township shall be determined in accordance with Section 2 of Addendum I to Water and Sanitary Sewer Agreement dated as of October 1, 2000 ("Addendum I"), between Grand Rapids and the Township. The annual revenue requirement for the Township shall be recovered on the basis of REUs. Each single family residential premises shall be assigned one REU. All other users shall be assigned the REUs indicated on Exhibit IB of Addendum I as may be revised by the System in accordance with accepted engineering standards and all other future users shall be assigned REUs by the System in accordance with accepted engineering standards. Each year the annual revenue requirement for the Township shall be divided by the total REUs of the then current users in the Township and then divided again by twelve to determine the monthly user charge per REU.

Sec. 112 **RATES AND CHARGES**

Sec. 112.1 Applicability.

(1) Users of the System complying with the provisions of this Chapter shall pay rates and charges as set forth below. Such rates and charges shall be designed to produce revenues which are proportionate to the cost of providing service to each user class of each customer class. Such cost shall include but not be limited to operation, maintenance, replacement, depreciation and a reasonable rate of return of the System's investment.

(2) A surcharge shall also be imposed on those users who exceed normal BOD, TSS, phosphorous and ammonium concentrations established as provided herein.

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Sec. 112.2 Rates for Users Within the Township.

The rate for sewage disposal service shall be \$47.37 per month per REU. Such rate may be revised from time to time by resolution of the Township Board.

Sec. 112.3 Surcharges and Permit Fees.

(1) If the City Manager determines that a discharge will not cause pass through or interference as defined in this Chapter, Industrial or Commercial users shall be charged a surcharge if the concentration of their discharge exceeds a five-day BOD of two hundred fifty (250) mg/l, and/or TSS of two hundred fifty (250) mg/l, or any phosphorus of fifteen (15) mg/l. That charge shall be fourteen cents (.14) per pound of BOD and fourteen cents (.14) per pound of TSS and fifty-one cents (.51) per pound of phosphorus in excess of the above limits. In addition, all industrial or commercial users shall be charged a surcharge for ammonia concentrations exceeding thirty-eight (38) mg/l. The charge shall be six cents (\$.06) per pound of ammonia in excess of the above limit. Discharge concentrations of these substances and the resulting surcharge shall be based on at least three composite samples per quarter. This sampling shall be performed by either Grand Rapids or the Industrial User as determined by the City Manager.

(2) The fee for a Significant Industrial User Discharge Permit as provided for in Section 700.3 of this Chapter shall be three hundred dollars (\$300) per year and an analytical fee based on Section 1002.3(3).

(3) The following schedule of charges shall apply to any analysis which may be required as part of a Significant Industrial User Discharge Permit:

Metals	\$10.00 each
TSS	\$6.00 each
BOD	\$11.00 each
Total Phosphate	\$11.00 each
pH	\$10.00 each
EPA 624	\$52.00 each
EPA 625	115.00 each
BTEX/MTBE	\$36.00 each
Sulfide	\$15.00 each
Oil & Grease	\$20.00 each
Total Cyanide	\$20.00 each
Hexavalent Chromium	\$16.00 each
Fecal Coliform	\$35.00 each
Labor	\$48.24 hour
Sampler	\$30.00 day
Vehicle	\$5.00 hour

(4) These charges will be reviewed annually and may change to reflect the current cost of providing these services.

Sec. 112.4 Review of Rates and Charges.

Annually, after the close of Grand Rapids' fiscal year and prior to the adoption of the System's budget, there shall be a review of rates and charges. Upon completion of the review, a report shall be prepared and presented summarizing the review and recommending rates and charges which assure that all the costs of the System will be recovered from customer and user classes proportionately to the cost of providing service to them.

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Sec. 112.5 Enforcement.

Delinquent bills shall be collected as provided for in Section 2.107 of this Chapter.

Sec. 112.6 Effective Date.

The rates and charges set forth in Section 1002.2 and 1002.3 shall be effective on January 1, 2004.

Sec. 113 **SEWER USE STANDARDS**

Sec. 113.1 Sewer Service Applications and Notification.

(1) A user desiring to obtain sewer service shall make application on forms prescribed by Grand Rapids. In the event that sewer service at a premises is continuous through a change of ownership, the new owner must file a notification of change of ownership within ten (10) days. Failure to complete an application or notification may result in discontinuance of service.

(2) Whenever a condominium has a single sewer connection servicing the premises, the account shall be made in the name of the condominium association. Sewer service shall not be provided until the condominium association has filed with the Water Business Office written proof that it has the authority to enter into such an arrangement.

Sec. 113.2 Billing Practice.

(1) The Water Business Office shall assign due dates to be no less than fifteen (15) days from the date of mailing of the bill. There shall be no discount for early payment. In the event that the bill is not paid by the due date, a ten percent (10%) penalty is added to the net amount and both become due and payable. All remittances by mail must be postmarked on or before the due date to entitle the user to pay only the net amount. When the due date falls on a legal holiday, Saturday or Sunday, the net amount will be accepted on the first business day following. Failure to receive a bill shall not entitle a customer to pay the net amount unless it can be shown from Grand Rapids records that the bill was not sent.

(2) If payment is not received within seven (7) days of the due date on the bill, a reminder notice shall be sent by first class mail to inform the user that the account is overdue.

(3) Whenever sewer service has been furnished to a premises and it is determined that: i) the Water Business Office has not rendered a bill for the service; and ii) the user has done everything normally required of him/her, a back-bill covering the period shall be sent to the user. However, the period covered by the back-bill shall not exceed three (3) years. If it is determined that the user has not done everything normally required of him/her, a back-bill shall be sent to the owner of the premises covering the period that service was rendered, but not to exceed six (6) years.

(4) When a tenant is responsible for payment of bills and a lease has been executed containing a provision that the lessor not be liable for sewer charges, then it shall be the responsibility of the lessor to so notify the Water Business Office with an affidavit signed by both parties and thereby request a waiver of the lien privilege. The affidavit must state the pertinent provision of the lease and the expiration thereof. Upon receipt of such notification, the Township will waive its lien privilege and sewer bills to the lessee within the term of the affidavit shall not be a lien against the property. Upon expiration, a new

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affidavit must be submitted to retain the lien waiver. Without such notification, sewer bills will be a lien against the property served regardless of any lease provisions between the parties.

- (5) The lien remedy does not preclude any other remedy provided in law.
- (6) When the Water Business Office has received and approved a request from the property owner for waiver of the lien privilege, then a cash deposit will be required of the lessee as security for payment of all sewer charges. Said cash deposit shall be equal to three (3) times the quarterly bill for sewer charges, but, in no case, less than the minimum deposit schedule as referred to in Appendix I of the Water Department Rules and Regulations.
- (7) The Water Business Office shall refund a deposit and the accrued interest thereon upon satisfactory payment by the user on or before the due date of all proper charges for sewer service for a period of twelve (12) successive billing quarters. Users who have established credit by the satisfactory payment of sewer charges at one (1) premises shall not be required to make deposits at a subsequent premises unless the deposit at the subsequent premises would exceed the previous by greater than one hundred percent (100%). Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill and the balance, if any, shall be promptly returned to the user.
- (8) The Water Business Office will apply interest to the deposit accounts of all users with security deposits. This interest shall be at the rate of six percent (6%) per annum. Interest will be credited to the deposit account annually as of June 30 and said interest will be compounded annually. Accrued interest shall be paid at the time that the deposit is refunded. Accrued interest shall include all annual interest credits plus interest for the time period from the previous June 30 to the date of refund.

#### Sec. 113.3 Sewer Lines.

- (1) Oversizing shall mean the enlargement of a local collector sewer so that the enlargement will serve as a trunk or interceptor sewer. When the System requires a local collector sewer line to be oversized, it will pay the cost of such oversized as computed in the following manner:
  - (a) In a residential assessment district or a new residential plot, the oversized share is the material difference in cost of the oversized sewer;
  - (b) In a commercial, industrial or high density residential development assessment district, the oversized share is the material difference in the cost of the oversized sewer;
  - (c) In cases where the larger than normal size sewer line is required solely to provide adequate service to a local service area and is not used as part of the larger network, then the entire cost of the enlargement will be treated in the same manner as a normal sized local collector line and the System will not participate in the oversized cost.
- (2) All new sewer lines shall conform to the *City of Grand Rapids Standard Construction Specifications* and shall be a minimum of eight (8) inches in diameter in most residential areas and a minimum of twelve (12) inches in diameter in commercial, industrial or high-density residential areas. The City Manager reserves the right to determine the minimum acceptable sewer lateral size in those cases where drainage problems exist.

#### Sec. 113.4 Sewer Laterals and Appurtenances.

- (1) The property owner shall be responsible for the maintenance and/or replacement at his/her expense of his/her sewer lateral to insure continuous flow of sewage and be free from infiltration from the structure to the local collector sewer.
- (2) Whenever a sewer lateral is to be extended into the premises, the plumber or contractor may

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obtain location measurements from Grand Rapids. However, Grand Rapids does not assume responsibility for the accuracy of such location measurements.

(3) Every structure with plumbing fixtures(s) shall have an independent, owner-maintained building sewer lateral to the local collector sewer line when the System is available. There shall not be more than one (1) structure served by a single sewer lateral connection, except upon approval of the City Manager.

(4) When a structure is to be demolished, satisfactory arrangements shall be made with Grand Rapids to disconnect and seal the sewer lateral at the property line or at the point designated by Grand Rapids. The lateral disconnection shall be inspected by Grand Rapids prior to sealing. Failure to make arrangements for inspection and the proper termination of the connection shall cause the City Manager to order excavation of the lateral for the required inspection with all associated costs to be the responsibility of the property owner.

(5) Roof drains shall not be connected to the System. The owner of the premises shall be responsible for any and all costs associated with disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this Chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.

(6) Footing drains shall not be connected to the System on any structure built after 1968. The owner of the premises shall be responsible for any and all costs associated with these disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this Chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.

(7) Basement waterproofing systems shall not be connected into the System or discharged in such a manner as to cause a public or private nuisance. The waterproofing system must be inspected and approved by Grand Rapids prior to putting the system into operation. Given due cause, the City Manager may order the owner to discontinue the discharge of water from a basement waterproofing system. Each day the owner fails to comply with such order shall constitute a separate violation of this Section.

(8) Disposal of garbage into the POTW shall be permitted only after it has been pulverized by an installed food-waste-grinder unit.

#### Sec. 113.5 Connection Permits.

Persons shall obtain proper permits for sewer lateral connection from Grand Rapids in accordance with the Plumbing Code. Said permits shall be obtained before any such work may begin.

#### Sec. 113.6 Sewer Connections.

(1) If at any time it is found that any sewer lateral connection has been installed contrary to or in violation of this Ordinance or rules or regulations governing such installation, the City Manager shall issue an order requiring compliance within thirty (30) days after notification. If compliance has not been obtained within thirty (30) days of the notice, the City Manager may authorize termination of City water/sewer service until the corrections are made. The owner or user will not have redress for any such charges occurring because of shut-off or termination. In addition, the violator may be subject to a municipal civil infraction action.

(2) Each new sewer lateral installation, or repair of an existing sewer lateral, shall be inspected and approved by the City prior to backfilling.

(3) If a piece of property that has an existing sewer lateral serving more than one (1) building is subdivided into separate lots or parcels, then the owner of the building that does not have direct sewer service must install his/her own sewer service across his/her property or on an easement and the original sewer lateral to the adjoining subdivided property must be disconnected. **Any required easements shall be**



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recorded by the Kent County Clerk.

(4) Whenever a new sewer lateral is installed or repaired by a contractor or plumber, it shall be guaranteed to be free from any defective material or poor workmanship, in the public right-of-way, for a period of one (1) year from the date of installation.

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**CHAPTER 2  
ADMINISTRATION  
CONSENT ORDER**

(Resolution adopted March 28, 2001)

WHEREAS, Wright Township (“Township”) operates a wastewater collection, transport and treatment system for certain residents (“Maine System”) and,

WHEREAS, the Township previously entered into an Administrative Consent Order (“ACO”) with the Michigan Department of Environmental Quality (“MDEQ”) regarding System capacity;

WHEREAS, the MDEQ is asserting that the Township owes \$165,000 in fines under the ACO for an alleged failure to meet the time requirements for improving System capacity;

WHEREAS, the Township, through its special sewer counsel, has negotiated a resolution of this fine for an up front payment of 520,500 and a commitment to remit the remainder of the loan proceeds from the City of Grand Rapids relative to sewer closure, as provided in the attached Settlement Agreement;

WHEREAS, without admitting any liability, the Township believes that this compromise is in the best interests of its residents;

NOW, THEREFORE, BE IT RESOLVED, that the attached Settlement Agreement is approved and the Township Supervisor is authorized to sign the Settlement Agreement and forward it to the MDEQ;

BE IT FURTHER RESOLVED, that this Resolution shall supersede, modify, augment or replace any previous inconsistent resolution, motion or Board action on these subjects.

**CHAPTER 3  
SEWER SYSTEM  
CONNECTIONS – A  
RESOLUTION**

(Resolution adopted Jan. 10, 1968)

WHEREAS, the Wright Township Board has determined to proceed with the construction of a sanitary sewer system, and

WHEREAS, bids were received for said sewer system on October 11, 1967, and

WHEREAS, said bids were considerably in excess of the funds available for said sewer system, and

WHEREAS, after considerable review and discussion by the Township Board and its engineers, it was determined that the sanitary sewers be raised approximately 2 feet to reduce costs, and

WHEREAS, the Township Board realizes that by raising said sewers, a large number of basements will not receive gravity drainage, and

WHEREAS, the Township Board is fully aware that such a system is not as efficient as the deeper system and will require a greater amount of control and inspection by the Township or its agent,

NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING CONDITIONS WILL BE NECESSARY FOR ALL CONNECTIONS TO SAID SEWER SYSTEM:

1. PERMITS. Permits must be obtained from the Township or its agent before any connection is made to the sewer.
2. STANDARDS. All connections to the sanitary sewer will be made to the standards of the State of Michigan Plumbing Code.
3. BASEMENT TOILET FACILITIES. Wherever the sewer in the street is not deep enough for basement drainage, no toilet facilities will be allowed in the basement.
4. BASEMENT LAUNDRY FACILITIES, FLOOR DRAINS. Wherever the sewer in the street is not deep enough for basement drainage, laundry facilities and basement floor drains may be connected to a sump and be pumped to the sanitary sewer.
5. INSPECTION. Adequate and proper inspection will be made of all connections to assure compliance with the above.

**CHAPTER 4  
SEWER CONNECTION  
POLICY – A  
RESOLUTION**

(Resolution adopted Dec. 19, 2001)

WHEREAS, Wright Township owns, controls, operates and maintains a public sanitary sewer system (the "System") within a part of the Township; and

WHEREAS, the Township has adopted Ordinance No. 1, dated June 14, 1967, which requires connection to the System, where available, within sixty (60) days after being required to do so by the Township; and

WHEREAS, the Township has entered into an agreement with the City of Grand Rapids whereby the City will assume ownership and control and will operate and maintain the System; and

WHEREAS, after the System is transferred the City of Grand Rapids will be responsible for overseeing connections to the System, consistent with applicable laws, and users of the System within the Township will become retail customers of the City; and

WHEREAS, the City of Grand Rapids has adopted a set of rates and charges applicable to sanitary sewer system connections, which rates and charges will apply to connections to the System after the transfer; and

WHEREAS, the Township Board has determined that it is in the best interest of both existing and future customers of the System to establish a policy for connections to the System.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Adoption of Policy. Connections to the System, as the System exists as of the date of this Resolution or as subsequently extended, altered or otherwise modified, shall only occur consistent with applicable laws and the following policy:

the System:

A. The following connection fees shall be charged for connections to

(1) Parcels which are connected within three (3) months after the System becomes available for service shall pay a connection fee of \$400 (Wright Township's connection fee) if the connection fee is paid to the Township by December 31, 2001.

(2) Connections to the System occurring more than three (3) months after the System becomes available for service, or for which the Wright Township connection fee of \$400 was not paid by December 31, 2001, shall pay a connection fee as established and amended from time to time by the City of Grand Rapids.

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B. All structures from which sanitary sewage originates which are constructed after December 19, 2001, shall connect to an "available public sanitary sewer system", as defined in the Michigan Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, before receiving a certificate of occupancy or other final local approvals.

C. All structures from which sanitary sewage originates shall connect to an "available public sanitary sewer system", as defined in the Michigan Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, upon the earlier of the following events:

Within five (5) years of December 19, 2001.

(2) Within three (3) months following the failure of a septic system which septic system predates the effective date of this Resolution. For purposes of this subsection, "failure of a septic system" shall mean: refusal by the Ottawa County Health Department to issue a permit for a new septic system for the structure, a determination by a qualified sanitarian that the septic system is not functioning properly or is leaking, or a septic system is not functioning in accordance with the manufacturer's specifications. The Township reserves the right to require that a property owner submit to the Township certification from a qualified sanitarian that the property owner's septic system is functioning properly and is not leaking.

The connection requirements contained in this section shall not apply to structures which were permitted for a new septic system after December 19, 1995, conditioned on the property owner's supplying to the Township, not less than every two (2) years, certification from a qualified sanitarian that the on-site septic is functioning properly and not leaking.

D. Nothing herein shall be construed or interpreted to limit the right of the Township Board to mandate other connection requirements consistent with state law at the discretion of the Board.

E. Deferrals of the connection fees set forth in this Resolution shall only be permitted in accordance with an ordinance adopted by the governmental agency having jurisdiction of the System.

2. Effective Date. This Resolution shall become effective immediately upon its adoption by the Township Board.

3. Repealer. All resolutions or parts of resolutions inconsistent herewith are, to the extent of this Resolution, hereby repealed.

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**CHAPTER 5  
COMMITMENT TO  
CONNECT TO GRAND  
RAPIDS SYSTEM – A  
RESOLUTION**

(Resolution adopted Sept. 21, 2000)

WHEREAS, Wright Township ("Township") operates a wastewater collection, transport and treatment system for certain residents ("System") and,

WHEREAS, the System needs greater capacity and the Township has committed to hookup to the City of Grand Rapids' wastewater treatment system to obtain that capacity;

WHEREAS, the Township has resolved to make a final decision on this option as soon as possible and needs to have the details of that option finalized prior to that meeting, so that its merits can be fully considered;

NOW, THEREFORE, BE IT RESOLVED, that the Township's attorney is directed to advise the City of Grand Rapids and Tallmadge Township that the final contracts need to be presented to Wright Township by October 6, 2000;

BE IT FURTHER RESOLVED, that the Township's attorney is directed to advise the Michigan Department of Environmental Quality that the Township requires by October 6, 2000, a final decision on the fine that it will be pursuing if the Township elects to hookup to the City of Grand Rapids' sewer system,

BE IT FURTHER RESOLVED, that a special meeting is called for October 9, 2000 to consider final approval of a hookup to the City of Grand Rapids' sewer system at a meeting location to be posted by the Clerk by October 6, 2000.

BE IT FURTHER RESOLVED, that this Resolution shall supersede, modify, augment or replace any previous inconsistent resolution, motion or Board action on these subjects.

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**CHAPTER 6  
SECOND AMENDMENT  
TO SANITARY SEWER  
AGREEMENT WITH  
GRAND RAPIDS**

(Resolution adopted Sept. 11, 2002)

WHEREAS, the Township and the City of Grand Rapids ("Grand Rapids) along with certain other municipalities have entered into a Water and Sanitary Sewer Service Agreement dated January 1, 1999 (the "Agreement"), for the provision of public water and/or sanitary sewer service within a certain designated service area within the Township on a retail basis; and

WHEREAS, Grand Rapids and the Township have agreed to enter into a Second Amendment to Water and Sanitary Sewer Service Agreement (the "Second Amendment") amending the Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the Second Amendment in the form presented at this meeting is approved and the Supervisor and Township Clerk are hereby authorized and directed to sign the Second Amendment for and on behalf of the Township.
2. That all resolutions or parts of resolutions in conflict herewith shall be and the same are rescinded.

**CHAPTER 7  
MODIFICATION OF  
FIRST AMENDMENT TO  
SANITARY SEWER  
AGREEMENT WITH  
GRAND RAPIDS**

(Resolution adopted March 17, 2003)

WHEREAS, Wright Township (“Township”) operates a wastewater collection, transport and treatment system for certain residents (“System”) and,

WHEREAS, the Township, City of Grand Rapids (“City”) and Tallmadge Township (“Tallmadge”) have entered into an Agreement, an Addendum and a June 12, 2002 First Amendment to the Addendum (“First Amendment”) that will facilitate the extension of the City's wastewater transport system through Tallmadge and to the System, so that the Township can close its treatment system and transfer the System to the operation and management of the City (“Phase One Project”);

WHEREAS, the Phase One Project is faced with potential cost overruns of \$475,000 (“Overrun”) and City, Tallmadge, Township and Phase One Project engineering officials have met and tentatively agreed to split the Overrun by increasing the “City's Payment” by \$150,000, the “Tallmadge Payment” by \$150,000 and the “Wright Payment” by \$150,000, as those terms are used in the First Amendment, as well as the Project Engineer, Moore & Bruggink, agreeing to reduce its fees by \$25,000;

WHEREAS, Tallmadge is contracting for the Phase One Project and so the Township must rely on the discretion of Tallmadge in determining the necessity of the Overrun and Tallmadge has advised that the Overrun is necessary;

WHEREAS, the Township ratifies that the Project as being in the best interests of the users of the System in view of the System's treatment capacity and related problems;

NOW THEREFORE BE IT RESOLVED, that the Township approves a modification to the First Amendment that increases the Wright Payment sum from \$700,000 to \$850,00, provided the following conditions are met:

- a. Tallmadge and the City likewise approve an increase in the City Payment and the Wright Payment, as those terms are used in the First Amendment, by \$150,000 each;
- b. There are no additional increases in the Phase One Project cost and Tallmadge agrees to notify all professionals and contractors on the Phase One Project of this fact, or Tallmadge otherwise agrees to finance any additional Phase One Project cost overruns.
- c. The additional financing for the Overrun is a maximum only, and if the actual Phase One Project Cost is less, the City Payment, Wright Payment and Tallmadge Payments will be reduced proportionately;
- d. The Township must approve in advance the site plan, appearance, and landscaping of the Hayes Street Pumping Station;
- e. Tallmadge issues the City and Township within 30 days of this Resolution, a written notice of a revised Phase One Project design completion date, revised MDEQ permit schedule date, revised City



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treatment plant connection date, and revised Phase One Project final completion date;

f. Tallmadge includes the Phase One Project completion date in its Contract Change Order documents, and also includes a daily-liquidated damage provision in an amount sufficient to enforce the deadline.

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**CHAPTER 8  
RESOLUTION TO  
ADOPT SANITARY  
SEWER SYSTEM  
EXTENSION CHARGES**

(Resolution adopted April 10, 2002)

WHEREAS, Wright Township has financed, constructed, owns and operates a public sanitary sewer system (the "system"); and

WHEREAS, the system is a valuable asset owned, controlled and operated for the benefit of the customers of the system; and

WHEREAS, Section 11 of Township Ordinance No. 2, as amended, provides that the owners of premises desiring to utilize the system are required to pay for all costs of extending and installing facilities in addition to trunkage and other connection fees established by the Township; and

WHEREAS, the Township Board believes that it is in the best interest of the Township and the system to establish extension and installation charges.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Whenever a sanitary sewer main is extended, unless the construction was funded entirely by state or federal grants, a property owner desiring to connect to the sewer extension shall pay its proportional share of the cost to design, construct and install the extension; provided, however, that the extension charge shall not apply to properties previously included in a valid special assessment district established, in whole or in part, for the purpose of extending the system. Any property owner requesting service which has not previously paid its proportional share shall pay such charges prior to making any connection to the system.
2. Upon completion of construction of an extension, the Township Supervisor shall certify to the Board the costs to be charged to property owners as provided for herein. The Township shall notify any effected property owner of the certified amount and the requirement that the charge be paid prior to connection.
3. If approved by the Township Board, an extension charge may be made at the expense of the system if the property owner signs a written agreement to pay the expenses of such extension upon terms agreeable to the Township Board or if the Township Board, by resolution, defers payment provided that the unpaid balance shall constitute a lien upon the premises of a character acceptable to the Township Board.
4. Nothing herein shall limit the authority of the Township Board to adopt, from time to time, additional charges and fees which reflect the costs of extending and installing the system.
5. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed.

**CHAPTER 9  
SEWER RATE  
ORDINANCE.**

(ord. no. 2 eff. Aug. 16, 1967; as amended by the following: eff. Apr. 5, 1975; ord. adopt. Nov. 9, 1983; resolution. adopt. July 12, 1989; amend. By ord. no. adopt. Sept. 11, 1991; as amended by res. adopt. Aug. 14, 1996; as amend.by ord. No. 23, eff. Sept. 19, 1996)

**Sec. 900 PURPOSE.**

To establish rates and charges for the use and service of the municipal sanitary sewer system of the Township of Wright, Ottawa County, Michigan.

**Sec. 901 SEWER SERVICE CHARGE; SCHEDULE OF UNIT EQUIVALENTS.**

There shall be and there is hereby established a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer system of the Township of Wright, Ottawa County, based upon the following schedule: New rate to take effect on the January 1, 1992 billing.

RESIDENTIAL CUSTOMER           \$40.00 per quarter per unit  
 COMMERCIAL & INDUSTRIAL   \$40.00 per quarter per unit  
   as per the schedule of unit equivalents.

A schedule of unit equivalents follows and is made a part hereof. This schedule of unit equivalents is for the purpose of establishing the trunkage connection fee and quarterly billing rate.

USAGE	UNIT FACTOR
Auto Dealers	.25 per 1,000 square foot of building space
Barber Shops	.14 per chair
Bars	.05 per seat
Beauty Shops	.25 per booth
Boarding Houses	.16 per person
Boarding Schools	.16 per person
Bowling Alleys (no bars, lunch facilities)	.16 per alley
Car Wash	10.00 single production line
Churches	0.002 per seat
Cleaners (pick up only)	0.05 per employee
Cleaners (pressing facility)	1.25 per press
Clinics (minimum assignment 1.00 unit per profession)	0.50 per doctor
Convalescent Homes	.25 per bed

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Country Clubs	.083 per member
Factories (Industry, exclusive of wet processes)	.25 per 1,000 square foot
Factories (industry, wet process)	To be set by Township Board in each specific instance
Fraternal Organizations (members)	1.0 per hall
Fraternal Organizations (members and rentals)	2.0 per hall
Grocery Store and Super Markets	0.25 per 1,000 square foot
Hospital (with surgical operating facilities)	1.10 per bed
Hotels (private baths, 2 persons per room)	0.10 per bed
Laundry (self-service - proprietor owned structure)	4.25 per washer
Laundry (self-service) leased structure	4.25 per washer
Multiple Family Residence	1.00 per family
Motels	0.10 per double bed
Office Building	.25 per 1,000 square foot
Public Institutes other than hospitals	.05 per employee
Restaurants (dinner and/or drinks)	0.125 per seat
Rooming Houses (no meals)	0.125 per person
Schools (no cafeteria, catering service, showers or pool)	0.4 unit/classroom
Schools (no showers or pool)	.75 unit/classroom
Schools (no pool)	1.00 unit/classroom
Schools (has cafeteria, showers, pool)	1.00 unit/classroom
Service Station	0.25 per pump
Snack Bars, Drive-Ins, etc.	.083 per seat and/or stall
Store (other than specifically listed)	.05 per employee
Swimming Pool, where ancillary facilities such as showers and toilet are connected to township sanitary sewer system)	To be determined by Township Board
Theatres (drive-ins)	.002 per car space
Theatres (inside)	.002 x weekly hours of operation x seats
Mobile Home and/or trailer Parks	1.00 per trailer or mobile home
Warehouses	.01 per 1,000 square foot

A unit of one (1) is based upon the amount of sewage facility required to service a single family residence. In no case shall the minimum charge be less than one (1) unit or \$40.00 per quarter per unit, which is necessary to retire the indebtedness, operating and maintenance and reserve necessary for maintaining the sanitary sewer facility.

Service to industrial establishments may be by contract if the municipality deems this to be in its best interest. Any type of use which is not specifically defined above shall have such a unit factor applied as shall be determined by the Township Board. (ord. no. 2 eff. Aug. 16, 1967; amend. eff. Apr. 5, 1975; further amend. by ord. adopt. Nov. 9, 1983; res. adopt. July 12, 1989; ord. adopt. Sept. 11, 1991 as amended by res. adopt. Aug. 14, 1996; as amend. by ord. No. 23, eff. Sept. 19, 1996)

Sec. 902      **BILLS.**

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Bills for the rates and charges as herein established by Wright Township shall be sent quarterly on or before the 1st day of July, October, January, and April. All bills shall be payable on the 15th (lay of the month following the quarter of service and shall be paid at a location established annually by the Township Board. If any charge for the services of the system shall not be paid by the 15th day of the month in which it shall become due and payable, a charge of ten percent (10%) of the amount of the current bill shall be added thereto and collected therewith.

(ord. no. 2 eff. Aug. 16, 1967; amend. Apr. 5, 1975; further amend. by ord. adopt. Sept. 11, 1991)

**Sec. 903 PAYMENT OF CHARGES; DELINQUENT CHARGES.**

All service charges will be due and payable on the 35th day of July, October, January and April for service the preceding quarter. All accounts remaining, unpaid more than two (2) quarters will be treated as delinquent and under the provisions of the applicable statutes of the State of Michigan in such case made and provided shall be so certified by the Township Treasurer to the Township Supervisor on September 1 of each year. The Township Supervisor shall place the delinquent sewer charges on the general property tax roll where the charges shall constitute a tax lien against the property until paid.

(ord. no. 2 eff. Aug. 16, 1967; amend. eff. Apr. 5, 1975)

**Sec. 904 APPLICATION FOR SEWER SERVICE.**

Applications for sewer service shall be filed with the Clerk, upon a form to be supplied by the Township. The application shall state the name of the applicant and the premises to be served. All applicants filed after the commencement of the operation of the system shall be accompanied by a fee of \$400.00 per unit, payable to the Treasurer of the municipality for the connection charge. A unit shall be determined by a sewer unit survey to be made by the Township of Wright, based upon factors established in that survey. The number of units to be assignable to each business or establishment, making application shall be determined by the Township of Wright, through its superintendent of the municipal sewage works.

(ord. no. 2 eff. Aug. 16, 1967; amend. eff. 1973; further amend. by ord. adopt. Sept. 11, 1991)

**Sec. 905 LIABILITY FOR SEWER SERVICE; DEPOSIT.**

The owner of the premises served and the occupant thereof and the use of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. A deposit of \$12.00 shall be required from all tenants. The deposit shall be applied to any bill for sewer service delinquent more than 15 days. Upon the disconnection of the sewer service any balance of such deposit shall be returned to the applicant without interest. (ord. no. 2 eff. Aug. 16, 1967)

**Sec. 906 BILLING; COLLECTING MONIES.**

It is hereby made the duty of Township Treasurer to render bills for sewer service and all other charges in connection therewith and to collect all monies due there from.

(ord. no. 2 eff. Aug. 16, 1967)

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**Sec. 907 SEWER SYSTEM FUND.**

All revenues and monies derived from the operation of the sewer system shall be paid to and held by the Treasurer separate and apart from all other funds of the municipality and all of said sums and all other funds and monies incident to the operation of said system, as may be delivered to the Treasurer, shall be deposited in a separate fund designated the "Sewer System Fund Account" and said Treasurer shall administer said fund in every respect in a manner provided by the Statutes of Michigan pertaining thereto. (ord. no. 2 eff. Aug. 16, 1967)

**Sec. 908 RECORDS AND ACCOUNTS; AUDIT.**

The Township shall establish a proper system of accounts, and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Municipality Board shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system. (ord. no. 2 eff. Aug. 16, 1967)

**Sec. 909 CONNECTION TO SYSTEM; COSTS.**

The owners of any property adjoining the sewer system, who desire to utilize the services thereof, shall be required to pay for all costs of extension and installation of facilities to connect to the existing service in addition to all trunkage and connecting charges. (ord. no. 2 eff. Aug. 16, 1967; amend. eff. 1973)

**Sec. 910 SEWER RATE ORDINANCE AMENDMENT (Ord. No. 23, eff. Sept. 19, 1996)**

**Sec. 410.1 Purpose.**

To amend Ordinance No.2, being the Wright Township Sewer Rate Ordinance, to provide for the establishment of sewer service charges by resolution adopted by the Township Board from time to time.

**Sec. 410.2 Sewer service charge; schedule of unit equivalents.**

Sewer service charges for each premises connected to the municipal sanitary sewer system of Wright Township, Ottawa County shall be based upon a schedule of residential equivalents. The schedule of residential equivalents shall be used for calculating the trunkage connection fee and the quarterly billing for treatment service. The rates and the schedule of residential equivalents shall be established by resolution of the Township Board, as adopted from time to time.

The schedule of residential equivalents shall be based or calculated upon the amount of sewage facility required to service a typical single family residence. In no case shall the minimum charge be less than \$17.00 per quarter per residential equivalent, which is the base amount necessary to retire the system's original indebtedness, operating and maintenance, and to establish a reserve for maintaining the sanitary sewer facility.

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Service to industrial or commercial establishments may be based upon rates that are negotiated with the establishment, if this is deemed by the Township board to be in the best interests of the Township. Any type of use which is not specifically defined in the schedule of residential equivalents shall have the unit factor (s) applied to it which the Township board determines to be most appropriate. The unit factor of any establishment which has multiple usages can be determined by aggregating the individual unit factors, or portions thereof, in such manner that the billing is equitable and fairly reflects the demand that the establishment places on the system.”

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**CHAPTER 10  
REU UPDATES FOR  
INDUSTRIAL  
CUSTOMERS &  
ADJUSTMENTS OF  
CERTAIN  
COMMERCIAL  
CUSTOMERS**

(Resolution adopted December 30, 2003)

**SEWER SERVICE CHARGES SET BY TOWNSHIP BOARD FOR INDUSTRIAL CUSTOMERS  
& ADJUSTMENTS OF CERTAIN COMMERCIAL CUSTOMERS**

WHEREAS; Wright Township had mostly Residential Customers and a few Commercial Customers until construction of the Comstock Street Sewer Project; Wright now has some Industrial Customers for which the Residential Equivalency Units must be set, and

WHEREAS; Ordinance No. 23, which amends Ordinance no. 2, being the Wright Township Sewer Rate Ordinance, to provide for the establishment of sewer service charges by resolution adopted by the Township Board from time to time, and

WHEREAS; Ordinance No. 23 states, in part, that service to Industrial or Commercial establishments may be based upon rates that are negotiated with the establishment, if this is deemed by the Township Board to be in the best interests of the Township. Any type of use which is not specifically defined in the schedule of residential equivalents shall have the unit factor(s) applied to it which the Township board determines to be most appropriate.

WHEREAS; Lothschutz and Becker visited Industrial customers located on Comstock Street (or obtained information from a few via phone as they could not physically meet), and interviewed all to obtain statistics regarding the size of building, type of business, number of employees, shifts worked, hours & numbers of shifts worked, amount and type of fixtures, and asked about any other water use which would discharge into sewer. A sheet was filled out for each business, which is on file, and

WHEREAS; Lothschutz and Becker studied some charts supplied by Todd McLean from USDA listing information from other municipalities which have only sewer with no water who also use REU as a measurement for Industrial Customers for comparison and inclusion into our rate setting methodology. After much discussion, the consensus was that the most fair way to apportion the REU's would be to base most heavily on the number of employees and shifts worked, plus any other water that would dump in to the sewer system rather than the square footage of each building. The minimum amount for a single building would be 1 (one) REU. One value used to determine REU **“Industrial including Machine Shops (domestic sewage only)-*1.00 for each 12 employees or fraction of 12. Any number of employees over 12, .25 RE for each employee*”**

WHEREAS; Lothschutz also contacted some Commercial Customers to obtain information in order to re-evaluate their apportionment.

BE IT RESOLVED, that the Wright Township Board adopts the following Residential Equivalency Unit(s) apportioned as presented:



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CUSTOMER NUMBER	NAME	REU'S
<b>COMMERCIAL</b>		
(1) #101	Birchwood(Commerce Realty)	Flat rate \$1500 per quarter ( REU to be set to equal \$500 per month—no change of amount billed)
(2) #136	Berlin Fair As'sn.	To be set @ .25 REU (to equal 1 REU per year—no actual change of amount billed)
(3) #142	Pit Stop Bar	Increase from 4 to 6 (activities have increased—re-evaluated)
(4) #226	Kenowa Hills Public School	Increase from 12 to 14 (activities have increased—re-evaluated)
(5) #249	Schneider Service Station	Decrease from 2 to 1 (no gas sales—decrease in activity—re-evaluated)
(6) #281	Schneider Tire Outlet	Increase from 1 to 2 (business has expanded over the years—re-evaluated)
<b>INDUSTRIAL</b>		
(7) #290	Wolohan Lumber	Set at 16
(8) #291	B&D Land LLC	Set at 1
(9) #292	RSS Auto	Set at 1.5
(10) #293	Borgia Die	Set at 1
(11) #294	Competition Eng.	Set at 7
(12) #295	Robyn Chulski(house)	Set at 1 (Residential House)
(13) #296	DeWitt Barrels (Domestic)	Set at 8
(14) #297	S. F. Raymer	Set at 1
(15) #298	Legend	Set at 1
(16) #299	Richard Whaley	Set at .5

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(17)	#300	R. Andrews Pallet	Set at 1
(18)	#301	Blenco	Set at 1
(19)	#302	DesBros (house)	Set at 1 (Residential House)
(20)	#303	DeWitt (Industrial)	Set at 13.5
(21)	#304	Haskinner Products	Set at 1
(22)	#305	Holiday Coach	Set at 1.5
(23)	#306	Ken-Lar Corp.	Set at 1
(24)	#307	Charles Lillibridge(house)	Set at 1 (Residential House)
(25)	#308	Next Generation	Set at 1
(26)	#309	Bert Smith	Set at 1
(27)	#310	W. Mason Dies	Set at 1
(28)	#311	Tadd Industries	Set at 7.5
(29)	#312	Raymer Wells	Set at 2
(29)	#	Vells	Set at 2

BE IT FURTHER RESOLVED, that this resolution, adopted this day, December 30, 2003, by the Township Board sets the above REU's apportionments effective beginning with the January 1<sup>st</sup>, 2004 billing for the last quarter of 2003. (October, November & December of 2003)

**CHAPTER 11  
COMSTOCK  
STREET  
EXPANISON/  
OFFICIAL INTENT  
TO REIMBURSE  
TOWNSHIP FROM  
FUTURE BOND  
PROCEEDS**

(Resolution adopted Sept. 12, 2001)

WHEREAS, the Township of Wright (the "Township") intends to make substantial improvements to the Township's Street System and its Wastewater Collection System within and adjacent to the Comstock Avenue Special Assessment District, for an estimated total cost of approximately \$700,000 (the "Improvements"); and,

WHEREAS, the Township Board has studied the needs of the Township and deems it to be in the best interest of the Township to acquire and construct the Improvements, and to finance the cost of the Improvements through the issuance of long-term tax-exempt bonds (the "Bonds"); and,

WHEREAS, the Township Board desires to proceed with the Improvements at the earliest possible time, prior to the issuance of the Bonds; and,

WHEREAS, the Township will incur substantial capital expenditures for the Improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the bond proceeds.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT:

- 1.The Township shall proceed to acquire and construct the Improvements using available funds of the Township from the general fund and other funds of the Township.
- 2.At such time as the Township issues the Bonds for the long term financing of the Improvements, the Township shall be reimbursed its expenditures for the Improvements out of the proceeds of the Bonds.
- 3.The maximum amount of capital expenditures for which the Township will seek reimbursement from the bond proceeds is \$300,000.
- 4.This resolution and the expression of intent to seek reimbursement from future bond proceeds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.
- 5.All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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**CHAPTER 12  
COMSTOCK  
STREET  
WASTEWATER  
SYSTEM  
IMPROVEMENTS/  
SPECIAL  
ASSESSMENT ROLL**

(Resolution adopted Oct. 10, 2001)

WHEREAS, the Township Board, pursuant to Act 188 of the Public Acts of Michigan of 1954, as amended (the "Act"), has resolved its intent to make the public improvements described in Exhibit A hereto (the "Public Improvements"); and,

WHEREAS, the Township Supervisor has prepared, certified and reported to this Township Board a special assessment roll for the parcels of property benefited by certain Public Improvements and located in the Comstock Street Special Assessment District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the special assessment roll for Comstock Street Special Assessment District (the "special assessment roll"), as reported to the Township Board by the Township Supervisor, shall be filed in the office of the Township Clerk and shall be available for public inspection during the normal working hours of the Township office.
2. That the Township Board shall hold a public hearing on OCTOBER 22, 2001, at 7:00 p.m. at the Township Hall in the Township to review and hear any objections to the special assessment roll.
3. That the Township Clerk shall cause to be published a notice of hearing and of the filing of the special assessment roll, in the *GRAND RAPIDS PRESS* and the *Ottawa ADVANCE*, newspapers of general circulation within the Township, at least two (2) times prior to the public hearing with the first publication at least ten (10) days prior to the public hearing. Proofs of publication of such notice shall be filed with the Township Clerk.
4. That the Township Clerk, at least ten (10) days prior to the date of the public hearing, shall send a notice of the public hearing, by first class mail addressed to each record owner of or party in interest of each parcel of property to be assessed, at the address shown for such owner or party in interest upon the last Township tax assessment records, as supplemented by any subsequent changes in the names or addresses of the owners or parties listed therein, except in the case of railroad companies, who shall be mailed a notice of the hearing by registered mail within five (5) days after the first publication of the notice in Paragraph 3, above.
5. That the notice of the hearing to be mailed and published pursuant hereto shall be substantially in the form set forth in Exhibit A hereto.
6. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

**CHAPTER 13  
CONSTRUCT  
IMPROVEMENTS  
ON COMSTOCK  
STREET/ISSUE  
BONDS**

(Resolution adopted March 4, 2002)

WHEREAS, the Township Board deems it to be in the best interest of the Township of Wright (the "Township") to purchase, acquire and construct certain street, sanitary sewer, storm sewer and drainage improvements, including, but not limited to, installation of sanitary sewers, drainage improvements, removal of existing pavement and street paving on or along Comstock Avenue from 8th Avenue to 16th Avenue (the "Improvements") for the benefit of the Township and to finance the Improvements by the issuance of general obligation, limited tax, improvement bonds pursuant to Section 517 of Act 34 of the Public Acts of Michigan of 2001 ("Act 34"); and

WHEREAS, pursuant to Section 517 of Act 34, it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board hereby determines to purchase, acquire and construct the Improvements and to pay for the cost through the issuance of limited tax, general obligation, improvement bonds, pursuant to Section 517 of Act 34, in an amount of not to exceed \$700,000 (the "Bonds").
2. A Notice of Intent to Issue Bonds be published in accordance with Section 517 of Act 34, and the Township Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in the Ottawa Advance, a newspaper of general circulation in the Township, determined to be the newspaper reaching the largest number of persons to whom such Notice is directed, which Notice shall be substantially in the form as set forth on Exhibit A attached hereto, and shall be at least one-quarter (1/4) page size in the newspaper.
3. The firm of Law, Weathers & Richardson, P.C. is hereby employed as bond counsel to the Township to prepare the documents for the issuance of Bonds for financing acquisition of the Improvements.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

**CHAPTER 14  
SEWER SERVICE  
CHANGES SET BY  
TOWNSHIP BOARD  
– CUSTOMER  
ADJUSTMENTS &  
ADDITIONS**

(Resolution adopted May 12, 2004)

WHEREAS; Ordinance No. 23, which amends Ordinance No. 2, being the Wright Township Sewer Rate Ordinance, to provide for the establishment of sewer service charges by resolution adopted by the Township Board from time to time, and

WHEREAS; Ordinance No. 23 states, in part, that service to Industrial or Commercial establishments may be based upon rates that are negotiated with the establishment, if this is deemed by the Township Board to be in the best interests of the Township. Any type of use which is not specifically defined in the schedule of residential equivalents shall have the unit factor(s) applied to it which the Township Board determines to be most appropriate

WHEREAS; The following customers were re-evaluated, based on the methodology set forth in Resolution 03-12-01 and on further information supplied to the township by said customers

BE IT RESOLVED, that the Wright Township Board adopts the following Residential Equivalency Unit(s) apportioned as presented:

<b>CUSTOMER NUMBER</b>	<b>NAME</b>	<b>REU' S</b>
<b>RESIDENTIAL</b>		
(1) #258	Mitchell (1518 Arch) House removed 2003	To be Set at 0
(2) # ?	Austin (16th Avenue) New home constructed	To be Set at 1
<b>COMMERCIAL</b>		
(3) #222	Berlin Fair As'sn DeLoof House removed 2004	To be Set at 0
(4) #277	Homestead Timbers Re-evaluated	To be Set at 1.5
<b>INDUSTRIAL</b>		
(5) #292	RSS Auto	To be Set at 1.5

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Activities decreased

(6) #296 DeWitt Barrels (Domestic) To be Set at 7

Re-evaluated

(7) #303 DeWitt Barrels (Industrial) To be Set at 8.5

Re-evaluated based on metering

BE IT FURTHER RESOLVED, that this resolution adopted this day, May 12, 2004, by the Township Board sets the above REU's apportionments effective beginning with the July 1", 2004 billing for the second quarter of 2004. (April, May & June of 2004)

**CHAPTER 15  
INTERJURISDICTIONAL  
PRETREATMENT  
AGREEMENT  
BETWEEN THE  
CITY OF GRAND  
RAPIDS AND  
WRIGHT  
TOWNSHIP**

(Resolution adopted June 9, 2004)

**WHEREAS**, the City owns and operates a wastewater treatment system (the "Treatment System"); and

**WHEREAS**, the Township utilizes the Treatment System pursuant to a retail Water and Sanitary Sewer Service Agreement between the City, the Township and other customer communities dated as of January 1, 1999 (the "Sewer Agreement"); and

**WHEREAS**, the City is required to implement an industrial pretreatment program ("IPP") pursuant to conditions contained in its current discharge permit (the "Permit") as issued from time to time by the State of Michigan; and

**WHEREAS**, the Township desires to continue to utilize the Treatment System and recognizes its industrial waste control obligations under federal law, i.e., 40 CFR 403.

**NOW, THEREFORE**, in consideration of the respective covenants contained herein, the parties agree as follows:

1. The Township shall adopt, authorize the City to enforce, and assist the City in the enforcement of an ordinance which the Township shall have adopted and which is substantially identical to Chapter 27, Sections 2.60 through Sections 2.111 of the Grand Rapids City Code, attached hereto as Exhibit A (the "City Sewer Use Ordinance"), provided that specific discharge limits shall only be as stringent as necessary for the City to meet all applicable requirements of federal and State law or the conditions contained in the Permit or for the protection of the City's sanitary sewer system (the "Sewer System"). The Township shall file with the City a certified copy of its adopted ordinance no later than June 30, 2004.
2. The City shall notify the Township and all affected industrial users in the Township of pertinent categorical standards and monitoring and reporting requirements contained in 40 CFR 403.12 or included as part of the pertinent categorical standards.
3. If the City adopts an amendment to the City's Sewer Use Ordinance to comply with changed Permit requirements or applicable law, the Township shall adopt a comparable amendment to its ordinance within 90 days following notification by the City of the necessity for an amendment.



4. Based upon criteria applied reasonably and uniformly in the City and the Township, the City shall make the final determination as to whether a particular sanitary sewer discharger in the Township is a Significant Industrial User ("SIU") as defined in Section 2.62 of the City's Sewer Use Ordinance. The City shall control, through industrial discharge permits, industrial waste discharges from each SIU discharging into the Sewer System.

5. The Township hereby appoints the City as the authorized representative of the Township with the legal authority and responsibility for the performance of technical and administrative activities necessary for implementation of an IPP within the Township. These activities shall be performed reasonably and uniformly in the City and the Township and may include, among others: (a) updating industrial waste surveys; (b) providing technical services, such as sampling, processing chemical analysis and engineering advice; (c) permitting; (d) compliance monitoring; and (e) enforcement action by the City Attorney of the City in any required court proceeding. The Township will assist the City as reasonably required. The costs incurred by the City in conjunction with the administration of the IPP on behalf of the Township shall be recovered by the City from the permit fees charged to SIU's. The City shall provide the Township with a detailed accounting of such costs upon request of the Township.

6. Any authorized officer or employee of the City may enter and inspect at any reasonable time any part of the sewer system located in the Township. The right of entry and inspection shall extend to public streets, easements and property within which the Sewer System is located. Additionally, the City shall be permitted, as appropriate, to enter onto private property to inspect a specific SIU. The Township shall assist the City in making all necessary legal and administrative arrangements for such inspections. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing and access to (with the right to copy) all pertinent compliance records located on the premises of the SIU. The City shall give the Supervisor of the Township appropriate notice of any significant non-routine inspection or enforcement action involving a SIU within the Township.

7. In circumstances where City personnel become involved in confined space entry in connection with the performance of this Agreement and where the fire department performing services within the Township is not adequately trained, equipped or certified to perform confined space rescue services, the City may call upon its fire department (the GRFD") for the purpose of confined space rescue of City employees. In such circumstances, the Township agrees that the GRFD is operating at the request of the Township and such confined space rescue activities shall be considered an appropriate governmental function of the City and the Township. When such confined space rescue activities are being performed in the Township, the senior ranking member of the GRFD, present at such a rescue, shall be considered the incident commander with full authority to conduct and direct the confined space rescue with the authority to utilize fire department or other resources from either the Township or the City. This authority to conduct confined space rescue operations for City employees, within the Township, does not represent any commitment or obligation by the City or the GRFD to engage in, or be responsible for, any other confined space rescue operations in the Township.

8. The Township shall not adopt any ordinance or regulation which prohibits the land application of bio-solids or that is in any way more restrictive or more limiting than the standards for

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land application of bio-solids promulgated in 40 CFR 503.

9. Where a discharge to the Treatment System reasonably appears to present an imminent danger to the health and welfare of persons, or presents or may present an imminent danger to the environment, or threatens to interfere with the operation of the Treatment System, the City may immediately initiate steps to identify the source of the discharge, and to halt or prevent said discharge. The City shall, as soon as reasonably practicable, notify the Supervisor of the Township of the discharge and the action the City intends to take to halt or prevent the discharge. The City may seek injunctive relief against the Township or any SIU contributing to the emergency condition, or may pursue other remedies.

10. The terms of this Agreement may be amended only by written agreement of the parties. In any event, this Agreement shall be reviewed upon request of either party and revised as necessary.

11. This Agreement modifies, only those provisions of the Sewer Agreement which conflict with the terms of this Agreement. The other provisions of the Sewer Agreement remain in full force and effect.

12. This Agreement will remain in effect so long as the Sewer Agreement remains in effect. Termination of the Sewer Agreement shall also result in the termination of this Agreement.

**CHAPTER 16  
SEWER SERVICE  
CHANGES SET BY  
TOWNSHIP BOARD  
- CUSTOMER  
ADJUSTMENTS &  
ADDITIONS**

(Resolution adopted June 9, 2004)

WHEREAS; Ordinance No. 23, which amends Ordinance No. 2, being the Wright Township Sewer Rate Ordinance, to provide for the establishment of sewer service charges by resolution adopted by the Township Board from time to time, and

WHEREAS; Ordinance No. 23 states, in part, that service to Industrial or Commercial establishments may be based upon rates that are negotiated with the establishment, if this is deemed by the Township Board to be in the best interests of the Township. Any type of use which is not specifically defined in the schedule of residential equivalents shall have the unit factor(s) applied to it which the Township Board determines to be most appropriate

WHEREAS; The following customers were re-evaluated, based on the methodology set forth in Resolution 03-12-01 and on further information supplied to the township by said customers

BE IT RESOLVED, that the Wright Township Board adopts the following Residential Equivalency Unit(s) apportioned as presented:

CUSTOMER NUMBER	NAME	REU'S (CURRENT)	TO BE SET AT
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**RESIDENTIAL**

(1) #258	Mitchell (1518 Arch) (to replace home)	0	1
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**COMMERCIAL**

(1) #278	Maggini (16 <sup>th</sup> Ave. & State) (Bldg. Vacant – minimum REU	3	1
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BE IT FURTHER RESOLVED, that this resolution adopted this day, June 9, 2004, by the Township Board sets the above REU's apportionments effective beginning with the July 1", 2004 billing for the second quarter of 2004. (April, May & June of 2004)

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**BOOK 8  
ZONING**

**CHAPTER 1  
MASTER ZONING  
ORDINANCE NO. 5**

(Ord. No. 5, eff. Oct.11,1978)

( As amended by all the following items of this volume.)

**For full text see Wright Township Zoning Ordinance Book**

Sec. 100     **PURPOSE.**

That the Wright Township Zoning Ordinance, entitled “AN ORDINANCE” to establish zoning districts and regulations governing the unincorporated portions of Wright Township, Ottawa County, Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943; to provide for regulations governing nonconforming uses and structures; to provide for Board of Appeals and its duties and powers; to provide for building permits and the collection of fees therefore; to provide for the administration of this Ordinance including the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance and to provide for conflicts with other ordinances or regulations,” adopted February 16, 1951 effective March 24, 1951, as amended, BE AND HEREBY IS amended.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of, and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads and streets; to provide safety in traffic and vehicular transportation, education, recreation, sewage disposal, safe and adequate water supply, and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

**CHAPTER 2  
AMENDMENTS TO  
ZONING  
ORDINANCE NO. 5**

**Sec. 200 COMMUNITY COMMERCIAL (Ord. No. 40, eff. March 23, 1999)**

**Sec. 200.1 Purpose.**

To amend certain sections of the Wright Township Zoning Ordinance to define and provide that sexual oriented business are permitted as a special exception use in the Community Commercial District. **For full text see Wright Township Zoning Book Chapter 2 “Definitions”**

**Sec. 201 REGULATIONS FOR THE SUBDIVISION OF LAND AND PENALTIES FOR VIOLATION (ord. No. 49, eff. Jan.20, 2000)**

**Sec. 201.1 Description and Purpose.**

This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Subdivision Control Act of 1967. (“Act 288”) This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

**Sec. 201.2 Fee schedule.**

Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

**Sec. 201.3 Definitions.**

All terms herein shall have the meanings and definitions given by Act 288.

**Sec. 201.4 Scope And Conflict.**

The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

**Sec. 201.5 Certification Of Plats And Drawings.**

All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

**Sec. 201.6 Preliminary Plat Application And Review Procedures.**

**A. Submission of plats.**

The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this

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Ordinance, to the Township Clerk.

B. Preliminary Plat: Required Information.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.
- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
- (11) If the proposed subdivision is not to be served by public sewer and water systems, a written statement from the Ottawa County Health Department regarding the suitability of the soils for on-site septic systems.
- (12) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
  - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.

- b. The contour line shall intersect the sidelines of the lots.
  - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
  - d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
- (14) Any restrictions to be imposed upon the use of property in the subdivision.
- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- (18) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways.
- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use on adjacent properties.

C. Preliminary Plat: Tentative Approval Procedure.

- (1) Preliminary plats shall be referred to the Planning Commission, which shall consider the preliminary plat and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, at least ten days notice shall be given by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls. The preliminary plat, together with minutes showing the



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action of the Planning Commission thereon, shall then be referred to the Township Board.

(2) The Township Board shall approve or disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor. A resolution approving a plat shall state: (i) the nature and character of the improvements that will be required to be made by the Proprietor; (ii) the periods of time within which the respective improvements must be completed; and (iii) any conditions relating thereto. If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

(3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

D. Preliminary Plat: Final Approval Procedure.

(1) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:

a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.

b. Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.

c. Submit all approvals to the Township Clerk after they have been secured.

(2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.

(3) The Township Board shall, at its next regularly scheduled meeting or within 20 days following submission of the required materials shall:

a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.

b. Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.

(4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.

Sec. 201.7 Final Plat Application And Review Procedure.

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A. Requirements.

- (1) Final plats shall be prepared and submitted as provided in Act 288.
- (2) A written application for approval and all recording and other Township and State fees shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.
- (4) The Township may require such other information, as it deems necessary to establish whether the proper parties have signed the plat.

B. Procedure: Final Plat.

- (1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.
- (2) The Township Board shall examine the final plat at the next regularly scheduled meeting or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

C. Improvements and Facilities.

- (1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

D. Security for Completion.

- (1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.
- (2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.

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- (3) Security shall remain in force for a time to be specified by the Township Board.
- (4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
- (5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

E. Certificates on Final Plat.

The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

Sec. 201.8 Improvements And Regulations

The following standards shall apply to all subdivisions within the Township.

A. Lots.

- (1) All lots shall face upon, and have direct access to, a public or private street.
- (2) The sidelines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.
- (7) Lots in subdivisions bounded by existing streets shall only have access from internal

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streets constructed to serve the subdivision and not directly to such existing streets. The Planning Commission and Township Board may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth topography or other natural features of the land to be subdivided.

(8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts.

B. Usable Land.

All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

C. Dedication.

Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards of the private road provisions of Township Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

D. Street Names.

Street names shall be approved by the Ottawa County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

E. Street Alignment and Layout.

(1) The subdivision layout shall conform to the major street and thoroughfare plan and the comprehensive land use plan of the Township.

(2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

(3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.

(4) No dead end street or street terminating in a cul-de-sac shall provide access to more

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than 24 dwelling units.

(5) Intersections of public or private streets shall be at angles of 90 degrees, or as close to such angle as possible, but in no case more than 30 degrees from perpendicular.

F. Street Design Standards.

Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Ottawa County Road Commission.

G. Sidewalks.

(1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.

(2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Planning Commission and Township Board approve an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

(3) The following are exceptions from Section 4.08(1) of Act 288:

a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.

b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet, and if the average density in the subdivision is less than or equal to two dwelling units per acre.

c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet, and if the average density in the subdivision is less than or equal to 1.5 dwelling units per acre. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which would be on a walking route to the school.

(4) Also in their discretion, the Planning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Township Board shall consider and make findings upon the following factors:

a. Whether the installation of sidewalks would be a reasonably appropriate plat

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improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.

- b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.
- c. Whether there are other sidewalks already installed on adjacent or nearby lands.
- d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

#### H. Street Lighting.

Adequate street lights may be required to be provided.

- (1) Public electricity, telephone, and gas service shall be furnished to each lot in the subdivision.
- (2) Public sanitary sewer and water, or either of them, shall be provided according to the requirements of the zoning district in which the subdivision is located and in accordance with the Township's sanitary sewer ordinances.
- (3) All utilities shall be installed and maintained underground and in appropriate easements.
- (4) Public utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than six feet along each lot, or a total of twelve feet for adjoining lots.
- (5) When a proposed subdivision is to be served by a publicly owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.
- (6) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

#### I. Natural Features.

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Township as recommended in the Township's Master Plan.

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J. Drainage.

An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

Sec. 201.9 Variance.

A variance from the provisions of this Ordinance may be granted as follows:

- (1) If the Proprietor demonstrates that literal enforcement of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Township Board, upon recommendation of the Planning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.
- (2) A petition for a variance shall be submitted along with the preliminary plat. Notice that request for a variance has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Planning Commission to the Township Board after public hearing following notice given in accordance with Section 2.03.

Sec. 201.10 Enforcement

1. No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.
2. No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Ottawa County Register of Deeds.
3. Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, or their successors in interest, within two years after the execution of the sales agreement. Such agreements, however, shall be binding upon the vendor, his or her assigns, heirs or devisees.
4. No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.
5. Any act or failure to act done in violation of the provisions of this Ordinance is hereby

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declared to be a nuisance per se.

6. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$1,000 for the first offense and not less than \$500 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. 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.

7. In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this ordinance or any continuance of such violation. In such case the person found violating this ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

#### Sec. 201.11 Division Of Platted Lots.

##### A. Prohibition.

No lot or other parcel of land located within a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the particular minimum lot dimension requirements of the Township zoning ordinance.

##### B. Approval of Lot Splits.

(1) Any proprietor or property owner who desires to partition or split a lot, outlot, or other parcel of land located in a recorded plat shall apply to the Township Clerk. The application shall include a detailed statement of the reasons for the requested partition or division, sketch, map or maps prepared to scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land, and a statement from the Ottawa County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

(2) The Township Clerk shall transmit the application and report from the Ottawa County Health Department to the Planning Commission, which shall make a recommendation to the Township Board.

(3) In reviewing the application, the Planning Commission and Township Board shall consider whether the request is consistent with all Township Ordinances, Act 288, and other State laws and is consistent with the general public welfare.



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(4) Upon receiving the recommendation of the Planning Commission, the Township Board shall either approve or reject the application.

(5) The Township Board may condition its approval of a division or partition upon such reasonable conditions as shall be deemed desirable by the Township Board.

Sec. 202 **LAND DIVIDISON (Ord. no. 54, eff. June 14, 2000)**

Sec. 202.1 Purpose.

An ordinance to regulate partitioning or division or parcels or tracts of land, enacted pursuant, but not limited, to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance Statute, to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township. **For full text see Wright Township Zoning Book Appendix I.**

Sec. 203 **FEES AND ESCROW CHARGES (Ord. no.46, eff. June 22, 1999)**

Sec. 203.1 PURPOSE.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance, Ordinance No.5, to provide that applicants for zoning ordinance amendments, special exception uses, planned unit developments, or other approvals required under the terms of the Wright Township Zoning Ordinance are to an "escrow fee" to the Township, which escrow fee is to be used by the Township to pay the costs incurred by the Township for various services utilized to evaluate the applicants' requests. **For full text see Wright Township Zoning Book Chapter 24, "ADMINISTRATION AND ENFORCEMENT"**.

Sec. 204 **"RA" RURAL AGRICULTURAL ZONE (Ord. no.32, eff. Sept. 22, 1998)**

Sec. 204.1 Purpose.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance, Ordinance No.5, to create a Rural Agricultural (RA) Zoning District, to provide the permitted uses and special exception uses allowed in the RA District, to provide the Regulations for the RA District. **For full text see Wright Township Zoning Book Chapter 6 "RA" Rural Agricultural Zone.**

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**Sec. 205 COMMERCIAL STABLES, PRIVATE STABLES AND FEEDLOTS (Ord. no.32, eff. Sept. 22, 1998)**

Sec. 205.1 Purpose.

To add definitions for Commercial Stables and Private Stables, and to amend the definition of Feed Lot. **For full text see Wright Township Zoning Book Chapter 2, "Definitions"**

**Sec. 206 ACCESSORY USES OR STRUCTURES IN FRONT YARDS (Ord. no. 37, eff. Feb. 23, 1999)**

Sec. 206.1 Purpose.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance No. 5, to provide regulations for the location of accessory buildings and uses in the "front yards," of parcels or lots. **For full text see Wright Township Zoning Book Chapter 3, Regulations Applicable to All Districts, Sec. 310.**

**Sec. 207 ZONING DISTRICT AMENDMENTS (Ord. no.48, eff. Nov. 30, 1999)**

**For full text see Wright Township Zoning Book Chapters:**

- 2 Definitions**
- 3 Regulations Applicable to all Districts**
- 5 Agricultural District**
- 7 Low Density**
- 8 Medium Density**
- 9 High Density**
- 10 Community Commercial**
- 11 Marne Village District**
- 12 Industrial District**
- 13 "MPH" Mobile Home Park District**
- 14 "OS-PUD" Open Space Planned Unit Development District**
- 15 Sand Creek Watershed Overlay Zone**
- 17 Review and Approval of Site Condominiums**
- 18 Site Plan Review**
- 19 Special Land Uses**
- 20 Landscaping**
- 21 Off Street Parking**

Sec. 207.1 Purpose.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance No. 5, to provide regulations and definitions for the above listed districts.

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Sec. 208 **BED & BREAKFAST IN RA ZONE (Ord. no.48, eff. Nov. 30, 1999)**

Sec. 208.1 Purpose.

An Ordinance to amend certain sections of the Wright Township Zoning Ordinance No. 5, by amending the special land uses in the Rural Agricultural Zone to add Bed and Breakfast establishments. **For full text see Wright Township Zoning Book Chapter 6, Sec. 602, "Special Uses"**

Sec. 209 **FAIRGROUND DISTRICT (Ord. no.61, eff. Jan. 15, 2002)**

Sec. 209.1 Purpose.

To provide zoning regulations for the Fair and associated Fair uses and to permit the operation of a Vehicle racetrack within the Fair grounds. See Chapter 25 of the Zoning Ordinance Book for full text. **For full text see Wright Township Zoning Book Under "Fairgrounds District".**

Sec. 210 **AGRICULTURE ZONE/FIVE ACRE MAXIMUM LOT SIZE (Ord. No. 76, eff. December 3, 2002)**

Sec. 210.1 Purpose.

Amend Section 504.1, MINIMUM LOT SIZE AND WIDTH, in the Agriculture Zoning District.

Sec. 210.2 Minimum And Maximum Lot Size.

A lot created after November 30, 1999, shall contain a minimum of one acre and a maximum of two acres, except that the lot area may be increased for the sole purpose of accommodating a well and septic system if so required by the Ottawa County Health Department **but in no case shall such new lot be more than five acres in size.**

A new parcel created for the existing dwelling **may exceed the maximum lot size** as permitted by Sec.503(b) herein.

Sec. 211 **LIMITATION OF HEIGHT OF ACCESSORY BUILDINGS IN THE VD, LDR, MDR AND HDR ZONES. (Ord. No.77, eff. Dec. 3, 2002)**

Sec.211.2 Purpose.

Amend Section 705 (LDR), Section 806 (MDR), Section 907 (HDR), and Section 1007 (Village District ) to limit accessory buildings height to not more than 16 feet.

**For full text see Wright Township Zoning Book Under "Accessory Buildings" in the related sections listed below.**

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**Sec. 212 OPEN SPACE PRESERVATION ORDINANCE (Ord. No.78, eff. Dec. 3, 2003)**

**Sec. 212.1 Purpose.**

An ordinance to amend ordinance no. 5 as amended being the Wright township zoning ordinance to add section 326, Open Space Preservation Projects, and to add sections 501(s), 601(s) and 701(n) to permit open space preservation projects in the Ag, Ra and LDR zoning districts.

**For full text see Wright Township Zoning Book Chapter 3, Sec. 326 and related sections listed below.**

**Sec. 213 ZONING AMENDMENT PROCEDURE (Ord. no.30, eff. Jan. 27, 1998)**

**Sec. 213.1 Purpose.**

To provide for a zoning amendment procedure.

**For full text see Chapter 23 Wright Township Zoning Ordinance “Amendments”**

**Sec. 214 SITE PLAN APPROVAL SIGNATURE (Ord. No. 72, eff. June 25, 2002)**

**Sec. 214.1 Purpose.**

To amend the site plan approval signature requirement from Zoning Administrator to Planning Commission

**For full text see Chapter 18, Sec. 1805 b.**

**Sec. 215 REQUIREMENTS FOR MANURE STORAGE FACILITIES (Ord. No. 59 eff. August 21, 2001)**

**Sec. 215.1 Purpose.**

An ordinance to delete Section 317 and Section 502(f), requirements for manure storage facilities, to amend Section 501(p), principal uses, in the Agricultural zone so as to comply with the Michigan Right to Farm Act PA 961 of 1999 and the generally accepted agricultural and management practices for manure management and utilization.

**For full text see Wright Township Zoning Book related sections listed below.**

**Sec. 216 DELETE REQUIREMENTS FOR MANURE STORAGE FACILITIES. (Ord. No. 66 eff. Jan. 9, 2002)**

**Sec. 216.1 Purpose.**

An Ordinance to amend Ordinance No. 18 to delete the requirements for manure storage facilities.

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**Sec. 217 DELETE “MANURE STORAGE FACILITY” SECTION 2.02A.**

Section 2.02A of Ordinance No. 18 which is entitled “Manure Storage Facility” is hereby deleted.

**Sec. 218 DELETE “GENERAL RESTRICTIONS” SECTION 3(c).**

Section 3(c), entitled “General Restrictions” of Ordinance No. 18 is hereby deleted.

**Sec. 219 DELETE FEEDLOT RESTRICTION FROM RA AND AG (Ord. No. 69 eff. May 28, 2002)**

**Sec. 219.1 Purpose.**

To amend Sections 501(a) and 601(a) of Ord. 48 to remove restrictions for feedlots in the RA and add language requiring compliance with the Michigan Right to Farm Act in both RA and AG districts.

**For full text see Wright Township Zoning Book related sections listed below.**

**Sec. 220 REMOVE RESTRICTIONS ON NUMBER OF HORSES PER ACRE IN RA AND AG DISTRICTS (Ord. No. 70 eff. May 28, 2002)**

**Sec. 220.1 Purpose.**

To amend Ord. No. 48 sections 501 (i), 502 (e), and 601 (i), 602 (f) to remove restrictions on the number of horses per acre of land.

**Sec. 221 NON-CONFORMING USES AMENDMENT (Ord. No. 60 eff. Oct. 16, 2001)**

**Sec. 221.1 Purpose.**

To add Sec. 301.3 (b) to permit the reconstruction of dwellings which are damaged beyond 50 percent of the appraised replacement value and to re-number the existing language as section 301.3(a).

**Sec. 221.2 Allowing For Reconstruction**

1) Renumbering the existing language of Section 301.3 as Section 301.3(a)

2) Add Section 301.3(b) to read as follows:

(b) Notwithstanding the other provisions of this section, dwellings and their accessory buildings, including farm buildings located in the HDR, Community Commercial and Industrial Zoning Districts which are damaged or destroyed by any means, regardless of the extent of damage or destruction, are exempt from the requirements of Section 301.3(a); provided that such dwelling units and their accessory buildings are reconstructed or repaired in such a manner which will not increase the extent of the non-conformity which existed prior to the damage or destruction. Dwellings, accessory buildings and structures replaced or restored and any enlargements of the damaged or destroyed building or structure allowed under the provisions of this subsection, must be set back from the lot lines by at least the same distance as existed for the building or structure prior to the damage.

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Sec. 222     **PRIVATE ROAD AND DRIVEWAY (Ord. No.71 eff. May 28, 2002)**

Sec. 222.1     Purpose.

To provide for the regulation of the construction, improvement, maintenance, extension, relocation, and use of private roads and driveways within the Township; to require that private roads and driveways are designed with proper width, surface and grade to ensure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles; that said roads are constructed of suitable materials to ensure minimal maintenance; to provide standards for the construction of private roads so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and natural environment of the Township; to establish the procedures and standards for the issuance of permits; and to establish the provisions for enforcement and penalties and the repeal of provisions inconsistent therewith.

**For full text see Wright Township Zoning Book Chapter 29**

Sec. 223     **VEHICLE RACETRACK ORDINANCE (Ord. No.63 eff. Feb. 7, 2002)**

Sec. 223.1     Purpose.

In accordance with Act No. 246 of the Public Acts of 1945, as amended, the purpose of this Ordinance is:

- (1) To allow the Wright Township Board to authorize and regulate vehicle racetrack businesses within the Township;
- (2) To establish conditions for the operation of racetracks to ensure that activities are safe and operated in a manner consistent with past operations in the Township and do not create significant adverse impacts on nearby residents and property owners;
- (3) To establish proper review procedures and standards for the issuance of the permit;
- (4) To provide for periodic review to ensure compliance with the approved permit;
- (5) To establish procedures for revocation of the permit and penalties for violations of the permit.

Sec. 223.2     Permit Required

It shall be unlawful to operate a vehicle racetrack unless the Wright Township Board issues a Vehicle Racetrack Permit in accordance with the provisions of this Ordinance. Such permit may only be authorized for land within a zoning district permitting such use.

Sec. 223.3     Application & Review

- (1) An application for a Vehicle Racetrack Permit shall be filed with the Township Clerk who shall provide the application. The application may include a fee as established by resolution of the Township Board.

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- (2) Along with the application and fee the applicant shall submit the following:
- (a) Written description of all activities proposed.
  - (b) Schedule of activities (dates and times)
  - (c) List of buildings and their functions.
  - (d) Seating capacity of racetrack stands.
  - (e) Description of how traffic on site and on adjacent roads will be controlled.
  - (f) Measures to handle emergencies such as vehicle crashes, fires, and injuries to spectators.
  - (g) Measures to control dust from parking areas and access drives.
  - (h) Certification that restroom facilities are adequate to accommodate expected crowds.
  - (i) Types of vehicles involved in races.
  - (j) Expected noise levels of each vehicle, expressed in decibels as measured, 100 feet from the outside edge of the racetrack.
  - (k) Proof of general liability insurance of at least five million dollars.
  - (l) A site plan of the facility prepared in accordance with Chapter 18 of the Wright Township Zoning Ordinance provided that the Board may waive certain submittal requirements if such items are not deemed necessary in the review of the permit.
  - (m) Other information as may be required by the Township Board.

#### Sec. 223.4 Decision By Township Board

The Township Board shall consider the application and may approve, approve with conditions or deny the permit. Any denial shall be in writing and shall include the reasons for the denial. A decision and any conditions imposed with the approval of a Permit shall be based on the standards contained in Section 6 of this Ordinance. An approved Permit shall list all permitted uses, restrictions on the operation of the racetrack, performance standards and any other conditions deemed necessary by the Township Board to satisfy the standards for approval in Section 6 of this Ordinance.

A permit granted under this Ordinance and all conditions of the permit shall remain in effect unless and until the conditions of the permit are changed in accordance with Section 5 or the permit is revoked in accordance-with Section 8.

#### Sec. 223.5 Amendment To Permit

Any changes to a permit granted under this Ordinance may be approved as a minor or major change. The permit holder shall notify the Township Supervisor prior to making any change and the Supervisor shall determine whether the proposed change is a minor or major change.

##### (1) Minor Change

A minor change may be approved by the Township Supervisor if he or she determines that the proposed change does not increase the intensity of use of the existing racetrack operation, does not significantly alter the conditions imposed by the Township Board and does not adversely affect nearby properties. For a minor change, the Supervisor may require a site plan to verify building setbacks, drainage and other development concerns.

The following items shall be considered minor changes:

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- a) Construction of or additions to buildings used to house equipment for maintenance of racetrack facilities, which are not larger than 1000 (one thousand) square feet or additions to buildings which do not increase the existing size by more than 50 (fifty) percent.
  - b) Reduction of the size of an existing building or structure.
  - c) Additions to lighting for the racetrack or grounds.
  - d) Internal rearrangement of or improvements to a parking lot that does not affect the number of parking spaces or change driveway locations provided that any new impervious surface is approved by the Township Engineer to ensure storm water runoff is properly accommodated.
  - e) Re-arrangement of grandstand seating including providing additional seating which would not significantly increase the total seating capacity of the racetrack.
  - f) Changes necessary to improve the safety of the racetrack operations for racetrack personnel or those attending activities at the racetrack.
  - g) Other changes of a minor nature which, in the opinion of the Township Supervisor, satisfy the criteria of Section 5(1).
- (2) In reviewing a requested minor change, the Supervisor may submit the change to the Township Planner, Engineer or Zoning Administrator for their comments.
  - (3) After approving a minor change, the Supervisor shall inform the Township Board and shall provide a written description of the approved minor change which shall be attached to the original approved permit.
  - (4) Upon approval of a minor change, a building permit must be obtained if required by law.
  - (5) Major change.

Should the Supervisor determine that the requested modification is not minor, the permit holder shall submit the proposed change to the Township Board for review as a major change in accordance with the procedures required for the initial permit.

For a major change, a site plan shall first be submitted to the Planning Commission for review in accordance with the requirements of Chapter 18 of the Wright Township Zoning Ordinance.

The Planning Commission shall review the site plan and make a recommendation to the Township Board.

The Board may approve, modify or deny the site plan and the requested major change according to the standards contained in Section 6 of this Ordinance.

#### Sec. 223.6 Standards For Approval

A Vehicle Racetrack Permit or major change to such permit shall be approved upon a finding by the Township Board that the proposed racetrack operation meets the following standards;



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- (1) The proposed activity will not result in hazardous traffic situations on or near the site.
- (2) The operation of the racetrack is conducted in a manner which ensures the safety and security of those attending racing events.
- (3) That the noise level of each vehicle will not exceed 90 DBA and 92 DBC when measured at 100 feet from the outer edge of the racetrack.
- (4) That the racetrack activities authorized under this permit will have no more noticeable impact on Wright Township residents and land uses than the racetrack operations did prior to the issuance of this permit.

#### Sec. 223.7 Periodic Review

The Township Board shall, as a condition of approval, require periodic review of the racetrack operations to ensure compliance with the conditions of the Permit.

#### Sec. 223.8 Administration Violations & Revocation Of Permit

- (1) This Ordinance shall be enforced by the Township Fire Chief or the Township Building Inspector.

The Fire Chief or Building Inspector shall investigate any alleged violation of this Ordinance and the conditions of the Racetrack Permit and seek correction of the violation.

- (2) Failure to comply with the conditions of Permit approval shall be considered a violation of this Ordinance and the permit holder subject to a fine of \$250.00 per day for each offense. Any permit granted under this ordinance may be revoked and/or suspended for failure to comply with any of the conditions of the permit. Revocation or suspension of the Permit shall be accomplished through a public hearing held by the Township Board after 30 days written notice to the permit holder stating the grounds for the complaint and the time and place of the hearing.

#### Sec. 224 **MAXIMUM BUILDING HEIGHT (Ord. No.67 eff. Feb. 26, 2002)**

##### Sec. 224.1 Purpose.

To limit the height of buildings in the Village District by adding section 1104.5  
**For full text see Wright Township Zoning Book related section listed below.**

#### Sec. 225 **AMENDMENTS TO SECTION 401 – ZONING MAP**

The following ordinances amended the Wright Township Zoning map, for full text see Section 401 of the Wright Township Zoning Ordinance Book

1. Ordinance # 28 eff. June 10, 1997
2. Ordinance # 29 eff. July 22, 1997

3. Ordinance # 31 eff. March 24, 1998
4. Ordinance # 33 eff. Dec. 22, 1998
5. Ordinance # 36 eff. Jan. 26, 1999
6. Ordinance # 39 eff. March 23, 1999
7. Ordinance # 41 eff. April 27, 1999
8. Ordinance # 43 eff. May 25, 1999
9. Ordinance # 44 eff. May 25, 1999
10. Ordinance # 45 eff. June 22, 1999
11. Ordinance # 47 eff. Sept. 7, 1999
12. Ordinance # 48 eff. Nov. 30, 1999
13. Ordinance # 52 eff. May 23, 2000
14. Ordinance # 55 eff. July 25, 2000
15. Ordinance # 56 eff. August 22, 2000
16. Ordinance # 62 eff. Jan. 15, 2002
17. Ordinance # 75 eff. Dec. 3, 2002
18. Ordinance # 84 eff. Dec. 30, 2003

**Sec. 226 AMENDMENT TO AGRICULTURAL SLIDING SCALE LANGUAGE (Ord. No.81 eff. March 4, 2003)**

**Sec. 226.1 Purpose.**

To clarify the language in the Agricultural Sliding Scale.

**For full text see Wright Township Zoning Book Agricultural Section 503.**

**Sec. 227 AMENDMENT TO INDUSTRIAL SPECIAL USES (Ord. No. 83 eff. April 16, 2003)**

**Sec. 227.1 Purpose.**

To amend section 1202, special uses in the industrial zone, to permit the outdoor display and sale of certain items and to clarify the meaning of contractor equipment yards.

**For full text see Wright Township Zoning Book Industrial Section 1202.**

**Sec. 228 AMENDMENTS TO AG, RA AND SPECIAL LAND USE TO ALLOW STORAGE IN FARM BUILDINGS (Ord. No. 85 eff. Dec. 30, 2003)**

**For full text see Wright Township Zoning Book Agricultural Section 502 (f), Rural Ag Section 602 (h) and Special Land Use Section 1910.**

**Sec. 229 AMENDMENT TO AGRICULTURAL ZONE TO REINSTATE REQUIRED 150 FOOT LOT WIDTH (Ord. No. 86 eff. Feb. 3, 2004)**

**For full text see Wright Township Zoning Book Agricultural Section 504.1 MINIMUM LOT SIZE AND WIDTH**