

# Ingersoll Township

## General Ordinances



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Effective: September 18, 2017

# Township Planning Commission

Ronald Garrett, Chairman

Kristine Kipfmiller, Secretary

Richard Surma

David Kinne

George Schaller

Andy Shaffner

# Township Board

Charles W. Tabb, Supervisor

Mary Ellen Keel, Clerk

James Terwillegar, Treasurer

Curtis Shaffner, Trustee

Jacob Terwillegar, Trustee

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# Ordinance No. 5

## CEMETERY ORDINANCE

Effective: May 24, 1980, amended by ord. no. 20 eff. April 30, 1995, amended by ord. no. 62 November 10, 2014

INGERSOLL TOWNSHIP, MICHIGAN

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Ingersoll, Midland County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF INGERSOLL, COUNTY OF MIDLAND, MICHIGAN, ORDAINS:

### Sec. 1. TITLE.

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

(ord. no. 5 eff. May 24, 1980)

### Sec. 2. DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

B. A burial space shall consist of a land area four feet wide and ten feet in length.

(ord. no. 5 eff. May 24, 1980; as amended by: ord. no. 62 eff. November 10, 2014)

### Sec. 3. SALE OF LOTS OR BURIAL SPACES.

A. Hereafter, cemetery lots or burial spaces shall be sold to only residents or taxpayers of the Township and nonresidents of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

B. All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

(ord. no. 5 eff. May 24, 1980)

#### Sec. 4. PURCHASE PRICE AND TRANSFER FEES.

A. Each adult burial space shall cost the sum of \$125 for residents and \$250 for nonresidents.

B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$0.

C. The foregoing charges shall be paid to the Township Clerk and shall be turned over to the Township Treasurer and shall be deposited in the General Fund.

D. The Township Board by Resolution may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. Fees for such lots or burial spaces will be reported at time of purchasing such lot or burial space.

(ord. no. 5 eff. May 24, 1980; as amended by: ord. no. 62 eff. November 10, 2014)

#### Sec. 5. GRAVE OPENING CHARGES.

A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be a cost to be determined from time to time by Resolution of the Township Board, payable to the Township and by Resolution of the Township Board be reimbursed to the Cemetery Sexton.

B. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

(ord. no. 5 eff. May 24, 1980)

#### Sec. 6. MARKERS OR MEMORIALS.

A. All markers or memorials must be of stone or other equally durable composition.

B. Any large upright monuments must be located upon a suitable solid foundation to maintain the same in an erect position.

C. Only one monument, marker or memorial shall be permitted per burial space.

D. The footing or foundation upon which any monument, marker or memorial must be placed, shall be constructed by the Township Sexton at cost to the owner of the burial right.

E. Markers should be called in advance by May 15 and November 1st so Sexton has ample time to lay out suitable foundation.

F. Columbarium style monuments must not exceed 24 inches wide, 60 inches long, 48 inches tall without cemetery sexton approval.

(ord. no. 5 eff. May 24, 1980; as amended by: ord. no. 62 eff. November 10, 2014)

#### Sec. 7. INTERMENT REGULATIONS.

A. The maximum number of interments in a single burial space are:

- (a) One person and one infant;
- (b) One person and one cremains;
- (c) Two infants; or
- (d) Two cremains.

B. Not less than 36-hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(ord. no. 5 eff. May 24, 1980; as amended by: ord. no. 62 eff. November 10, 2014)

#### Sec. 8. GROUND MAINTENANCE.

A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

B. Flowers, shrubs, trees or vegetation of any type may be planted to comply with the Cemetery Rules and Regulations as posted in cemeteries. Any of the foregoing items planted without such approval may be removed by the Township Board or the Cemetery Sexton.

C. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

E. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All refuse of any kind or nature including, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery.

(ord. no. 5 eff. May 24, 1980)

#### Sec. 9. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACE.

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

A. Notice shall be sent by the Township Clerk by First Class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

(ord. no. 5 eff. May 24, 1980)

#### Sec. 10. REPURCHASE OF LOTS OR BURIAL SPACES.

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon the written request of said owner or his legal heirs or representatives.

(ord. no. 5 eff. May 24, 1980)

#### Sec. 11. RECORDS.

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

(ord. no. 5 eff. May 24, 1980)

Sec. 12. VAULT.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(ord. no. 5 eff. May 24, 1980)

Sec. 13. CEMETERY HOURS.

A. The cemetery shall be open to the general public from the hours sunrise to sunset of each day.

B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

(ord. no. 5 eff. May 24, 1980)

Sec. 14. PENALTIES.

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

(ord. no. 5 eff. May 24, 1980; as amended by: ord. no. 20 eff. April 30, 1995)

Sec. 15. SEVERABILITY.

The provisions of said Ordinance are hereby declared to be severable and should any provisions, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of Ordinance which shall continue in full force and effect.

(ord. no. 5 eff. May 24, 1980)

Sec. 16. EFFECTIVE DATE; REPEAL.

This Ordinance shall take effect on May 24, 1980.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted: April 14, 1980

Effective: May 24, 1980



# Ordinance No. 69

## CONFLICT OF INTEREST ORDINANCE

Effective: September 11, 2017

An Ordinance enacted pursuant to the authority of MCL 41.181 *et seq.*, to address conflicts of interest in official actions and decision making by Township officials and to address actions which might result in or create the appearance of: the use of public position for the economic interest of Township officials; giving or accepting preferential treatment to or from any person; losing independence or impartiality of action; and adversely affecting the confidence of the public or integrity of the Township government.

Now therefore the Township of Ingersoll, Midland County, Michigan, ordains:

### **SECTION 1 – Title**

This Ordinance shall be known and cited as the Ingersoll Township Conflict of Interest Ordinance.

### **SECTION 2 – Definitions**

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- 2.1 Decision making: The exercise of public power by action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, or measure on which a vote by a Township official is required and by which the Township formulates or effectuates public policy.
- 2.2 Gift: Anything of value given without consideration or expectation of return.
- 2.3 Official duties or Official action: Decision making involving the use of discretionary authority.
- 2.4 Relative: A person who is related to a Township official as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.
- 2.5 Township: Ingersoll Township, Midland County, Michigan.
- 2.6 Township official: Elected or appointed officials of the Township, including members of the Township Board of Trustees, Planning Commission, Board of Zoning Appeals, Board of Review, Building officials, Zoning administrators and ordinance enforcement officers.

**SECTION 3 – Conflicts of Interest**

(a) A conflict of interest is created and arises upon the occurrence of any of the following:

3.1 A Township official solicits or accepts a gift or loan of money, goods, services, or other thing of value which tends to or can be reasonably be inferred to influence the manner in which the Township official performs official duties or participates in decision making.

3.2 A Township official engages in a business transaction in which the Township official may profit from his or her official position or authority or benefit financially from his or her decision making or official action.

3.3 A Township official engages in or accepts employment or renders services for a private or public interest when that employment or service is incompatible or in conflicts with the discharge of his or her official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties or decision making.

3.4 A Township official participates in the negotiation or execution of contracts, issuance of permits or certificates, decision making or other regulation or supervision relating to a business transaction in which the Township official has a financial or personal interest.

3.5 Where the decision making involves land use, the Township official or relative owns or has a financial interest in neighboring property. For purposes of this sub-section, a neighboring property shall include any property falling within the notification radius for the proposed land use, as required by the Township zoning ordinance.

3.6 There is a reasonable appearance of a conflict of interest, as determined by the Township official declaring such conflict or a majority of the Board or commission upon which he or she serves (excluding the interested Township official).

**SECTION 4 – Decision Making and Official Actions**

Before participating in decision making or voting on an official action or matter involving decision making a Township official having a conflict of interest, reasonable appearance of a conflict of interest or potential conflict of interest shall disclose that conflict of interest to the Township board or commission upon which he or sits and abstain from discussion and decision making on the matter in which the conflict of interest exists.

**SECTION 5 – Violations**

A violation of this Ordinance constitutes malfeasance in office.

**SECTION 6 – Severability**

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of

such section of this Ordinance or any part thereof other than the part so declared to be invalid.

**SECTION 7 – Effective date**

This Ordinance shall become effective immediately upon publication following adoption by the Township Board.

Adopted by the Township Board, Township of Ingersoll, Midland County, Michigan at a meeting of the Township board held on the 11th day of September, 2017.

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

\_\_\_\_\_  
Charles Tabb  
Supervisor

\_\_\_\_\_  
Mary Ellen Keel  
Clerk

**CERTIFICATION**

The above Ordinance No. \_\_\_\_\_ was adopted at a meeting of the Ingersoll Township Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and published in the Midland Daily News, a newspaper of general circulation in the Township of Ingersoll on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mary Ellen Keel  
Clerk

# Ordinance No. 64

## CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF INGERSOLL ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on November 10, 1986 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN for a period of thirty years.

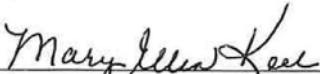
and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company .

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, on the 13th day of June 2016.

  
\_\_\_\_\_  
Charles Tabb, Township Supervisor

Attest:

  
\_\_\_\_\_  
Mary Ellen Keel, Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN:

The CONSUMERS ENERGY COMPANY hereby accepts the franchise granted to it by your Township Board on the 13 day of June, 2016, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By Catherine M Reynolds  
Catherine M. Reynolds  
Senior Vice President and General Counsel

Dated: 6/13, 2016.

APV'D AS TO FORM  
MLK

# Ordinance No. 9

## DANGEROUS BUILDING ORDINANCE

Effective: January 17, 1985

### TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to provide a just, equitable and practicable method, to be cumulative with any other remedy provided by the Ingersoll Township Building Code, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished; to provide for notices and orders relating to such buildings for their repair, vacation or demolition; to provide for appeals from any such notice or order and to establish a procedure for the conduct of hearing such appeals; to provide for the enforcement of orders issued pursuant to said Ordinance and to prescribe procedures for repair or demolition work and the recovery of the cost thereof.

### THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, ORDAINS:

#### Sec. 1. UNLAWFUL CONDUCT.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 2.

(ord. no. 9 eff. Jan. 17, 1985)

#### Sec. 2. DEFINITION.

As used in Sections 1 [40.001] to 5 [40.005], "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

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

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

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

(d) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is

likely to partially collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(e) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

(f) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

(g) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Midland County Health Department, or is likely to work injury to the health, safety or general welfare of those living within.

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

(i) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(ord. no. 9 eff. Jan. 17, 1985)

### Sec. 3. NOTICE; CONTENTS; HEARING OFFICER; FILING OF NOTICE WITH OFFICER; SERVICE.

(1) Whenever the Township Building Inspector determines that the whole or any part of any building or structure is a dangerous building as defined in Section 2 [40.002], the Township Building Inspector shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing to be held before a hearing officer on the condition of the building or structure, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure. The Township Building Inspector shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail-return receipt requested addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice



is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

(ord. no. 9 eff. Jan. 17, 1985)

Sec. 4. HEARING; TESTIMONY; DECISION; ORDER; NONAPPEARANCE OR NONCOMPLIANCE; REVIEW; ORDER TO SHOW CAUSE; COSTS.

(1) The hearing officer shall take testimony of the Township Building Inspector, the owner of the property, and any interested party or other witness. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(2) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.

(3) If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and copy of his order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section 3.

(4) The Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section 3 of the time and place of the hearing. At the hearing the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure, and if the order, if approved or modified, is not carried out by the owner in the time specified by the Township Board, then the Township Board should carry out said order.

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

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

(ord. no. 9 eff. Jan. 17, 1985)

Sec. 5. SEVERABILITY.

This Ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are found to be invalid or unenforceable for any reason by a Court of competent

jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

(ord. no. 9 eff. Jan. 17, 1985)

Sec. 6. REPEAL, EFFECTIVE DATE AND ADOPTION.

A. REPEAL. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed, provided, however, any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinances.

B. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its publication.

C. This Ordinance was adopted by the Ingersoll Township Board at a regular meeting thereof held on the 10th day of December, 1984.

(ord. no. 9 eff. Jan. 17, 1985)

Published: December 18, 1984

# Ordinance No. 58

## EMERGENCY SERVICE FEE ORDINANCE

TOWNSHIP OF INGERSOLL

COUNTY OF MIDLAND, STATE OF MICHIGAN

INGERSOLL TOWNSHIP ORDINANCE TO ESTABLISH FEES AND THE COLLECTION THEREOF FOR TOWNSHIP EMERGENCY SERVICES.

An ordinance to establish charges and fees incurred by Ingersoll Township in the providing of emergency services under Public Act 33 of 1951 of the State of Michigan, as amended, MCL 41.801, et. seq. and the collection of same.

### Section 1: Purpose

This Ordinance is adopted for the purpose of providing financial assistance to Ingersoll Township in the providing of emergency services from those receiving benefits from such services and to protect the Township from incurring extraordinary expenses resulting from the providing of emergency services. The Township Board herein authorizes the imposition of charges to recover reasonable and actual costs incurred by the Township in responding to calls for assistance in connection with such incidents.

### Section 2: Definitions

A. Emergency Services. The term "emergency services" shall mean the providing of equipment, manpower, personnel, incidental materials and supplies to any person, property owner, law enforcement agency, fire or emergency response units of another governmental entity, emergency medical response unit (public or private) in connection with an incident.

B. Hazardous Material. The term "hazardous material" shall mean any hazardous waste, hazardous substances or hazardous materials as defined in any federal, state, county or local statute, law, regulations, rules, ordinances or codes relating to environmental protection, including without limitation: the Clean Air Act; the Federal Water Pollution Control Act of 1972; the Resource, Conservation and Recovery Act of 1976; the Comprehensive Environmental Response, Compensation and Liability Act of 1980; the Federal Hazardous Materials Transportation Act; the Toxic Substance Control Act; the Michigan Water Pollution Control Act; the Michigan Solid Waste Disposal Act; the Michigan Environmental Response Act; and any amendments, regulations and guidelines related to those laws.

C. Incident. The term "incident" shall mean a response by Ingersoll Township or by another person or entity with which the Township has an agreement to provide emergency services, pursuant to mutual aid provided the Township or other circumstances for which the Township is or becomes obligated to pay for emergency services. An incident may be initiated by a property owner, law enforcement agency, emergency planning or public safety agency, central dispatch or as determined necessary by fire or emergency agencies providing the service. An incident shall include, but is not limited to, responses for fires, motor vehicle accidents, medical

emergencies, release or discharge of hazardous material, structure collapse or explosion, low hanging or downed wires or broken utility poles.

D. Release or Discharge. The terms "release" and "discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, seeping, dumping or disposing into the environment.

E. Responsible Party. The term "responsible party" shall mean: (1) The owner of the property (real or personal) involved in the incident; (2) The person receiving the emergency services; (3) Any individual, firm, corporation, association, partnership, commercial entity, joint venture, governmental entity or any other legal entity that is, in whole or in part, the cause of the incident; (4) Any individual, firm corporation, association, partnership commercial entity, joint venture, governmental entity or any other legal entity that is, in whole or in part, the cause of an actual or threatened release or discharge of hazardous material; or (5) Is an owner, tenant occupant or party in control of property receiving any benefit of the emergency services. When the emergency services directly benefit more than one person, entity or property, each owner, tenant, occupant or party in control of each property so benefited shall be a responsible party.

### Section 3: Charges, Billing and Payment

All responsible parties shall be jointly and severally liable to the Township for payment of emergency service fees in an amount equal to that charged the Township by the provider of the service in connection with the incident. Following the conclusion of the incident, the Township Treasurer shall prepare and submit to the responsible parties an invoice for the chargeable expenses in accordance with this Ordinance. The charges shall be due and payable 30 days from the date of the invoice. All amounts remaining due after 30 days of submittal shall bear interest at the rate of seven (7%) per annum.

### Section 4: Collection Remedies

The Township may pursue any and all remedies available to it in the collection of past due sums, including, but not limited to institution of appropriate legal action in a court of competent jurisdiction and, where available, imposition of a lien or charge imposed upon the real or personal property benefited from the services. The recovery of costs and charges under this Ordinance does not limit the liability of the responsible parties under any other local ordinance, state or federal law, rule or regulation.

### Section 5: Nonexclusive Charge

The foregoing charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of providing emergency services, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation, after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such costs and expenses.

### Section 6: Multiple Parties and Properties

When a particular service rendered directly benefits more than one person or property, the owner of each property so benefitted and each person so benefitted shall be liable for payment of the full charge for such service hereinbefore outlined. All responsible parties shall be jointly and severally liable for payment of emergency service fees. The Treasurer shall set forth upon its invoice the names of all responsible parties who shall each receive a duplicate copy. No payment or partial payment of the invoiced expenses and costs shall relieve any responsible

party from its joint and several obligation on any remaining balance. Notwithstanding the foregoing, a person who owns or operates a property receiving emergency services for a incident of hazardous materials release or discharge shall be afforded the defenses to liability and contribution rights afforded in Part 201 of the Natural Resources and Environmental Protection Act, MCL 324.20101, et. seq.

Section 7: Severability

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

Section 8: Repealer

All ordinances or parts of ordinances in conflict herewith, including Ingersoll Township Ordinance Number 14, are hereby repealed.

Section 9: Effective Date

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

Adopted at a meeting of the Township Board of the Township of Ingersoll, Midland County, Michigan at a meeting thereof held on the 14th day of December, 2009.

CERTIFICATION

The above Ordinance No. 58 was adopted at a meeting of the Ingersoll Township Board on the 14th day of December, 2009, and published in the Midland Daily News, a newspaper of general circulation in the Township of Ingersoll on the 31st day of December, 2009.

# Ordinance No. 47

## ENFORCEMENT AND ADMINISTRATION OF STATE CONSTRUCTION CODES ORDINANCE

Adopted: January 14, 2002

TOWNSHIP OF INGERSOLL, MICHIGAN

AN ORDINANCE FOR INGERSOLL TOWNSHIP, MIDLAND COUNTY, MICHIGAN TO ASSUME RESPONSIBILITY FOR ENFORCEMENT AND ADMINISTRATION OF STATE CONSTRUCTION CODES, DESIGNATE THE ENFORCING AGENCIES TO DISCHARGE THOSE RESPONSIBILITIES AND PROSCRIBE PENALTIES AND ENFORCEMENT, UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE TOWNSHIP OF INGERSOLL, COUNTY OF MIDLAND, MICHIGAN, HEREBY ORDAINS:

### **Assumption of responsibility.**

Sec. 1. Pursuant to the provisions of Section 8b of the Michigan State Construction Code Act, Act 230, of the Public Acts of 1972, as amended, the Township of Ingersoll hereby assumes responsibility for the administration and enforcement of said Act and the Codes promulgated under that Act throughout its territorial boundaries.

(ord. no. 47 adopt. Jan. 14, 2002)

### **Agencies designated.**

Sec. 2.

2.1 *Agency designated for Building Code.* Pursuant to the provisions of the Michigan Building Code and in accordance with Section 8b of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Township of Ingersoll is hereby designated as the enforcing agency to discharge the Building Code responsibility of the Township of Ingersoll under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

2.2 *Agency designated for Electrical Code.* Pursuant to the provisions of the Michigan Electrical Code and in accordance with Section 8b of Act 230, of the Public Acts of 1972, as amended, the Electrical Official of the Township of Ingersoll is hereby designated as the enforcing agency to discharge the Electrical Code responsibility of the Township of Ingersoll under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

2.3 *Agency designated for Mechanical Code.* Pursuant to the provisions of the Michigan Mechanical Code and in accordance with Section 8b of Act 230, of the Public Acts of 1972, as amended, the Mechanical Official of the Township of Ingersoll is hereby designated as the enforcing agency to discharge the Mechanical Code responsibility of the Township of Ingersoll under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

2.4 *Agency designated for Plumbing Code.* Pursuant to the provisions of the Michigan Plumbing Code and in accordance with Section 8b of Act 230, of the Public Acts of 1972, as amended, the Plumbing Official of the Township of Ingersoll is hereby designated as the enforcing agency to discharge the Plumbing Code responsibility of the Township of Ingersoll under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

(ord. no. 47 adopt. Jan. 14, 2002)

#### **Penalties and enforcement.**

Sec. 3. Any person or other entity who violates any provision of this Ordinance, the Michigan Building Code, the Michigan Electrical Code, the Michigan Mechanical Code, the Michigan Plumbing Code, or any part thereof, within the territorial boundaries of Ingersoll Township is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance or with the Codes.

(ord. no. 47 adopt. Jan. 14, 2002)

#### **Repeal.**

Sec. 4. All ordinances and amendments thereto, in conflict with this Ordinance are hereby repealed.

(ord. no. 47 adopt. Jan. 14, 2002)

#### **Effective date.**

Sec. 5. This ordinance shall become effective on the thirtieth (30th) day following publication thereof.

(ord. no. 47 adopt. Jan. 14, 2002)

# Ordinance No. 14

## FIRE FEES ORDINANCE

Effective: April 11, 1994

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to establish the cost of fire runs and for collection of same. The Township of Ingersoll, Midland County, Michigan, ordains, pursuant to the authority vested in it by Act 33 of the Public Acts of 1951 of the State of Michigan, as amended:

### Sec. 1. PURPOSE.

The within Ordinance is adopted for the purpose of providing financial assistance to Ingersoll Township in the providing of fire protection from those receiving direct benefits from such services. It is the further purpose of the within Ordinance to provide for full funding of fire protection which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township from the availability of such services.

(ord. no. 14 eff. April 11, 1994)

### Sec. 2. CHARGES.

The recipient of any fire department services or alarm runs shall be charged and shall pay to the Township the full amount charged to the Township by the provider of same.

(ord. no. 14 eff. April 11, 1994)

### Sec. 3. TIME FOR PAYMENT FOR RUN.

The foregoing charges shall be due and payable within 60 days from the date the service is rendered and in default of payment may be collectible through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

(ord. no. 14 eff. April 11, 1994)

### Sec. 4. EXEMPTIONS.

The following properties and services shall be exempt from the foregoing charges:

A. Grass fires on roadways.



B. Fires involving Township buildings, grounds and/or property.

C. Fires that have been set with a permit.

(ord. no. 14 eff. April 11, 1994)

#### Sec. 5. COLLECTION OF CHARGES.

The Township may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

(ord. no. 14 eff. April 11, 1994)

#### Sec. 6. NONEXCLUSIVE CHARGE.

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of providing fire protection services, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

(ord. no. 14 eff. April 11, 1994)

#### Sec. 7. MULTIPLE PROPERTY PROTECTION.

When a particular service rendered directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Township Clerk subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

(ord. no. 14 eff. April 11, 1994)

#### Sec. 8. SEVERABILITY.

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

(ord. no. 14 eff. April 11, 1994)

Sec. 9. EFFECTIVE DATE.

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

(ord. no. 14 eff. April 11, 1994)

Adopted: April 11, 1994

# Ordinance No. 4-A

## FISCAL YEAR ORDINANCE

Effective: March 12, 1979

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

THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, HEREBY ORDAINS:

### **Fiscal year period.**

Sec. 1. In the year 1979 the fiscal year of the Township shall be extended from March 31 to July 1st. Thereafter, the fiscal year for the Township shall be from July 1st through June 30th.

Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

(ord. no. 4-A eff. Mar. 12, 1979)

### **Settlement day meeting.**

Sec. 2. [Omitted at Township's request.]

### **Sec. 3. ANNUAL MEETING OF ELECTORS.**

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

(ord. no. 4-A eff. Mar. 12, 1979)

### **Sec. 4. EFFECTIVE DATE: REPEAL.**

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

Adopted: March 12, 1979

# Ordinance No. 57

## ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

Community Name: Ingersoll Township, County: Midland

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Ingersoll located in Midland County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Ingersoll ordains:

**Section 1. AGENCY DESIGNATED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Inspector of the Township of Ingersoll is hereby designated as the enforcing agency to discharge the responsibility of the Township of Ingersoll under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Ingersoll assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

**Section 2. CODE APPENDIX ENFORCED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Township of Ingersoll.

**Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Midland County, Michigan (All Jurisdictions) and dated May 4, 2009 and the Flood Insurance Rate Map(s) (FIRMS) parcel number(s) of

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dated May 4, 2009 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

**Section 4. REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. PUBLICATION.** This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 13<sup>th</sup> day of April 2009

This ordinance duly adopted on April 13, 2009 at a regular meeting of the Ingersoll Township Board and will become effective on the day following the date of publication.

Signed on April 13, 2009 by

Clerk of the Township of

Ingersoll.

Attested on April 13, 2009 by

Supervisor of the Township of Ingersoll.

### **CERTIFICATION**

The above Ordinance No. 57 was adopted at a meeting of the Ingersoll Township Board on the 13<sup>th</sup> day of April, 2009, and published in the Midland Daily News, a newspaper of general circulation in the Township of Ingersoll on the 30<sup>th</sup> day of April, 2009.

Mary Ellen Keel

Ingersoll Township Clerk

# Ordinance No. 16

## GARBAGE AND REFUSE COLLECTION AND DISPOSAL ORDINANCE

Effective: November 17, 1994

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to provide a sanitary means of collecting and disposing of garbage and refuse (including recycling thereof) in the Township of Ingersoll, County of Midland, Michigan, to charge owners or occupants of property for said services and to provide for the administration thereof.

THE TOWNSHIP OF INGERSOLL, COUNTY OF MIDLAND, MICHIGAN ORDAINS, PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 320 OF 1927 AND ACT 246 OF 1945 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN AS AMENDED, THE FOLLOWING:

### Sec. 1. CONTRACTS AUTHORIZED; DETERMINATION OF CHARGES.

The Township of Ingersoll shall enter into contract(s) with such individuals, partnerships or corporations as its Board shall determine are competent and appropriate to receive, transfer and process garbage, refuse and solid waste (including recycling thereof) from residential and commercial units within the Township. The charges, including Township administrative expenses, therefor shall be as determined by resolution of the Township Board from time to time and collected as hereinafter provided.

(ord. no. 16 eff. Nov. 17, 1994)

### Sec. 2. ASSESSMENT; COLLECTION OF CHARGES.

The Township Supervisor shall determine and certify the number of residential or commercial units served upon each tax description within the Township and shall assess the premises the charges hereinabove set forth. Said charges shall be assessed, collected and returned in the same manner as other County or Township taxes are certified, assessed, collected and returned.

(ord. no. 16 eff. Nov. 17, 1994)

### Sec. 3. ESTABLISHMENT OF FUND.

The Township Treasurer shall establish upon the books of the Township a separate fund into which fund shall be paid all monies derived from such charges. And such fund shall be used to defray the Township's contract charges and other expenses incurred in administering the contract and providing the service of collection and disposal of garbage and trash.

(ord. no. 16 eff. Nov. 17, 1994)

Sec. 4. VALIDITY.

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

(ord. no. 16 eff. Nov. 17, 1994)

Sec. 5. EFFECT.

This Ordinance shall take immediate effect upon publication.

(ord. no. 16 eff. Nov. 17, 1994)

Adopted: November 9, 1994

# Ordinance No. 18

## JUNKYARD ORDINANCE

Effective: April 29, 1995

TOWNSHIP OF INGERSOLL, MICHIGAN

Ordinance to amend Ordinance No. 4 being the Junkyard Ordinance of Ingersoll Township, County of Midland, Michigan.

THE TOWNSHIP OF INGERSOLL, COUNTY OF MIDLAND, MICHIGAN ORDAINS, PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 246 OF 1945 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN, AS AMENDED, AND BY ACT 12 OF 1929 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN, AS AMENDED, THE FOLLOWING AMENDMENT TO THE TOWNSHIP OF INGERSOLL JUNKYARD ORDINANCE NO. 4 WHICH SHALL HEREAFTER READ AS FOLLOWS:

An Ordinance to allow the Ingersoll Township Board to license and regulate junkyards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles; to prescribe rules, regulations and conditions for the operation of the same; to provide penalties for the operation of same without a license and for the violation of any rule, regulation or condition. This Ordinance shall be known and cited as the "Junkyard Ordinance."

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

### Sec. 2. DEFINITION OF JUNKYARD, PERSON.

JUNKYARD when used herein shall mean any premises upon which any of the following occurs, whether or not operated for profit: a premises where worn out or discarded material is bought, kept or stored; a premises used for the salvage of metals, equipment, machinery, appliances and other materials; a premises where motor or other vehicles are dismantled, sold or stored outside, including automobile wrecking yards, without regard to the length of time any particular vehicle remains on the premises; a premises upon which one or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored outside for a period of 15 days or more.

PERSON when used herein shall mean any one or more natural persons, firms, copartnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by servant, agent or employee. All persons who violate the terms of this Ordinance whether as owner, or as agent, servant or employee shall be equally liable as principals.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)



### Sec. 3. LICENSE REQUIRED.

Any and all and every person engaged in the operation of a junkyard or junkyards within the Township of Ingersoll, Midland County, Michigan, shall be required to obtain a license for each and every location of such business within said Township and shall be subject to the conditions, terms and operational regulations hereinafter provided.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

### Sec. 4. LICENSE FEE, PERIOD.

The license fee shall be in the amount of \$25.00 for each junkyard maintained or operated and the license shall extend for a period of one year unless revoked for failure to comply with the terms under which it was granted and the terms of these regulations.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

### Sec. 5. APPLICATION FOR LICENSE.

Application for a junkyard license shall be in writing and directed to the Township Clerk. The application shall contain the names and addresses of all persons interested in the operation and ownership of the junkyard. The application shall contain a statement that the applicant will abide by the terms and rules of this Ordinance and regulations if granted a license. All applications to be reviewed by Township Zoning Board before approval by Township Board.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

### Sec. 6. INVESTIGATION OF APPLICATION.

The Township Board shall establish, by resolution, the standards and conditions it shall use in passing upon the grant or denial of licenses hereunder. Upon receipt of an application for a junkyard license by the Township Clerk, such application shall be referred to the Township Board. Upon receipt of the application by the Township Board, the Township Board shall direct that Township Supervisor and Chairman of the Planning Commission, or a Planning Commission member, to make a full and complete investigation of the applicant and the site where applicant proposes to conduct the junkyard business. All property owners within 1,000 feet shall be notified. Upon receipt of application of the Township Board, the application shall be referred to the Planning Commission for study and recommendation. The Township Supervisor and the Planning Commission shall report the results of their investigation to the Township Board within 15 days from the date the application is received. The Township Board shall thereupon at the next regular meeting or special meeting act upon the application.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

## Sec. 7. REGULATIONS AND CONDITIONS FOR OPERATION.

The operation of a junkyard shall comply with the following regulations and conditions.

1. No junkyard shall be operated or used in such a manner so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris or rodents.
2. The junkyard shall not be operated so that the air of any property owner in the vicinity is polluted by the burning of rubber or other substances.
3. All junkyards shall be completely and suitably screened or fenced from view of any public street or highway and no junk shall be placed as to be openly visible from any public street or highway.
4. The licensee shall, at least once each month, prepare and mail to the Commissioner of the State Police at East Lansing, Michigan, a sworn statement of all purchases made by said license.
5. All persons having a license under this Ordinance shall comply with all the rules, regulations and laws of the State of Michigan, or other governmental regulations relating to the operation of their business.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

## Sec. 8. PENALTY.

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

## Sec. 9. VALIDITY.

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

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

Sec. 10. REPEAL: SAVING CLAUSE.

All ordinances, parts of ordinances and in conflict with the provisions of this Ordinance and Ordinance No. 4 are repealed, provided, however, any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

Sec. 11. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after publication.

(ord. no. 4 eff. Oct. 5, 1978; amend. by ord. no. 18 eff. April 29, 1995)

Adopted: March 15, 1995

# Ordinance No. 36

## LAND DIVISION ORDINANCE

Adopted: June 8, 1999

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public 1967 PA 288, as amended, Act 591 of 1996, as amended, and Act 246 of 1945, as amended; 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.

TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, ORDAINS:

### **Title.**

Sec. I. This Ordinance shall be known and cited as the Ingersoll Township Land Division Ordinance.

(ord. no. 36 adopt. June 8, 1999)

### **Purpose.**

Sec. II. 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.

(ord. no. 36 adopt. June 8, 1999)

### **Definitions.**

Sec. III. For purposes of this Ordinance, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the State Land Division Act, those terms and words shall have the definitions ascribed to them in the State Land Division Act, except as set forth within this section.

A. *Administrator*--The Township Supervisor.

B. *Applicant*--A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

C. *Divided or Division*--The partitioning or splitting of a parcel or tract of land by the proprietor hereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" or "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act.

D. *Exempt split or exempt division*--The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres or the equivalent.

E. *Forty acres or the equivalent*--Either forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.

F. *Governing body*--The Township Board of Ingersoll Township, Midland County, Michigan.

G. *Township*--The Township of Ingersoll, Midland County, Michigan.

(ord. no. 36 adopt. June 8, 1999; ord. no. 53 adopt. June 9, 2003)

#### **Prior approval requirement for land divisions.**

Sec. IV. Land in the Township shall not be divided without the prior review and approval of the Administrator, or other official designated by the Township Board, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that only results in parcels of twenty (20) acres or more where each parcel is not accessible (as defined in the State Land Division Act) and either the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Land Division Act.

(ord. no. 36 adopt. June 8, 1999)

#### **Application for land division approval.**

Sec. V. An applicant shall file all of the following with the Administrator for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided or written consent to the application signed by the fee owner of the land.
- C. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. A tentative parcel map shall include:
1. Proposed boundary lines and the dimensions of each parcel;
  2. Accurate legal description of each resulting parcel;
  3. The location, dimensions and nature of proposed ingress to and egress from any existing public or private road;
  4. The location of any public or private street, driveway or utility easement to be located within any resulting parcel.
  5. The location of any existing buildings and the distances to any existing or proposed boundary lines.
- D. If requested by the Administrator, the history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- E. A history of any prior transfers of division rights within the parent parcel or tract.
- F. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

(ord. no. 36 adopt. June 8, 1999)

### **Procedure for review of applications for land division approval.**

#### Sec. VI.

A. Upon receipt of a land division application package, the Administrator shall approve, approve with reasonable conditions or disapprove the land division applied for within forty-five (45) days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this Ordinance requirements and the State Land Division Act, the Administrator shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the Administrator or designee may, within 30 days of said decision appeal the decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 10 day written notice to the applicant of the time and date of said meeting. The Township Board may affirm, modify or reverse the decision of the Administrator

and its decision shall be final. The Township Supervisor shall not cast a vote in any decisions in such appeal.

C. A land division approval is effective for one hundred twenty (120) days from its issuance, after which it shall be revoked unless within such period there is recorded with the County Register of Deeds office and filed with the Administrator a conveyance of the approved land division or survey evidencing same.

D. The Administrator shall maintain an official record of all approved and accomplished land divisions or transfers.

(ord. no. 36 adopt. June 8, 1999; ord. no. 53 adopt. June 9, 2003)

### **Standards for approval of land divisions.**

Sec. VII. A proposed land division shall be approved if the following criteria are met:

A. All parcels to be created by the proposed land division(s), including resulting parcels, fully comply with the applicable lot, dimension, width, yard, area, frontage and access requirements of the Township zoning and other applicable ordinances.

B. The proposed land division, including resulting parcels, comply with all requirements of the State Land Division Act and this Ordinance.

C. The ratio of depth to width of any parcel created by the division does not exceed a four to one (4:1) ratio. In the event that the Township zoning ordinance shall specify a depth to width ratio which differs from that set forth within this subsection, the ratio contained in the Township Zoning ordinance shall control.

(ord. no. 36 adopt. June 8, 1999)

### **Limited effect of land division approval.**

Sec. VIII. Approval of a land division is not a determination that the created or resulting parcels comply with other laws, ordinances of the Township or applicable regulations. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to that effect.

(ord. no. 36 adopt. June 8, 1999)

### **Consequences of noncompliance with land division approval requirement.**

Sec. IX. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of

this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X [17.010] of this Ordinance, and as may otherwise be provided by law.

(ord. no. 36 adopt. June 8, 1999)

**Penalties and enforcement.**

Sec. X. Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not to exceed ninety (90) days or by both such fine and imprisonment.

Any person who violates any of the provisions of this Ordinance shall also be subject to civil action legal or equitable proceedings arising from the violation.

(ord. no. 36 adopt. June 8, 1999)

**Severability.**

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

(ord. no. 36 adopt. June 8, 1999)

**Repeal.**

Sec. XII. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township zoning ordinance, or the Township Building Code.

(ord. no. 36 adopt. June 8, 1999)

**Effective date.**

Sec. XIII. This Ordinance shall take effect thirty (30) days following its publication after adoption.

(ord. no. 36 adopt. June 8, 1999)



# **Ordinance No. 11-A**

## **MINERAL MINING LICENSING ORDINANCE**

Effective: December 1, 1993

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to establish operational, maintenance, performance, and reclamation standards for mining sites.

THE TOWNSHIP OF INGERSOLL ORDAINS:

Because of the noise, dirt and dust emitted in the mining of sand, gravel and other minerals, and because of the permanent changes in the topographical and geological characteristics of the Township as a result of said mining, and because of the dangers inherent in said mining and said changes by virtue of shifting earth, standing water and other like considerations, and for the purpose of protecting the health, safety and welfare of the residents of Ingersoll Township and further protecting the property of said residents, this Ordinance is enacted.

This Ordinance is enacted by the Ingersoll Township Board pursuant to the authority vested in it by Act 246 of the Public Acts of the State of Michigan for 1945, as amended.

### **Title.**

Sec. 1. This Ordinance shall be known as the "Ingersoll Township Mineral Mining Control Ordinance" and may elsewhere be referred to as "this Ordinance."

(ord. no. 11-A eff. Dec. 1, 1993)

### **Interpretation, existing operation and restrictions.**

Sec. 2. It is not the intention of this Ordinance to repeal, annul, or in any way repeal any existing law or ordinance unless expressly so stated in this Ordinance. Further, it is not the intention of this Ordinance to interfere with operations already existing except that this Ordinance sets forth minimum standards which shall apply to such operations. To the extent that any restrictions or standards imposed by this Ordinance are more stringent and restrictive than existing restrictions or standards, this Ordinance shall control.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Definitions.**

Sec. 3. For the purposes of this Ordinance, the terms defined in subsections A. through E. shall have the meanings ascribed to them in those subsections.

A. *Mineral Mining or Mining.* The excavation, removal, stripping or processing of peat, gravel, sand, clay, topsoil or other soils, including overburden, or the storage or transporting of such items on any site, or the reclamation of the site after removal or excavation of such items. For the purposes of this Ordinance, the following excavation activities are not included within the definition of mineral mining or mining and are exempt from the licensing requirements of this Ordinance.

1. Excavation approved by a governmental body or competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
2. Excavation which by its nature is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, graves, etc.
3. Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.
4. Other excavations where the Township Board determines, in its sole discretion, that the proposed excavation is unlikely to unreasonably interfere with the enjoyment of life or property and will not expose any person or property to the types of dangers inherent in mineral mining sought to be prevented by this Ordinance. The Township Board's determination may be based on a review of the purpose, location, extent or duration of the proposed excavation and other factors which may bear on the potential of any excavation activity to adversely affect the public health, safety, or general welfare of the community.
5. Ponds, not exceeding twenty-five thousand (25,000) square feet in area, provided same are in compliance with the provisions of the Ingersoll Township Zoning Ordinance.

B. *Site.* A parcel or unit of land.

C. *Township.* Ingersoll Township, Midland County, Michigan.

D. *Township Board.* Ingersoll Township Board.

E. *Township Planning Commission.* Ingersoll Township Planning Commission.

(ord. no. 11-A eff. Dec. 1, 1993; ord. no. 30 adopt. Aug. 12, 1996)

#### **License required.**

Sec. 4. From and after the effective date of this Ordinance, no person shall operate a new mineral mining site in the Township except in accordance with a license issued under this Ordinance. A license issued pursuant to this Ordinance shall be nontransferable. All existing mineral mining operations as defined by this Ordinance shall obtain a license and comply with the requirements herein no later than one hundred eighty (180) days after the effective date of this Ordinance.

(ord. no. 11-A eff. Dec. 1, 1993)

**Licensing procedure.**

Sec. 5. Compliance with the following application procedure shall occur prior to the commencement or continuation of any mining which exists or is proposed as of or after the effective date of this Ordinance.

A. All applicants shall use forms provided by the Township Clerk, accompanied by the documents enumerated on that form. Licenses shall have a term of two (2) years. To be considered for renewal, four (4) copies of the proper application with required attachments must be submitted to the Township Clerk at least six (6) months prior to the expiration date of the license. Upon receipt of the four (4) copies of the fully and properly completed application form with the required documents attached, the Township Clerk shall retain an official copy in the Clerk's office and shall forthwith distribute the remaining copies as follows: One copy to the Ordinance Enforcement Officer, one copy to the applicant, and one copy to the Chairman of the Planning Commission.

B. Upon receipt of an application, the Township Ordinance Enforcement Officer shall review the application and attachments, physically inspect the premises to determine compliance with the prior reclamation plans and operational plans, and report to the Planning Commission on such compliance. The Township Ordinance Enforcement Officer shall also estimate of the cost of reclamation upon abandonment for bond amount purposes, and make such additional comments regarding general safety, drainage, equipment removal, and other considerations pertaining to the license application as appropriate. The Township Ordinance Enforcement Officer shall, where he deems necessary, employ and compensate experts or engineers to assist in evaluating the merits of a reclamation or operational plan and the costs thereof. All costs in connection with retention of experts or engineers shall be borne by applicant. The report by the Township Ordinance Enforcement Officer to the Planning Commission shall be rendered no later than sixty (60) days after receipt of a complete application.

C. The Township Planning Commission shall make its final recommendation on the approval or disapproval of the submitted reclamation plan and operational plan within forty-five (45) days of receipt of the Ordinance Enforcement Officer's report in the case of original applications and shall report forthwith its determination concerning the reclamation plan and/or operation plan to the Township Board.

The Township Board shall make a final determination within forty-five (45) days of receipt of the recommendation of the Township Planning Commission in the case of original applications. Failure of the Township Planning Commission or Township Board to act within such time frames shall not result in an automatic license issuance or renewal, but such failure merely results in an extension of any existing license for an additional period up to the time of final determination by the Township Board.

(ord. no. 11-A eff. Dec. 1, 1993; min. of Jan. 19, 1998)

**Application contents.**

Sec. 6.

A. Name of the owner, or owners, of land from which removal is to be made or upon which operation will take place.

B. Name, address and telephone number of applicant making a request for the license.

C. Name, address and telephone number of the person, firm or corporation who will be conducting the actual removal operation.

D. Location, size, and legal description of the area from which the removal is to be made.

E. Type of materials or resources to be mined, stockpiled, or hauled away.

F. Proposed method of removal and general haul route.

G. General description of types of equipment to be used.

H. The estimated number of years to complete operations and number of phases where appropriate.

I. The applicant shall post a surety performance bond naming the Township as the Beneficiary thereof in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the surety bond be less than five hundred dollars (\$500.00) for each acre or fraction thereof of land. The condition of such bond being that if upon completion of applicant's activities on the parcel described in the application, the land has been reclaimed to the satisfaction of the Township Board, the bond shall be void; otherwise, the Township shall have the right to use the bond proceeds to the extent necessary to reclaim the parcel. This bond shall be kept in effect by the applicant until the parcel or parcels have been restored as required by this Ordinance and until such time that the Township, and its agents and contractors are hereby granted a license to go on the applicant's premises to fulfill the bond requirements. In fixing the amount of surety performance bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The applicant shall notify the bonding company and provide proof thereof that the Township be notified in the event of any lapse in the effectiveness of the bond. For each acre restored and reclaimed in accordance herewith, or otherwise, said bond may be reduced pro-rata as determined by the Township Board. The amount of the bond will apply to all lands occupied by mining areas, roadways, storage areas, equipment, stockpiles, and similar elements.

J. As a part of the application, the applicant shall submit a plan of operation and will be expected to comply with such a plan during the years the license is issued for. Said plan of operation shall include a drawing of the existing parcel drawn to a scale of 1 inch = 100 feet. The drawing shall also clearly show the area to be mined, including existing areas and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, berms, fencing, and similar use areas.

The plan of operation shall be accompanied by a projected schedule of mining operation, including the following specific dates:

1. Commencement and completion of mining operations as provided by the plan of operation;
2. Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and

3. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation.

K. The applicant shall also prepare a plan of reclamation. The plan shall provide the following information:

1. The general area of completely reclaimed land.
2. The general area of reclamation under way.
3. The general area used for topsoil and overburden storage.
4. The acreage for each item shown on an overlay or separate drawing.
5. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting as a part of the reclamation plan.
6. The projected schedule of reclamation operations, including the following specific dates:
  - a. Commencement and completion of reclamation operations as provided by the reclamation plan;
  - b. Commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan; and
  - c. Commencement and completion of final grading, topsoil replacement, and replanting or landscaping as provided by the reclamation plan.

L. Mining operational and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, reclamation underway, reclamation completed, mining proposed, reclamation proposed, stock piles, roadways, and similar land use elements.

M. All mining, operational and reclamation plans shall be reviewed by the Township Planning Commission and subject to its recommendation for approval or disapproval.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Fees.**

Sec. 7. All applications shall be accompanied by a fee to be paid by the applicant in an amount established by resolution of the Township Board which fees shall be established in an amount to reimburse the Township its costs in review of the application, including inspection as well as Planning Commission and Township Board member meeting per diem necessitated by the application. In the event the Township Ordinance Enforcement Officer, Township Planning Commission or Township Board retain expert or engineering services in evaluation of a reclamation or operational plan, all fees and costs related to those professional services shall be borne by applicant. The Township Ordinance Enforcement Officer may demand and the applicant shall deposit an amount of money determined by the Ordinance Enforcement Officer to be an estimate of such costs. Deposit of this estimate of costs when demanded is a condition

precedent to processing any application thereafter. Any excess deposit shall be returned to applicant, without interest.

(ord. no. 11-A eff. Dec. 1, 1993; min. of Jan. 19, 1998)

### **Issuance of license.**

Sec. 8. Upon finding the applicant has complied with the terms and conditions of this Ordinance and with the terms and conditions of prior licenses and prior submitted plans, if any, a license may be issued by the Township Board.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Conditions in license.**

Sec. 9. Upon the issuance or renewal of a license, the Township Board may impose as conditions of the license any reasonable restrictions or requirements related to the location, design, or operation of a mining site, as required to secure the public health, safety, and general welfare of the community or to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment of property. Such license conditions may be in addition to the express requirements of this Ordinance.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Fencing, screening and set-back.**

Sec. 10.

A. All excavated and mined areas shall be fenced with a four (4) foot high fence and shall be posted so as to indicate the danger of trespassing in the area. Such posting shall be at each gate and around said premises not more than 150 feet apart. The minimum specifications for said fencing shall be as follows: #9 gauge top wire; #12 gauge bottom wire with spacing of 6 inches by 12 inches. All stays shall be of 14 gauge wire with spacing of support posts to be no greater than 16 feet apart. Gates shall provide the same degree of protection and shall be of similar construction to the fence. Gates shall be closed and locked whenever mining operations are not in process. The required fencing and posting shall be completely installed prior to any excavation at the site, maintained throughout operations and removed or directed to remain upon reclamation as determined by the Township Board in approving the application.

B. All active mining excavations shall be visually screened from view of all adjacent public highways and residentially used parcels to a person standing on the paved portion of the public highway or from the lot line of adjacent residentially used parcels. The following methods are acceptable for screening of mining areas:

1. Construction of a raised earth berm area on the mining site along boundary lines thereof where such lines abut a public highway or abut privately owned property which is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the date of this Ordinance. The berm shall be sufficient in length and height to

screen the mining area. During the planting season next following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent fields. Where the topography of the area acts as a screen, the Township Board may waive the berm requirement. The berm shall have slopes not in excess of one foot vertical to two feet horizontal.

2. Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining area.

3. To the extent that the foregoing is not practical, the proposed licensee may submit alternate proposals.

4. The amount and extent of required screening shall be reasonable and practical as determined by the Township Board.

C. No cut or excavation on a mining site shall be made in a manner or location which undermines or weakens the lateral support on any properties or road rights-of-way adjoining the mineral mining site. In no event shall any cut or excavation be made nearer than 50 feet from the site property lines or any public or private road right-of-way.

D. No fixed machinery shall be erected or maintained within fifty (50) feet of any property or street line.

E. No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Township Board and clearly identified on the plan of operation submitted as a part of the application.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Hours of operation.**

Sec. 11. Maximum hours of operation of the mining operation shall be 7:00 a.m. to 5:00 p.m. No hours of operation shall be permitted on Sundays and legal holidays. In emergency situations this time period may be modified by the Township Supervisor provided such emergency order shall not be effective for more than 72 hours.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Road access.**

Sec. 12. All sites licenses under the provisions of this Ordinance shall have direct access to a County road having a minimum right-of-way width of 66 feet and improved to the specifications of the Midland County Road Commission. When the operation of a licensed area results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the licensed operator to remove such material immediately.

(ord. no. 11-A eff. Dec. 1, 1993)



**Road maintenance.**

Sec. 13. Access roads within the license's site shall be maintained by the operator so as to minimize the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of chloride, water and/or similar dust retardant material. Application of oil shall be prohibited. Entrances and exits shall be securely locked during hours of inoperation.

(ord. no. 11-A eff. Dec. 1, 1993)

**Operation of equipment and facilities.**

Sec. 14. All equipment and facilities used in the mining of sand, gravel, stone or other minerals shall be conducted, maintained, and operated in such manner as to eliminate insofar as practicable, noises, vibrations, or dust which interfere with reasonable use and enjoyment of surrounding property.

(ord. no. 11-A eff. Dec. 1, 1993)

**Noise standards.**

Sec. 15. Mining sites shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses of land. Objectional noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(ord. no. 11-A eff. Dec. 1, 1993)

**Transportation vehicle standards.**

Sec. 16. All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets.

(ord. no. 11-A eff. Dec. 1, 1993)

**Lighting.**

Sec. 17. All lighting used to illuminate the mining area, access roads, stockpile area, and similar use areas shall be directed away from all surrounding property. Shielding of lighting may be required by the Township Board where such lighting shines directly toward a residential use and/or a county road.

(ord. no. 11-A eff. Dec. 1, 1993)



**Drainage.**

Sec. 18. Property drainage shall be provided at all times to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to interfere with the adjoining property owners. Pumping of water from the excavated area to the surface that causes the water to flow onto the property of others, either directly or indirectly, through the overflowing of drainage ditches shall not be permitted. Reduced pumping rates may be required to avoid interference with adjoining property owners. There shall be no interference with the water table in the area. Any water areas, retention ponds, settling ponds, or similar water areas shall be fenced in accordance with section 10 of this Ordinance. Erosion control measures shall be instituted to comply with Act No. 347 of the Public Acts of 1972, as amended.

(ord. no. 11-A eff. Dec. 1, 1993)

**Termination and reclamation.**

Sec. 19. Upon termination of mining operations, the owner of the premises shall be responsible at its cost to reclaim the site in accordance with reclamation plans previously submitted. When the removal of said materials has been once commenced and then such activity has ceased for a period in excess of one year, it shall be presumed that mining operations have been terminated. If the owner fails to reclaim the site, the Township, through the provisions of this Ordinance and by administrative proceedings provided herein, or through the judiciary, may come upon the site and restore the land in accordance with the reclamation plan provided under this Ordinance and approved by the Township Board and may utilize the bond proceeds provided pursuant to this Ordinance to defray the costs thereof. If the bond proceeds are insufficient to defray costs, any funds expended by the Township will be billed to the owner of the property and if unpaid within 60 days shall become a lien thereon and shall be included in the next tax bill.

(ord. no. 11-A eff. Dec. 1, 1993)

**Bank slopes.**

Sec. 20. The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a slope not to exceed 45 degrees with the horizontal.

(ord. no. 11-A eff. Dec. 1, 1993)

**Vegetation.**

Sec. 21. Vegetation shall be reclaimed by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of said reclaimed area where such area is not to be submerged under water or within 25 feet of the shoreline as hereinabove provided.

(ord. no. 11-A eff. Dec. 1, 1993)

**Fill material.**

Sec. 22. In the event filling of the mined area is necessary during reclamation, said fill material shall be inert material only as defined by the Michigan Solid Waste Management Act, Act No. 641 of the Public Acts of 1978, as amended.

(ord. no. 11-A eff. Dec. 1, 1993)

**Cessation of mining.**

Sec. 23. Upon cessation of all mining operations, except stockpiles, and within a reasonable period of time not exceeding twelve (12) months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed unless such building or structures can be lawfully used in the zoning district in which the same are located. Storage and stockpiling of mined products after cessation of mining activities may be permitted by the Township Board by annual license for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a license shall not interfere with or excuse reclamation as provided by this Ordinance.

(ord. no. 11-A eff. Dec. 1, 1993)

**Violations, suspension/revocation of license.**

Sec. 24. Violation of the license or of this Ordinance by the Licensee, Operator or Owner shall cause suspension or revocation of the license, closure of the mineral mining site and/or resort to the bond for restoration. Such actions shall be made by the Township Board, after recommendation of the Township Ordinance Enforcement Officer. Prior to taking any such action, the Clerk of the Township shall serve by mail upon the Licensee, Operator and Owner, notice of the Board's consideration of such action, the Township Ordinance Enforcement Officer's recommendation and specification of the violations. If requested by the Licensee, Operator or Owner, in writing to the Township Clerk within ten (10) days of mailing of the notice, the Township Board shall afford the requesting party a hearing on the violations and at the conclusion of the hearing make an impartial determination of whether a violation of the Ordinance or license has occurred and whether the health and safety of persons or property require the suspension or revocation of the license or other actions. If a hearing is not timely requested, the Township Board, at a regular or special meeting, may take any authorized action it deems appropriate based upon the violations and recommendation of the Township Ordinance Enforcement Officer. Nothing contained within this section shall prevent the Township from pursuit of violation, penalties or remedies set forth in Sections 25 and 26 of this Ordinance.

(ord. no. 11-A eff. Dec. 1, 1993; min. of Jan. 19, 1998; ord. no. 38 adopt. June 14, 1999)

**Violations, penalties.**

Sec. 25. Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses

to which the Township has been put in connection with the violation, as permitted by law. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. Each day that a violation shall continue constitutes a separate offense.

(ord. no. 11-A eff. Dec. 1, 1993; ord. no. 40 adopt. Oct. 11, 1999)

### **Remedies.**

Sec. 26. All violations of this Ordinance or any part thereof are declared a nuisance per se. In addition to any other remedy available at law, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

(ord. no. 11-A eff. Dec. 1, 1993; ord. no. 40 adopt. Oct. 11, 1999)

### **Severance.**

Sec. 27. This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof shall be deemed severable. If any section, subsection, paragraph, subparagraph, or any other provision is adjudged by a Court of competent jurisdiction to be invalid or unenforceable or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

(ord. no. 11-A eff. Dec. 1, 1993)

### **Repeal prior ordinance.**

Sec. 28. Ingersoll Township Ordinance No. 6 and No. 11 are hereby repealed. (ord. no. 11-A eff. Dec. 1, 1993)

### **Effective date.**

Sec. 29. This Ordinance shall be effective thirty (30) days after publication in the Midland Daily News.

(ord. no. 11-A eff. Dec. 1, 1993)

# Ordinance No. 10

## NOISE ORDINANCE

Effective: August 20, 1987

### TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Ingersoll, Midland County, Michigan by the regulation of noise within said Township; and to prescribe the penalties for the violation thereof.

### THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN ORDAINS:

#### Sec. I. GENERAL PROHIBITION.

No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance which is injurious to, or which significantly interferes with, the public health, safety, welfare, peace, comfort, convenience or other public interest of the residents and property owners of the Township. Any such noise or disturbance is hereby declared a public nuisance.

(ord. no. 10 eff. Aug. 20, 1987)

#### Sec. II. SPECIFIC VIOLATIONS.

The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or significantly interferes with, the public health, safety, welfare, peace, comfort, convenience or other public interest, are declared to be a violation of this Ordinance:

2.1. Unreasonable yelling, shouting, singing or use of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument.

2.2. Unreasonable emission or creation of any excessive noise which interferes with operation of any school, church or hospital.

2.3. The keeping of any animal, bird or fowl, including but not limited to a barking dog, which emanates unreasonable frequent or extended noise.

2.4. The operation of any automobile, motorcycle or other vehicle that causes unreasonable noise, including but not limited to noise resulting from exhaust. The modification of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.

2.5. The sounding of any horn or other device on any motor vehicle unless reasonable under the circumstances or necessary to operate said vehicle safely or as required by Michigan law.

2.6. The unreasonable use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.

2.7. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise.

2.8. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably injurious to, or an unreasonable interference with, the public health, safety or welfare. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(ord. no. 10 eff. Aug. 20, 1987)

### Sec. III. ALLOWED EXCEPTIONS.

None of the prohibitions hereinbefore described shall apply to the following:

3.1. Reasonable excavation, construction, alteration or demolition activities between the hours of 7:00 a.m. and 10:00 p.m., or any reasonable time when such activity is urgently necessary in the interest of the public health, safety or welfare.

3.2. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities.

3.3. Warning devices emitting sound for warning purposes as authorized by law.

3.4. Normal sounds emanating from farm equipment in good working condition being operated lawfully and in a reasonable manner.

(ord. no. 10 eff. Aug. 20, 1987)

### Sec. IV. NOISE PERMIT.

The Township Supervisor, upon request, may issue a permit allowing otherwise prohibited noise of a nature, under circumstances and for a time period as described in the permit. In determining whether to grant any such permit, the Township Supervisor shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Supervisor shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area. Each such permit must be in writing and shall be for a time period not longer than 24 hours.

(ord. no. 10 eff. Aug. 20, 1987)

### 35.105 Sec. V. SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, unlawful for unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness or unenforcibility shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance.  
(ord. no. 10 eff. Aug. 20, 1987)

### Sec. VI. PENALTY.

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

(ord. no. 10 eff. Aug. 20, 1987; as amended by: ord. no. 19 eff. April 30, 1995)

### Sec. VII. INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

(ord. no. 10 eff. Aug. 20, 1987)

### Sec. VIII. EFFECTIVE DATE.

This Ordinance shall become effective 30 days after publication.

Adopted by the Township Board of the Township of Ingersoll this 13th day of July, 1987.

(ord. no. 10 eff. Aug. 20, 1987)

Date of Publication: July 21, 1987

Effective Date: August 20, 1987

# Ordinance No. 21

## ORDINANCE ENFORCEMENT OFFICER ORDINANCE

Effective: March 30, 1995

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to establish the office of Ordinance Enforcement Officer; to prescribe the duties of said office; to authorize the Township Board to appoint a person or persons to said office; and to amend any ordinances of Ingersoll Township which conflict with the provisions hereof.

THE TOWNSHIP OF INGERSOLL, COUNTY OF MIDLAND, STATE OF MICHIGAN, ORDAINS THE FOLLOWING ORDINANCE.

### ORDINANCE ENFORCEMENT OFFICER.

Sec. 1. The office of Ingersoll Township Ordinance Enforcement Officer is hereby established.

(ord. no. 21 eff. March 30, 1995)

### APPOINTMENT.

Sec. 2. The Township Board is hereby authorized to appoint by motion resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion resolution and for such compensation as the Board may determine. The Board may further, by resolution, remove any person from said office, in the discretion of the Board.

(ord. no. 21 eff. March 30, 1995)

### AUTHORITY.

Sec. 3. The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township, except the building codes, whether heretofore or hereafter enacted, and whether such ordinances superficially designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Supervisor or such other Township Board may from time to time designate.

(ord. no. 21 eff. March 30, 1995; min. of Jan. 19, 1998)

DUTIES.

Sec. 4. The Ordinance Enforcement Officer's duties shall include the following:

investigation of ordinance violations; issuing and serving ordinance violations notices; issuing and serving appearance tickets as authorized under 1968 Public Act 147, as amended (MCL764.9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under 1994 Public Act 12, as it may from time to time be amended (MCL600.8701 et seq); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the Township Board, Township Supervisor, or assigned by the Township Attorney.

(ord. no. 21 eff. March 30, 1995)

SEVERABILITY.

Sec. 5. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

(ord. no. 21 eff. March 30, 1995)

SUPPLEMENTARY EFFECT.

Sec. 6. All ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

(ord. no. 21 eff. March 30, 1995)

12.047 EFFECTIVE DATE.

Sec. 7. This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

(ord. no. 21 eff. March 30, 1995)

Adopted: March 15, 1995



# Ordinance No. 13

## PENSION PLAN ORDINANCE

Effective: September 30, 1991

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to create and establish an annuity or pension plan for the officers and employees of Ingersoll Township and to authorize the Township Supervisor and the Township Clerk to contract, in the name of the Township, for such plan; to define those classes of officers and employees who shall be covered by such annuity or pension plan; to set forth the respective per centum shares which Ingersoll Township and the officers and employees shall contribute to the premium or charges arising under such annuity or pension contract and to further provide for the deduction of contributions from officers' and employees' compensation; to establish the time at which existing and future employees shall become eligible for such plan; to provide a method for noncoverage of an officer or employee of the annuity or pension plan; to set forth a date wherein each person covered under the annuity or pension plan shall have a vested right or interest in such plan; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN ORDAINS:

### **Title.**

Sec. 1. This Ordinance shall be known and cited as the "Ingersoll Township Pension Plan Ordinance."

(ord. no. 13 eff. Sept. 30, 1991)

### **Establishment; authority to contract.**

Sec. 2. Pursuant to Public Act 359 of 1947 and Public Act 77 of 1989, as amended, the Township of Ingersoll hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the Township Board, with any company authorized to transact such business within the State of Michigan for annuities or pensions. The plan shall be effective July 1, 1991.

(ord. no. 13 eff. Sept. 30, 1991)

### **Officer/employees covered.**

Sec. 3. The annuity or pension plans created, established and contracted for under this Ordinance shall cover each person within the following classes of officers and employees: All

Township Trustees

Township Supervisor

Township Clerk

Deputy Township Clerk

Township Treasurer

Deputy Township Treasurer

Township Building Inspectors, including electrical, plumbing and mechanical

Township Custodian

Township Board of Review members

Township Planning Commission members

Township Zoning Board of Appeals members

Township Landfill Operator

Ordinance Enforcement Officer

(ord. no. 13 eff. Sept. 30, 1991; min. of Jan. 19, 1998)

### **Contributions; eligibility; employees desiring not to be covered.**

#### Sec. 4.

A. The Township of Ingersoll shall annually contribute fifty (50%) per centum of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in section 3 hereof. Such contributions shall be secured from the general fund of the Township. Each person within such class of officers and employees shall be responsible for the remainder of the premium or charges and the Township Treasurer is hereby authorized to deduct the same from each person's pay, salary or compensation and to apply the same to such person's responsibility.

B. Each covered employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day. Every covered employee who becomes subsequently employed shall be eligible on his or her first day of employment. An employee's normal retirement date shall be as defined within the annuity or pension plan.

C. Any person desiring not to be so covered shall give written notice to the Township Clerk that he or she desires not to be covered, and if the notice is received before the person has become covered under the contract, he or she shall not be covered thereunder. If the notice is received after the individual has become covered, his or her coverage under the contract shall cease as provided for in the contract.

(ord. no. 13 eff. Sept. 30, 1991)

**Vesting.**

Sec. 5. Each person so covered under the annuity or pension plan shall be vested in such plan immediately upon eligibility set forth in section 4 hereof.

(ord. no. 13 eff. Sept. 30, 1991)

**Severability.**

Sec. 6. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

(ord. no. 13 eff. Sept. 30, 1991)

**Effective date.**

Sec. 7. This Ordinance shall take effect on the date of its publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted: September 18, 1991

# Ordinance No. 45

## PUBLIC NUISANCE ORDINANCE

Adopted: October 8, 2001

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in the Township of Ingersoll; to preserve, promote and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof including the provision that violation will constitute a municipal civil infraction, to establish that any violation shall be a public nuisance, and to provide for enforcement of the Ordinance.

The Township of Ingersoll, Midland County, Michigan, ordains:

### **Title.**

Sec. 1. This Ordinance shall be known and cited as the Ingersoll Township Public Nuisance Ordinance and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

(ord. no. 45 adopt. Oct. 8, 2001)

### **Purpose.**

Sec. 2. An ordinance to provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles and building materials; the maintenance of blighted structures and other blighting factors or causes of blight and deterioration thereof, and to provide penalties for the violation thereof.

(ord. no. 45 adopt. Oct. 8, 2001)

### **Definitions.**

Sec. 3. The following words or terms when used herein shall be deemed to have the meanings set forth below:

3.1 The term "junk" shall include, without limitation, uninhabitable mobile homes, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, rags, plastics, paper, televisions, unusable trailers, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

3.2 The term "junk motor vehicles" shall include any vehicle which is not currently licensed for use upon the highways of the State of Michigan for a period in excess of 45 days, excluding operable non-licensed farm vehicles and operable farm equipment, but shall also include, whether licensed or not, any motor vehicle which can not operate under its own power for any reason for a period in excess of 15 days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established dealer of new or used automobiles or other motorized vehicles; provided, further that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 15 days, with extension of additional 30 days period upon presentation to the Ordinance Enforcement Officer of written proof the offending vehicle is involved in insurance claims, litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.

3.3 The term "abandoned vehicle" shall include, without limitation, any motor vehicle, boat, trailer, motorcycle, snowmobile, or other conveyance of any kind, which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

3.4 The term "blighted structure" shall include, without limitation any inhabitable dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure, or part of a structure which has suffered unreasonable physical deterioration, or any structure which is under construction and for which there is no valid building permit.

3.5 The term "building material" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.

3.6 The term "person" shall include all natural persons, firms, co-partnerships, limited liability companies, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, or employee shall, except as herein otherwise provided, be equally liable as principals.

3.7 The term "trash and rubbish" shall include any and all forms of debris not herein otherwise classified.

(ord. no. 45 adopt. Oct. 8, 2001)

### **Detriment.**

Sec. 4. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the Township of Ingersoll tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to the public peace, health, safety and general welfare of the community.

(ord. no. 45 adopt. Oct. 8, 2001)

**Junk, trash, rubbish, junk cars, etc.**

Sec. 5. It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the Township except within a completely enclosed building or upon the premises of a properly zoned and licensed junk yard.

(ord. no. 45 adopt. Oct. 8, 2001)

**Blighted structures.**

Sec. 6. It shall be unlawful for any person to keep or maintain any blighted structure unless such structure is in the course of construction in accordance with a valid building permit issued by the Township of Ingersoll, and unless such construction is completed within one year after issuance of the Township Building Permit.

(ord. no. 45 adopt. Oct. 8, 2001)

**Vacant structures.**

Sec. 7 It shall be unlawful for any person to maintain any vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed, or neatly boarded up, and otherwise protected to prevent entrance there to by unauthorized persons.

(ord. no. 45 adopt. Oct. 8, 2001)

**Building materials.**

Sec. 8. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on said property, or except where such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by Township of Ingersoll, and unless such construction is completed within one year after issuance of the Township Building Permit.

(ord. no. 45 adopt. Oct. 8, 2001)

**Sanctions for violations.**

Sec. 9. Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500, plus costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9 be ordered. A violator of this ordinance shall also be subject to such additional

sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

(ord. no. 45 adopt. Oct. 8, 2001)

**Severability.**

Sec. 10. Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

(ord. no. 45 adopt. Oct. 8, 2001)

**Repeal.**

Sec. 11. All other ordinances and parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

(ord. no. 45 adopt. Oct. 8, 2001)

**Effective date.**

Sec. 12. This Ordinance shall become effective thirty (days) after publication as required by law following adoption by the Township Board.

(ord. no. 45 adopt. Oct. 8, 2001)

# Ordinance No. 54

## TRAFFIC CODE ORDINANCE

Adopted: October 13, 2003

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance enacted pursuant to MCL 257.951-257.955 and MCL 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 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.

TOWNSHIP OF INGERSOLL

MIDLAND COUNTY, MICHIGAN

ORDAINS:

SECTION I

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 "Ingersoll Township Traffic Code Ordinance".

(ord. no. 54 adopt. Oct. 13, 2003)

SECTION II

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 be a "governmental unit" shall mean the Township of Ingersoll.

(ord. no. 54 adopt. Oct. 13, 2003)



## SECTION III

## 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 257.223, 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, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.

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

E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.

(ord. no. 54 adopt. Oct. 13, 2003)

## SECTION IV

## 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).

(ord. no. 54 adopt. Oct. 13, 2003)

## SECTION V

## 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.

(ord. no. 54 adopt. Oct. 13, 2003)

## SECTION VI

## SEVERABILITY

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

(ord. no. 54 adopt. Oct. 13, 2003)

## SECTION VII

## REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed: provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

(ord. no. 54 adopt. Oct. 13, 2003)

# **Ordinance No. 8**

## **WASTE DISPOSAL ORDINANCE**

Effective: August 26, 1983

TOWNSHIP OF INGERSOLL, MICHIGAN

An Ordinance to regulate the disposal of waste materials in Ingersoll Township and for the purpose of the preservation and protection of the land and public health and welfare of the citizens of the Township.

THE TOWNSHIP OF INGERSOLL, MIDLAND COUNTY, MICHIGAN, ORDAINS, PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 246 OF THE PUBLIC ACTS OF 1945 OF THE STATE OF MICHIGAN, AS AMENDED:

### Sec. 1. TITLE.

This Ordinance shall be known and may be cited as the INGERSOLL TOWNSHIP WASTE DISPOSAL ORDINANCE.

(ord. no. 8 eff. Aug. 26, 1983)

### Sec. 2. PURPOSE.

The Purpose of this Ordinance is to preserve the public health, safety and welfare of the citizens of Ingersoll Township and to protect the land and ground water by the prevention of disposal or storage of toxic or radioactive materials in the Township and to regulate the disposal of other wastes.

(ord. no. 8 eff. Aug. 26, 1983)

### Sec. 3. ADMINISTRATION AND ENFORCEMENT.

A. This Ordinance shall be enforced by the Township Supervisor or such other persons authorized by the Township Board of Trustees.

B. Nothing in this Ordinance shall be construed or interpreted to prohibit the necessary preparation of land by the balancing or filling thereof with earth materials in connection with any immediate lawful use, including but not necessarily limited to, the development of land for which a building permit has been issued.

(ord. no. 8 eff. Aug. 26, 1983)

**Sec. 4. DEFINITIONS.**

A. PERSON. Any individual or combinations thereof, including partnerships, corporations, associations or firms.

B. TOXIC MATERIALS. "Toxic substance" means that quality of a natural or man-made element or compound, metal, or metallic, organic, or inorganic compound, which in an appropriate concentration, alone or in combination, poses a threat of damage to or destruction of the health, safety, or welfare of human, animal, or plant life, or of the environment. This includes a substance that may reasonably be expected to result in human carcinogenesis, teratogenesis, or mutagenesis.

C. RADIOACTIVE MATERIALS. A solid, liquid, or gas material which emits ionizing radiation spontaneously.

D. MEAN GRADE. The arithmetic average of elevations of points on the boundary lines of the property uniformly spaced and not more than 100 feet apart. In no event shall such elevation points be determined below the surface elevation of any boundary waters.

E. FINISH GRADE. Those earth elevations established and delineated on the plot plan that will result upon completion of the proposed operation for which the permit is issued.

F. EXISTING GRADE. The various elevations of the surface of the land as it actually exists upon the site.

(ord. no. 8 eff. Aug. 26, 1983)

**Sec. 5. PERMIT REQUIRED.**

A. It shall be unlawful from and after the effective date of this Ordinance for any person to deposit any materials upon the land within the Township of Ingersoll without a permit granted by the Ingersoll Board to do so as hereinafter provided.

**B. APPLICATION FOR PERMIT.**

(1) Written application shall be made on forms provided therefor by the Township Clerk.

(2) Such application shall be accompanied by a plot plan of the proposed site drawn in accordance with the following requirements and showing the information hereinafter required:

(a) Drawn to a scale not less than 100 feet to the inch.

(b) Showing the location of the land involved and all existing and proposed structures thereon.

(c) All existing grade elevations shall be indicated at the intersection of perpendicular parallel lines not more than one hundred (100) feet apart and expressed to the nearest tenth of a foot.

(d) Location of existing and proposed streets, roadways, parking areas, entrances and exits.

- (e) Location of all public facilities and services.
- (f) Finish grading plan showing proposed elevations upon completion at 5 foot intervals.
- (g) Mean grade elevations at five-foot intervals.
- (h) Such additional information as the applicant deems necessary and/or pertinent to the application of proposed operation.

(3) The application shall contain or be accompanied by a written statement of the extent, development, improvement and general purpose of the proposed filling or disposal operations and the program therefor.

(4) The application and all plans and supplemental statements of information required therewith shall be filed in triplicate, with the Township Clerk, together with the fee therefor as shall be established by resolution of the Township Board, and which shall be sufficient to cover the expense of hearing, the cost of publication of notices as required herein, and the reasonable expenses incurred by and for inspections.

#### C. PUBLIC HEARING, AND STANDARDS TO BE CONSIDERED.

(1) The Township Clerk, upon receipt of the application and fee as hereinbefore provided, shall refer the application to the Planning Commission, which shall cause a notice of a public hearing to be published twice in a newspaper of general circulation in the Township containing the time, date, place and purpose of such hearing. Such notice shall be published once not less than 20 days before and the second not more than eight days before the date of the public hearing.

(2) The public hearing shall be held by the Planning Commission at any regular meeting thereof at no additional expense to the applicant, or at any special meeting called therefor when requested by the applicant which special meeting shall be at the expense of the applicant for the purpose of making recommendations to the Township Board, and it shall consider in connection therewith:

- (a) The effect of the proposed fill or waste disposal on the general vicinity where it is to be conducted.
- (b) The character and use of adjoining lands and structures.
- (c) The depth of the water table.
- (d) Availability and adequacy of surface water drainage facilities.
- (e) The period of time the operation will continue.
- (f) Avenues of ingress and egress and the effect of vehicular traffic.
- (g) The proposed hours of operation.
- (h) Whether or not perimeter fencing should be required.
- (i) Such other factors as may be necessary and appropriate for the preservation of public health, safety and welfare.

D. GRANTING AND ISSUANCE OF PERMIT. Upon receipt of the Planning Commission's recommendation, the Township Board shall determine whether the Permit shall be granted or denied. If granted, the Township Clerk shall issue the Permit upon the posting of a performance bond in an amount determined by the Township Board provided, however, such Permit shall be valid for one year only unless renewed thereafter by the Township Board for like periods in accordance with the provisions of this Ordinance.

E. SUSPENSION OR REVOCATION.

(1) Suspension. Any permit may be suspended by the enforcing authority for a period of not more than 21 days whenever:

(a) Any provision of this Ordinance is being violated.

(b) Any condition of the permit is not being observed.

(c) It is necessary to preserve or protect public health, safety or welfare.

Provided, however, that the enforcing authority shall forthwith report his act of suspension and the reasons therefor to the Township Clerk.

(2) Review And Revocation. The Township Clerk shall notify the permit holder that the Township Board will review the action of the enforcing authority at its next regular meeting to determine whether the permit shall be reinstated, suspended for a further period of time or permanently revoked.

(ord. no. 8 eff. Aug. 26, 1983)

Sec. 6. OPERATIONAL REGULATIONS.

A. All disposal or storage of any toxic or radioactive material is hereby prohibited.

B. REQUIREMENTS FOR ALL FILLING OR DISPOSAL OF WASTE OPERATIONS.

(1) The hours of operation shall be limited both as to equipment and vehicles and operations allowed only between the hours of 7:00 A.M. and 7:00 P.M. and is prohibited entirely on Sunday and legal holidays.

(2) All unpaved roads must be regularly chlorinated to control the generation of dust and to prevent its escape from the premises.

(3) All public access roads must be kept free from debris falling off vehicles bringing materials to the site or leaving therefrom.

(4) Such filling operations may only be permitted in use districts allowing such activities under the Ingersoll Township Zoning Ordinance and subject to the limitations of Paragraph A of this Section.

(5) The premises must be regularly graded to prevent the collection of standing water.

(6) The owners and/or operators must consent to reasonable inspection by duly authorized Township representatives without prior notice.

(7) A performance bond must be posted in an amount established by the Township Board.

(8) Upon completion of the fill or the disposal of waste, the finished grade shall be composed of and provide a minimum of one foot of earth materials of such quality as to be capable of growing turf, vegetation or crops.

(9) Such other reasonable regulatory requirements as may be necessary to preserve public health, safety or welfare as the particular permit may require.

C. EARTH LAND FILLS. Are subject to all of the requirements of Paragraphs A and B of this Section.

(ord. no. 8 eff. Aug. 26, 1983)

#### Sec. 7. VIOLATIONS, PENALTIES AND REMEDIES.

A. VIOLATIONS AND PENALTIES. A violation of any provision of this Ordinance shall constitute a misdemeanor. Each day a violation occurs or is permitted to exist, or does in fact exist, shall constitute a separate offense. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not exceeding \$500.00 or 90 days in jail, or both, in the discretion of the Court.

B. NUISANCES AND THE ABATEMENT THEREOF. Any excavations or removal of earthen materials or the disposal or storage of wastes in violation of the provisions of this Ordinance are hereby declared to be a nuisance per se and may be abated by an Order of a Court of competent jurisdiction.

C. INJUNCTIVE RELIEF. In addition to or in lieu of the penalties and/or remedies provided in paragraphs A. and B. of this Section, any continuing violation of the Ordinance may be enjoined by a Court of competent jurisdiction.

(ord. no. 8 eff. Aug. 26, 1983)

#### Sec. 8. SEVERABILITY.

This Ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are found to be invalid or unenforceable for any reason by a Court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

(ord. no. 8 eff. Aug. 26, 1983)

Sec. 9. REPEAL, EFFECTIVE DATE AND ADOPTION.

A. REPEAL. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed, provided, however, any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinances.

B. EFFECTIVE DATE. This Ordinance shall become effective 30 days after the date of its publication.

C. This Ordinance was adopted by the Ingersoll Township Board at a regular meeting thereof held July 11, 1983.

(ord. no. 8 eff. Aug. 26, 1983)

Published: July 27, 1983