

TOWNSHIP OF REYNOLDS
COUNTY OF MONTCALM
STATE OF MICHIGAN
(Ordinance No. 090910-1)

Ordinance No. 090910-1

Adopted: September 10, 2009 Effective: October 22, 2009

JUNK CONTROL ORDINANCE

At a regular meeting of the Township Board of the Township of Reynolds, Montcalm County, Michigan, held in the Reynolds Township Hall, within the Township, on the 10th day of September, 2009, at 7:00 p.m.

PRESENT: Members: Lee Olsen, Ann Yanke, Keith Grannis, Roger Stedman Tina Porzondek

ABSENT: Members: None

THE TOWNSHIP OF REYNOLDS, MONTCALM COUNTY, MICHIGAN ("Township")
ORDAINS:

Section 1. Findings and Purpose. The Township Board of the Township of Reynolds hereby finds that it is essential and necessary to the health, safety, well-being, and welfare of the residents of the Township and the well-being of the personal and real property located within the Township that the Township adopt this Ordinance, and that the disposal and accumulation of solid and liquid waste, junk, refuse, trash, and discarded items shall occur only in a sanitary, orderly, and safe fashion. In the past, junk, waste, refuse, trash, and hazardous materials may have been improperly dumped, buried, or disposed of within the Township, which may have caused irreparable harm to property and natural resources within the Township, including but not limited to, lakes, streams, soils, groundwater, watersheds, and sensitive wetlands, all of which are essential to the health and economic well-being of the community. The Township Board further finds that the improper disposal of such materials impairs property values and poses a real and substantial risk to the health and safety of persons, pets, farm animals, and wildlife within the Township.

This Ordinance is not intended to interfere with lawful farming and generally accepted farm operations or practices. Nor shall this Ordinance be deemed to prohibit or interfere with the otherwise lawful storing or spreading of manure, fertilizers, herbicides, or other soil conditioners as part of a farm operation.

Section 2. Authorization. This Ordinance is authorized and enacted pursuant to MCL 41.181 *et seq.*, Article 4, Section 52 of the Michigan Constitution of 1963 and other applicable laws.

Section 3. Prohibited Acts. Unless otherwise expressly permitted by Section 4 hereof, it shall be unlawful for any person, entity, corporation, association, or other organization to do or permit any of the following (or to assist in doing any of the following) within Reynolds Township:

(A) Operate an unlicensed or unlawful dump, landfill, or sanitary landfill.

(B) Utilize, bury or dispose of any item at an unlicensed or illegal landfill or disposal site knowing the same to be unlicensed or illegal.

(C) Pour, inject, drain, dump, abandon, bury, or dispose of any discarded liquid which may be hazardous, toxic, nuclear, poisonous, putrid, dangerous, or biologically harmful into, below, within, or onto the ground, substrata, a road, or any soil, lake, stream, pond, or wetland or to accumulate or store such discarded liquids outdoors. For purposes of this subsection (C), the words hazardous, toxic, nuclear, poison, putrid, dangerous, or biologically harmful shall be as defined by any federal or Michigan law. This prohibition shall include, but not be limited to, gasoline, oil, cleaning fluid, heating oil, industrial or commercial waste, medical waste, paint waste, processed food byproducts or waste, flammable liquid, or liquid industrial by-products.

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

(E) Place, throw, bury, dump, abandon, store, or accumulate outdoors any empty or partially filled cans, food containers, broken or whole bottles, trash, rubbish, garbage, litter, junk, rags, used or broken glass, mobile homes not meeting township ordinance requirements, debris, used tires, used tanks, discarded or scrap plastic, waste, boxes, barrels, scrap metal, cardboard, inoperable or partially assembled equipment or machinery, scrap rubber, crockery or utensils of any kind, automobile or vehicle bodies or parts of automobiles or vehicles (except in a duly licensed junk yard), old stoves or appliances, furniture, parts of machinery, contaminated soil, illegal pesticide, illegal fertilizer, refuse, scrap styrofoam, paper, broken pallets, cloth, batteries, mattresses or bed springs, flammable matter or substances, offal, medical waste, industrial byproducts or waste substances, or objects of a similar nature, upon, under, or on any land in the Township, or to permit any such things or substances to accumulate on land or water over which the person permitting the same occupies, owns, leases, or has control.

(F) Allow the accumulation of materials which provide rat harborage or which may serve as food for rats or is accessible to such rodents or in or around which flies, insects, rodents, or vermin may exist, breed, or multiply, or to suffer or permit upon any premises stagnant or filthy water deemed a health hazard by the Montcalm County Health Department (excluding natural wetlands), dead animals or unwholesome meat, or any other unwholesome, filthy, deleterious, or offensive thing or substance.

(G) Litter on any property or roadway within the Township.

(H) Accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash or junk outdoors on any property within Reynolds Township, except in a lawful sanitary landfill, a lawful junk yard, or not to exceed eight (8) days' storage in watertight storage receptacles designed for the temporary accumulation of trash.

Section 4. Exceptions to this Ordinance. The following activities shall not be subject to the requirements of Section 3 of this Ordinance:

(A) The lawful disposal of materials or items into or within a lawful sanitary landfill, hazardous materials landfill, or facility or incinerator properly licensed by the state of Michigan.

(B) The lawful disposal of materials or items into or within a lawful waste disposal site which has been expressly approved or authorized by the Township under its zoning ordinance or other ordinances.

(C) The otherwise lawful storage, use, and application of lawful fertilizers (excluding human waste), herbicides, and insecticides pursuant to agricultural, landscaping, lake weed control, or horticultural uses.

(D) The accumulation or spreading of animal (non-human) manure for agricultural purposes.

(E) The composting of plant, vegetative, or crop matter.

(F) Winter treatment of roads, sidewalks, steps, and other ways for snow and ice removal.

(G) The lawful storage of automobile or vehicle bodies or parts at a lawful and approved junk yard.

(H) Lawfully and properly maintained feed, chemical, fertilizer, fuel, or liquid storage tanks, whether above or below ground, including the contents thereof.

(I) The outdoor storage of bona fide farm equipment, farm implements and farm vehicles, if being used for ongoing farm operations and if in compliance with any and all other applicable Reynolds Township ordinances.

(J) The lawful disposal of human and conventional household waste pursuant to a lawful municipal or underground septic disposal system, or as otherwise expressly allowed pursuant to any applicable ordinance.

(K) Notwithstanding any provision of this Ordinance, the following items may be buried or disposed of within the Township:

(1) Clean fill;

(2) Crops, natural compost or vegetative items;

- (3) Rocks or untreated wood;
- (4) Cables, conduits, pipes and tubes which are being utilized for utilities, drainage or irrigation purposes;
- (5) Cement;
- (6) Basements, shelters, foundations, lawful structures and nontoxic pilings or anchors.
- (7) Conventional firewood.
- (8) Cemetery uses and burial of pets.
- (9) Approved and lawful underground storage tanks.
- (10) Burying of dead farm animals if buried on land comprising the farm where the animals were from.
- (11) Approved, lawful underground septic systems.
- (12) Burying of any road killed animal at or near the site killed.
- (13) Disposal of game remnants by the hunter or fisherperson involved if the game was lawfully killed.

Section 5. Violation; Penalty, Remedies and Enforcement. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 6. Other Persons Who May Be Liable. The prohibitions and penalties of this Ordinance shall apply not only to any person, firm, entity, corporation or association which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property from, through, or onto which any such prohibited items, materials, or substances are drained, buried, dumped, abandoned, stored, or accumulated and who permits or acquiesces in such actions or Ordinance violations.

Section 7. Additional Remedies. In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*.

Section 8. Severability. The sections and portions of this Ordinance shall be deemed severable. Should any section, clause or provision of this Ordinance ever be declared to be invalid, in whole or in part, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the section, clause, sentence, or provision declared to be invalid.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days after this Ordinance or a summary thereof is published in the newspaper as provided by law.

Section 10. Repeal. This Ordinance shall repeal the prior Township Ordinance in its entirety.

The above Ordinance was offered for adoption by Township Board Member Tina Porzondek, and was seconded by Township Board Member Ann Yanke, the vote being as follows:

YEAS: Lee Olsen, Ann Yanke, Keith Grannis, Roger Stedman, Tina Porzondek

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED

CERTIFICATION

The above Ordinance was adopted by the Reynolds Township Board at a regular meeting held on September 10, 2009, at the Reynolds Township Hall pursuant to the required statutory procedures.

Respectfully submitted by:



Tina Porzondek, Reynolds Township Clerk

LAND DIVISION ORDINANCE

TOWNSHIP OF REYNOLDS

COUNTY OF MONTCALM, STATE OF MICHIGAN

ORDINANCE NO. 97 - 4

Adopted: 7-3-97
Effective: 7-3-97

An ordinance to regulate the creation, partitioning and division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, being the Michigan Land Division Act, Act 359 of 1947, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

TOWNSHIP OF REYNOLDS

MONTCALM COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as the "Reynolds Township Land Division Ordinance."

SECTION 2

PURPOSE AND SCOPE

A. The purpose of this Ordinance is to implement the provisions of the Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) ("Act"), to prevent the creation of parcels of property and access easements which do not comply with applicable ordinances, zoning regulations and said Act, to minimize potential boundary disputes, to monitor the creation of new parcels and easements, to prevent illegal land divisions and to ensure that newly-created parcels are not landlocked, to prevent the creation of unusable lots due to noncompliance with the Reynolds Township Zoning Ordinance or other

ordinances, to assure orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of Reynolds Township by establishing reasonable standards for prior review and approval of all land divisions within Reynolds Township ("Township").

B. Approval of any land division pursuant to this Ordinance shall not provide, constitute, infer or imply use or zoning approval of any such division or resulting parcels or assure or imply buildability. Such use of land must still comply with the Township Zoning Ordinance and any other applicable ordinances, laws or regulations, and it remains the responsibility of the property owner to ensure such compliance.

C. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with provisions of the Township Zoning Ordinance or of other laws or ordinances or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the division or use of land, easements or buildings than are imposed or required by the provisions of any restrictions or any other law or ordinance, or any of said rules, regulations or permits, then the provisions of this Ordinance shall govern.

SECTION 3

DEFINITIONS

For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

A. "Act" - Public Act No. 288 of 1967, as amended (including, but not limited to, Public Act No. 591 of 1996, being the Michigan Land Division Act (MCLA 560.101 *et seq.*)

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

C. "County" - Montcalm County, Michigan.

D. "Divided" or "Division" - the creation, partitioning or splitting of a parcel or tract of land by the owner thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, transfer or lease of more than one (1) year, or of building development that results in one or more parcels. For purposes of this definition, "divided" or "division" shall include, but not be limited to, the creation of one or more access easements, parcels, lots or site condominium units whether created by partition, deed, land contract, a lease over one (1) year or other written agreement, whether or not

recorded with the county register of deeds records. "Divided" or "division" shall also include the adjustment or reconfiguration of property lines.

E. "Governing body" - the Reynolds Township Board.

F. "Township" - Reynolds Township, Montcalm County, Michigan

G. Except as expressly otherwise stated in this Ordinance, the definitions of the Act, as amended, are hereby incorporated by reference and are made a part of this Ordinance.

H. For purposes of Sections 105(b) and 109(d) of the Act, the word "area" shall mean any dimensional or space requirement of the Reynolds Township Zoning Ordinance, as amended, including, but not limited to, size, road frontage, easement regulations and similar requirements.

I. For purposes of this Ordinance, "lot" or "parcel" shall be used interchangeably.

SECTION 4

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided and access easements shall not be created without the prior review and approval of the Township Zoning Administrator (or such other official as is designated by the Reynolds Township Board by resolution from time to time) in accordance with this Ordinance and the Act, except that a parcel proposed for subdivision through a recorded plat pursuant to the Township's Land Subdivision Ordinance (if any) and the Act shall be exempted from this requirement. If a proposed land division involves the division of one or more existing platted lots or the reconfiguration or adjustment of a boundary line of an existing platted lot, this Ordinance (including, but not limited to, its review and approval requirements) shall be applicable.

SECTION 5

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Clerk or other official designated by the Township Board for review and approval of a proposed land division before making any division either by recorded or unrecorded deed, land contract, lease for more than one year, or for building development:

A. A completed application form, together with all required supporting materials.

B. Written proof of fee ownership of the land proposed to be divided and a signature on the application by the fee title owner of the property.

C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended (MCL 54.211), by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel, the parcels proposed to be created by the division(s) (including "remnant" parcels or those to be retained by the owner) and any easements, the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township and submit a tentative preliminary parcel map drawn to scale of not less than 1" = 60' including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, easements, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the Township Zoning Administrator or other designated official prior to a final application under this Section 5. Additionally, the Township may waive the survey requirement for good cause shown.

D. Proof that all standards of the Act, this Ordinance and other applicable ordinances and laws have been met.

E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Act.

F. Proof that all due and payable property taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 8 of this Ordinance, the applicant shall provide sufficient information to show that all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.

I. The full fee in an amount 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.

J. Proof from the Montcalm County Health Department indicating that a lawful septic system will be approved for each proposed resulting lot or parcel if public sanitary sewer is not available. Additionally, the applicant shall provide written proof for each proposed resulting parcel or lot of public water or health department approval for on-site water supply pursuant to Section 109(b)(i) and Section 105(g) of the Act, or in lieu of such requirement and at the Township's discretion, the applicant shall fully execute a form provided by the Township stating that the applicant and all prospective purchasers of the parcel or parcels involved acknowledge that proof of such on-site water was not provided at the time of the land division application and that they proceed at their own risk with regards to whether or not water will be available.

SECTION 6

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

A. Upon receipt of a complete land division application package from an applicant, the Township Clerk or other official designated by the Township Board shall forthwith submit the same to the Township Zoning Administrator or other designated official for decision. The Township Zoning Administrator or other designee shall (i) approve, (ii) approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and welfare, or (iii) disapprove the land division applied for within 30 days after receipt of the complete application package conforming to this Ordinance's requirements (including any and all required zoning and private road approvals) 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 Act, the Township Zoning Administrator or other designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the Act.

B. Any person or entity aggrieved by the decision of the Township Zoning Administrator or designee may, within 30 days of said decision, appeal the decision to the Township Planning Commission (or such other board or person designated by the Township Board) which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20-day prior written notice to the applicant (and the property owner where other than the applicant) of the time and date of said meeting and appellate hearing. Any such appeal shall be in writing and must be filed with the Township Clerk within said thirty (30) day time limit.

C. Land division approvals shall be valid only for a period of ninety (90) days from the date of approval by the Township. If such lots, easements, parcels or site condominium units proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period, the land division approval shall be considered null and void and a new application must thereafter be submitted in compliance with the requirements of this Ordinance. If an amendment to the Township Zoning Ordinance or other Township ordinance becomes effective prior to the land division being recorded and the amendment applies to any of the resulting parcels, easements, lots or site condominium units in a way which would make the proposed lots, easements, parcels or site condominium units violate the Township Zoning Ordinance or other Township ordinance, the land division approval shall be null and void even if the 90-day time limit has not expired.

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

E. Approval of a land division does not grant or imply approval for the use of such resulting lots or parcels. Any lot, easement, parcel or site condominium unit created by a land division must still comply with the requirements of the Township Zoning Ordinance (including, but not limited to, minimum lot area and width, road and lake frontage and width requirements, and where applicable, private road requirements) and any other applicable ordinances or regulations.

F. No permanent parcel number or property tax identification number shall be issued for any new parcel, lot or site condominium unit until and unless a land division approval by the Township has been granted pursuant to this Ordinance and the deed, land contract or memorandum of land contract creating the land division has been recorded with the County Register of Deeds and Records.

G. If the land division involves the use or creation of a private road, approval of the private road must be obtained from the Township in accordance with the Township Zoning Ordinance prior to the approval of the land division. Additionally, the applicant must submit evidence of review and approval of the private road location and entry by the Montcalm County Road Commission.

SECTION 7

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved only if the following criteria are met:

A. All the parcels and easements to be created by the proposed land division(s) fully comply with the applicable lot (parcel) yard access and area requirements of the Township

Zoning Ordinance and other applicable Township ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, setback areas and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.

B. The proposed land division(s) comply with all requirements of the Act, this Ordinance and all other applicable ordinances.

C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Township Zoning Ordinance, major thoroughfare plan, private road ordinance or this Ordinance. All proposed parcels shall have frontage on an improved public street or approved private street, at a minimum, equal to the required lot width for the zoning district in which the lot is located, as well as compliance with all applicable public or private street regulations.

D. The ratio of depth to width of any parcel created by the division shall not exceed 4:1 unless otherwise provided by the Township Zoning Ordinance.

E. Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

F. The Township may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this Ordinance.

G. The Township Board may establish reasonable fees for Township review and approval of land divisions, easements, and condominiums hereunder. Additionally, the Township may require the applicant to reimburse the Township for fees and costs incurred by the Township Attorney and/or Township Engineer in reviewing the proposed land division, easements, or condominium units. No land division or easement approval or permit shall be effective until all such fees and reimbursements have been paid to the Township in full.

H. Within ten (10) days of the date the applicant receives the recorded copy of the deed, land contract, memorandum of land contract or easement agreement back from the County Register of Deeds Records (with the county stamps thereon), the applicant shall provide the Township with copies of the same so that the Township can verify that the resulting lots, parcels, condominium units and/or easements created by the recordings complies with the Township approval.

I. No land division shall be approved until all ad valorem property taxes due and owing on the original parcel have been paid in full to the Township and/or County, and all

special assessments and charges in lieu of special assessments, due and owing against the original parcel have been paid to the Township in full. Additionally, no land division shall be approved until all indebtedness of the owners of the original parcel have been paid in full to the Township.

SECTION 8

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the Township Zoning Ordinance or this Ordinance may be approved in any of the following circumstances:

A. Where the applicant executes and records a permanent deed restriction with the County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable" and also not usable for anything other than agricultural or passive uses, which restrictions shall be enforceable by the Township.

Any such parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding 1 foot in height or used except for agricultural or passive uses.

B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Township Zoning Ordinance, or the Act and the Township Zoning Administrator (or designee) determines the boundary adjustments to be minor.

SECTION 9

CONSEQUENCES OF NONCOMPLIANCE WITH THE LAND DIVISION APPROVAL REQUIREMENT

Any parcel or easement created in violation of or noncompliance with this Ordinance shall not be eligible for any building permits or zoning approvals such as special land use approval and site plan approval. Furthermore, no parcel, lot, site condominium unit or easement created in violation of this Ordinance or the Act shall be utilized for any purpose whatsoever, nor shall such land division be recognized. In addition, a violation of this Ordinance shall also

subject the violator to the penalties and enforcement actions set forth in Section 10 of this Ordinance, and as may otherwise be provided by law.

In addition to the other remedies provided herein, the Township Zoning Administrator is authorized to deny or rescind a permanent parcel number or property tax identification number for any lot, parcel or site condominium unit created in violation of this Ordinance and to also formally request that County officials either rescind or refuse to issue such a property tax identifying number for any lot, parcel or site condominium unit created in violation of this Ordinance, where applicable.

SECTION 10

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this Ordinance shall upon conviction be deemed guilty of a criminal misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment, plus the costs of prosecution.

Any person who violates any of the provisions of this Ordinance shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.

Any parcel, lot, site condominium unit, easement or land division created in violation of this Ordinance is hereby declared to be a nuisance which is subject to abatement by the Township.

SECTION 11

SEVERABILITY

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

SECTION 12

REPEAL

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's building code.

SECTION 13

EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication (or a summary thereof) after adoption.

The above Ordinance was offered for adoption by Township Board Member ^{Halterman} _____, and was seconded by Township Board Member ^{Hackhardt} _____, the vote being as follows:

YEAS: Ralph Hansen, Margaret Hill

Charles Halterman, Albert Hackhardt

NAYS: none

ABSENT: Robert Christiansen

ORDINANCE DECLARED ADOPTED.

Margaret E. Hill
Margaret E. Hill
Reynolds Township Clerk

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Reynolds Township Board at a Regular meeting held at the Reynolds Township Hall on 7-3, 1997, at 7:30 p.m., pursuant to the required statutory notice and procedures.

Respectfully submitted,

By: Margaret E. Hill
Margaret E. Hill
Reynolds Township Clerk

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REYNOLDS TOWNSHIP
Ordinance No. 02-10-2011-~~1~~
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ORDINANCE FOR THE CONTINUATION OF THE REYNOLDS TOWNSHIP PLANNING
COMMISSION ACCORDING TO THE MICHIGAN PLANNING ENABLING ACT

WHEREAS, the Township Board of Reynolds Township, Montcalm County, Michigan created a Planning Commission via Resolution No. 97-3, according to the former Township Planning Act, now desires to continue the Planning Commission under the terms and provisions of the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.

THE TOWNSHIP OF REYNOLDS ORDAINS:

1. The Township Board hereby maintains the Planning Commission created and empowered under Resolution No. 97-3, except as modified by this Ordinance.
2. The Planning Commission shall consist of seven (7) qualified electors of the township. Except for the member of the Township Board who is appointed to the Commission as provided below, no member shall hold any elected office or employment with the Township.
3. The Planning Commission shall be appointed by the Township Board. Terms are three (3) years each, except for the first year, the first member shall be appointed to serve a one (1) year term, and the last member shall be appointed to serve a three (3) year term. Vacancies shall be filled by the Township Board. A member whose term has expired shall hold office until his or her successor has been appointed.
4. One (1) member of the Township Board, who shall not be the Township Supervisor, shall be appointed to the Planning Commission, whose term of office shall begin with his or her term on the Township Board and shall cease upon the expiration of his or her term on the Township Board.
5. Members of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.
6. Members of the Planning Commission may be compensated for their services, as determined by Township Board resolution.
7. The Planning Commission shall elect a Chairperson, Vice Chairperson, and Secretary from its membership. It may appoint an advisory committee from outside its membership. The Township Board member serving on the Planning Commission may not serve as Chairperson. Terms of officers shall be one (1) year.
8. The Planning Commission shall meet at least four (4) times per year.

9. The Planning Commission shall adopt Bylaws for the transaction of business and the retention of public records of its resolutions, findings, and determinations.
10. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
11. A member of the Planning Commission shall not be an employee or
12. The Planning Commission shall meet and act in accordance with said Public Act 33 of 2008, as amended.
13. A member of the Planning Commission may be removed by the Township Board, upon written charges and after a public hearing, for malfeasance, misfeasance or nonfeasance.
14. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the Township Board, by ordinance, defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its Bylaws.
15. All decisions of the Planning Commission shall be recommendations to the Township Board and subject to approval of the Township Board before same shall be effective, except for the following.
 - a. decisions involving the election of officers,
 - b. adoption of its Bylaws,
 - c. decisions which have been specifically delegated to the Planning Commission by Township ordinance.
 - d. decisions which have been specifically delegated to the Planning Commission by state statute, or
 - e. decisions which have been delegated to the Planning Commission by action of the Township Board.
16. This Ordinance takes effect sixty (60) days following its publication in a newspaper of general circulation within the Township.
17. The Township Clerk shall transmit copies of this Ordinance to the Secretary of State for the State of Michigan, and to the County Planning Commission for Montcalm County, within fourteen (14) days of its adoption.
18. All powers, duties, responsibilities provided by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) for Zoning Boards created thereunder are hereby transferred to the Township Planning Commission as of the effective date of publication. Any existing

REYNOLDS TOWNSHIP
MONTCALM COUNTY, MICHIGAN

(ORDINANCE NO. 090902)

DANGEROUS AND DILAPIDATED BUILDINGS ORDINANCE

An ordinance to promote the health, safety and welfare of the people of Reynolds Township ("Township"), Montcalm County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the types of buildings and structures regulated by this ordinance; to establish procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF REYNOLDS ("Township") ORDAINS:

SECTION I
TITLE

This ordinance shall be known and cited as the "Reynolds Township Dangerous and Dilapidated Buildings Ordinance."

SECTION II
PURPOSE

The purpose of this Ordinance is to regulate and prohibit the existence of dangerous and/or dilapidated buildings within Reynolds Township. Furthermore, it is the intent and purpose of this Ordinance to promote the health, safety, and welfare of the people of Reynolds Township by regulating the maintenance, alteration, health, safety, and improvement of buildings and structures and to establish remedies and provisions for the enforcement of this Ordinance.

SECTION III
DEFINITIONS OF TERMS

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or conditions or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.

2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.

3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the state of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, fire damage, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used or intended to be used.

7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a Township official or the health officer of the Township or Montcalm County determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

9. A building or structure is vacant, dilapidated and open at the door, wall, roof, window, or other area, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

10. A building or structure remains unoccupied for period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being Section 339.2501 *et seq.* of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subsection 10 does not apply to either of the following:

(a) A building or structure as to which the owner or agent does both of the following:

(1) Notifies the Montcalm County Sheriff's Department that the building or structure will remain unoccupied for period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied; and

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of the state of Michigan, Act No. 167 of the public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Township Building Code.

(b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Montcalm County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Montcalm County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

11. Any portion of a building or structure is open to the elements, whether such opening occurs due to a broken, missing, or dilapidated door, wall, roof, or other structural or exterior component of the building.

12. The exterior paint, vinyl or aluminum siding, brick, wood, or other exterior component of a building or structure is in such disrepair, a dilapidated fashion, or such poor condition that the exterior building materials of the building or structure involved are directly exposed to the elements, insects, mold, or fungus.

13. A deck, porch, walkway, or similar structure or item attached to a building or structure is slippery and is likely to cause a person to slip or fall due to moss, fungus, deterioration, slimy or slippery material, or similar slippery condition.

B. "Enforcing agency" means this Township, through the Township Building Official, Zoning Administrator, and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

C. "Owner" means any person, corporation, partnership, or entity which owns, co-owns, or has an ownership interest in the property at issue.

D. "Township Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 *et seq.* of the Michigan Compiled Laws, or adopted pursuant to any other state law.

SECTION IV **PROHIBITION OF DANGEROUS BUILDINGS**

It shall be unlawful for any owner or agent thereof to keep, possess, own, or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

SECTION V **PENALTIES FOR VIOLATION OF THIS ORDINANCE**

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

This Ordinance applies to the property at issue in a particular circumstance. For purposes of being found responsible for a violation of this Ordinance (and for being subject to and bound by any penalties and court orders for violation of this Ordinance), the word "owner" shall include not only the person, partnership, corporation, or other entity shown as the owner as evidenced with the relevant real estate document recorded with the Montcalm County Register of Deeds records, but in addition, shall also include any owner or co-owner of the property (whether or not shown of record with the Montcalm County Register of Deeds records), and where a land contract is involved, shall apply to both the record owner of the property as well as the person or persons purchasing the property on land contract. Anyone who assists another in violating this Ordinance, or who aids and abets another in violation of this Ordinance, shall also be deemed to be in violation of this Ordinance.

In addition to the other remedies mentioned above, upon a finding of responsibility for a civil infraction, the Court may also issue an order requiring that the property or building involved either be brought into full compliance with this Ordinance (as well as the Township Building Code and any other applicable ordinances or codes) or alternately, that the owner of the property completely demolish or remove the building or structure involved within a reasonable period of time. Such a court order may also provide that if demolition and/or removal of a building or structure is ordered (or some other action is required to be taken by the property owner) and the property owner does not fully comply with the order, the Township shall be authorized to enter the property involved and remove or fully repair the dwelling or structure involved (or bring the property into full compliance with the court order) and that the Township shall be fully reimbursed for all of its costs and expenses, with the same being secured by a lien on the property.

In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Montcalm County Circuit Court.

This Ordinance may be enforced by the Township Zoning Administrator, the Township Building Inspector, and such other Township official or agent as the Township Board may designate from time to time by resolution.

SECTION VI **EXEMPTION FOR BONA FIDE FARM BUILDINGS**

This Ordinance shall not apply to any nondwelling building which is actively and regularly used or maintained in conjunction with a bona fide ongoing farming operation.

SECTION VII **SEVERABILITY**

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

SECTION VIII **REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code (or maintenance, electric, plumbing, or similar code), any junk or blight ordinance of the Township (or the equivalent) or the Township Zoning Ordinance.

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication as required by law.

The above Ordinance was offered for enactment by Township Board Member Roger Stedman and was supported by Township Board Member Lee Olsen at a regular meeting of the Township Board of the Township of Reynolds, held at the Reynolds Township Hall, on the 10th day of September, 2009, at 7:00 p.m., the vote being as follows:

YEAS: Lee Olsen, Ann Yank, Keith Grannis, Roger Stedman, Tina Porzondek

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Reynolds at a regular meeting held on September 10, 2009, pursuant to the procedures required by law.

Tina M. Porzondek
Tina Porzondek
Reynolds Township Clerk

REYNOLDS TOWNSHIP
MONTCALM COUNTY

(ORDINANCE NO. 98-~~64~~)

AN ORDINANCE TO REGULATE AND CONTROL NOISE AND NUISANCES, BOTH ON PUBLIC AND PRIVATE PROPERTY, AND TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE. (2)

THE TOWNSHIP OF REYNOLDS ("Township") ORDAINS:

Section 1. Noise Violations.

(a) Restricted Generally. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Township, including, but not limited to the noises enumerated in this Section.

(b) Horns and Signal Devices. The sound of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time are all unlawful.

(c) Musical Instruments; Electronically Amplified Sound. It shall be unlawful to play any musical instrument or allow any electrically or electronically produced, reproduced or amplified sound to emanate from any place or premises between the hours of 9:00 p.m. and 7:00 a.m., so as to be heard more than one hundred (100) feet from the property line of such place or premises or so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose. This provision shall not be applicable to community events approved by the Township.

(d) Shouting and Whistling. Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any place at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence, or of any person in the vicinity is unlawful.

(e) Whistle or Siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire, emergency, or danger is unlawful.

(f) Engine Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom is unlawful.

(g) Construction Noises. Except for government projects, it shall be unlawful to erect, excavate, demolish, alter or repair any structure, or excavate any street or highway, other than between the hours of 7:00 a.m. and 9:00 p.m., without first obtaining a permit from the Township.

(h) Devices to Attract Attention. The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention is unlawful.

(i) Noise or Commotion in Vehicles. To make a commotion or make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood is disturbed, or where persons owning or occupying property in the neighborhood are disturbed or annoyed is unlawful.

(j) Sound Trucks. To operate or cause to be operated a sound truck with radio or amplifier within the Township, without first having obtained a permit therefor from the Township is unlawful.

(k) Sound System in Parked or Moving Motor Vehicle. No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m., or clearly audible at a distance of twenty-five (25) feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m.

(l) Exceptions. None of the prohibitions contained in this Section shall apply to or be enforced against:

(i) Any authorized emergency vehicle when responding to an emergency call;

(ii) Necessary excavations or repairs of bridges, streets or highways by or on behalf of the Township, county or state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day; or,

(iii) The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

(m) Power Chain Saw Noise. Power chain saws operated by internal combustion engines shall not be utilized between the hours of 10:00 p.m. and 6:30 a.m., unless a permit therefor is first obtained from the Township, *except in case of emergency.*

Section 2. Littering. No person shall litter.

Section 3. Disturbance of the Peace Offenses. No person shall:

(a) Create or engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.

(b) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or language.

(c) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

(d) Disturb or unreasonably interfere with any service of worship or any other assembly gathered for lawful purposes.

(e) Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the state of Michigan, as amended.

(f) Incite, cause, or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property.

Section 4. Prohibition of Nuisances.

(a) Smoke. No person who is responsible for any chimney or smoke stack shall permit the omission therefrom, within the Township, dense smoke or smoke containing soot or other substances in sufficient quantity to permit a noticeable deposit thereof.

(b) Creation of Noxious or Offensive Odors. No person shall permit matter to putrefy or decay, or be burned so as to cause, nor shall he or she in any other manner cause or occasion, noxious or offensive odors, fumes or gases in any place or places within the Township in such manner as to imperil the health or safety of any person or persons or so as to disturb unnecessarily and without reasonable cause the comfort of any person or persons within the Township.

(c) Dangerous Structures.

(i) No person shall maintain any structure which is unsafe or a menace to the health, morals or safety of the public.

(ii) Such nuisances may be abated, and the cost of abating such nuisances may be charged against the premises and the owner thereof by the Township pursuant to a lien.

(d) Abandoned Refrigerators and Airtight Containers. No person shall have in his or her possession, either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or any other similar airtight container of any kind large enough for a child to enter which has a snap, latch or other locking device thereon, without first removing the snap, latch or other locking device, or the doors, from such icebox, refrigerator, or other airtight container, in such a fashion as to render such container safe.

Section 5. Penalties. A violation of this ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be in violation of this ordinance and shall be responsible for a civil infraction violation. The civil fine for a municipal civil infraction violation hereunder shall be not less than \$100, in addition to all other cost, damages, expenses and remedies provided by law. Increased civil fines may be imposed for subsequent violations by a person of any requirement or provision of this ordinance. The fine for any offense which is a first repeat offense shall be not less than \$200, plus costs. A fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance (or substantially similar ordinance) committed by the same person within 12 months of a previous violation of the same provision of this ordinance (or substantially similar ordinance) or similar provision of this ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. The Township shall have the option of pursuing both civil infraction ticket proceedings and legal and/or equitable relief in a court of competent jurisdiction.

Section 6. Severability. The sections and provisions of this ordinance shall be deemed severable. Should any section, clause or provision of this ordinance ever be declared to be invalid, in whole or in part, the same shall not effect the validity of this ordinance as a whole or any part thereof, other than the section, clause, sentence or provision declared to be invalid.

REYNOLDS TOWNSHIP
ORDINANCE NO. 071101-1

An ordinance to amend Chapter * of the Code of Ordinances of the Township of Reynolds to provide for a municipal civil infractions and a municipal ordinance violations bureau; and to provide for sanctions for violations of municipal civil infractions.

THE TOWNSHIP OF REYNOLDS ORDAINS:

SECTION 1. MUNICIPAL CIVIL INFRACTIONS.

Chapter * of the Code of Ordinances of the Township of Reynolds is hereby amended to add a new Article * entitled "Municipal Civil Infractions" and to consist of sections 1.01 through 6.01 to read as follows:

Section 1.01. Definitions and Rules of Construction

"Act" means Act No. 236 of the Public Acts of 1961, as amended.

"Authorized Township Official" means a police officer or other personnel of the Township authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

"Bureau" means the Township of Reynolds Municipal Ordinance Violations Bureau as established by this Article.

"Township" means the Township government of Reynolds Township.

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal civil infraction violation notice" means a written notice prepared by an authorized Township official, directing a person to appear at the Reynolds Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township, as authorized under Sections 8396 and 8707(6) of the Act.

Section 2.01. Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction citation directing the

alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the Reynolds Township Municipal Ordinance Violations Bureau.

Section 3.01. Municipal civil infraction citations; issuance and service.

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

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the district court.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
- (d) A citation for a municipal civil infraction signed by an Authorized Township Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- (e) An Authorized Township Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (f) An Authorized Township Official may issue a citation to a person if:
 - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and Prosecuting Attorney or Township Attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations shall be served by an Authorized Township Official as follows:
 - (1) An Authorized Township Official shall personally serve a copy of the citation upon the alleged violator.

- (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

Section 4.01. Municipal civil infraction citations; contents.

- (a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (A) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
 - (B) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (c) The citation shall also inform the alleged violator of all of the following:
 - (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a schedule date and time for an appearance.
 - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by

representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

- (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - (4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 5.01. Municipal ordinance violations bureau.

- (a) Bureau established. The Township hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under Section 8396 of the Act to accept admissions of responsibility for municipal civil infraction in response to municipal civil infraction violation notices issued and served by authorized Township officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.
- (b) Location; supervision; employees; rules and regulations. The Bureau shall be located at the Reynolds Township Hall and shall be under the supervision and control of the Township Treasurer. The Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified Township employees to administer the Bureau.
- (c) Disposition of violations. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Chapter shall prevent or restrict the Township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to

dispose of any violation the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

- (d) Bureau limited to accepting admissions of responsibility. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (e) Municipal civil infraction violation notices. Municipal civil infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations as provided in this Chapter. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (f) Appearance; payment of fines and costs. An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (g) Procedure where admission of responsibility not made or fine not paid. If an authorized Township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with district court and a copy of; the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

Section 6.01. Schedule of civil fines established.

- (a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:

(1) Zoning Violation	up to 100.00
First repeat offense.	\$ 500.00
Second (or any subsequent) repeat offense	\$.1,000.00

SECTION 2. SEVERABILITY.

At a regular meeting of the Township Board of Reynolds Township held on ^{Nov. 1, 2007} * adoption of the foregoing ordinance was moved by * and supported by *
Olsen Porzondek

NOTICE OF ADOPTION
REYNOLDS TOWNSHIP
MONTCALM COUNTY, MICHIGAN

PLEASE BE ADVISED that on September 5, 2002, the Township Board for Reynolds Township amended the Township's Noise and Nuisance Ordinance by adding a new and additional subsection (e) to the existing Section 4 of that ordinance. The new and additional subsection 4(3) reads as follows.

(e) Animals No person shall:

(1) Own, possess, care for, harbor, or have charge of any animal, dog, pet, or bird which makes frequent or continued noise by barking, yelping, growling, howling, or making other noise which either disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any other person or persons in Reynolds Township.

(2) Allow any dog, cat, pet, or animal to run at large except on a property or premises which are reasonably controlled by fences, kennels, or other impoundment appropriate for the animal(s) contained therein and which will reasonably prevent the animal(s) from leaving the property or premises in R-3 only.

(3) Own, possess, care for, harbor, or have charge of any animal which is vicious, wild, or fierce, or in any manner endangers the health, or safety of any person or toward other animals, or is destructive of property.

(4) Own, possess, care for, harbor, or have charge of any animal known to have rabies or known to have been infected with rabies.

(5) Own, possess, care for, harbor, or have charge of any dog or cat which by prolonged barking, howling, yelping or yowling becomes a nuisance or is unreasonably disturbing to any person or persons. Prolonged barking, yowling, yelping or howling for a period of 15 minutes or longer shall be deemed a violation of this subsection (5) but shall not be construed to be a requirement for violation of this Subsection (5)

A full and true copy of the ordinance amendment can be obtained, inspected, purchased and / or reviewed at the Reynolds Township Hall located at 215½ Edgerton Street, Howard City, Michigan during normal office hours (Monday 9:00 a.m. to 3:00 p.m., Tuesday thru Friday 12:00 p.m. thru 5:00 p.m.). The ordinance amendment will become effective 30 days after this notice appears in the newspaper. Except as changed by this amendment, the balance of the Township's Noise and Nuisance Ordinance remains unchanged and in full force and effect.

Respectfully submitted

Dated September 16, 2002

Margaret E. Hill

Reynolds Township Clerk

TOWNSHIP OF REYNOLDS
MONTCALM COUNTY, MICHIGAN

ORDINANCE NO. 2010-311-1

The TOWNSHIP OF REYNOLDS Ordains:

A. Drug Paraphernalia

Section 1. Purpose.

The purpose of this Article is to prohibit the possession, delivery, sale, marketing and advertising of items, paraphernalia, accessories or things which are designed or marketed for use with controlled substances to protect the health, safety and welfare of the citizens of the Township and to discourage the use of controlled substances.

Section 2. Definitions.

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

(1) Controlled substance means any drug, substance, or immediate precursor enumerated in schedule 1-5 of Sections 7201 to 7231 of the Public Health Code, 1978 PA 368, as amended, MCL 333. 7201 et seq.

(2) Drug paraphernalia means any equipment, item, product or material, or a combination of equipment, items, products and materials, that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, including, but not limited to, all of the following:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived.

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled substance.

(d) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

- (xi) Chillums.
- (xii) Bongs.
- (xiii) Ice pipes or chillers.
- (xiv) Wired cigarette papers.
- (m) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- (n) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.
- (o) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.
- (p) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.

Section 3. Prohibitions.

- (1) It is unlawful for any person to deliver, sell, market, or possess with intent to deliver, sell or market drug paraphernalia knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- (2) It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- (3) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 4. Exceptions.

The provisions of this Article shall not apply to:

(3) In addition to the penalties provided by this Section, the district court shall have the equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this Article, including, but not limited to, abatement of the violating condition or the granting of any injunctive relief.

Section 6. Effective Date.

This ordinance shall become effective the day following its publication in the River Valley Shopper, a newspaper of general circulation in Reynolds Township.

The foregoing ordinance was adopted at a regular meeting of the Reynolds Township Board held on March 11, 2010 in a motion offered by Porzondek, with support from Stedman. The motion carried as follows in a roll call vote:

YEAS: 4

NAYS: 0

ABSENT: 1

ORDINANCE NO. 2010-311-1 WAS DECLARED ADOPTED.

I, Tina Porzondek, the Clerk of Reynolds Township, hereby certify that the foregoing is a true and accurate copy of an ordinance duly adopted at a regular meeting of the Reynolds Township Board held on March 11, 2010, and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended. I further certify that the foregoing ordinance or a synopsis of the same was published in the *River Valley Shopper*, a newspaper of general circulation in the Township, on 3-19, 2010.

Tina Porzondek

Adopted: March ~~11~~, 2010

Published: 3-29, 2010

Effective: 4-5, 2010

**TOWNSHIP OF REYNOLDS
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO. 2010-311-2**

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
ISSUANCE OF TOWNSHIP PERMITS, LICENSES OR APPROVALS FOR THE SALE
OR DISPENSATION OF MEDICAL MARIHUANA**

The Township of Reynolds Ordains:

SECTION 1: Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 3 of the Public Acts of 1895, as amended, the Township Board of Reynolds Township has determined that:

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

SECTION 2: Administrative Action. A moratorium is hereby imposed upon the issuance of any and all Reynolds Township permits, licenses or approvals for the sale or dispensation of medical marihuana within Reynolds Township, so long as this ordinance is in effect.

SECTION 3: Term of Ordinance. The moratorium imposed by this ordinance shall remain in effect for six months following the effective date of this ordinance or until amendments to the Township's ordinances become effective, whichever occurs first. Prior to the expiration of the six month moratorium, the Township Board may extend by resolution the moratorium for an additional six months to allow sufficient time to complete amendments to the ordinances.

SECTION 4: Effective Date. This ordinance shall become effective the day following its publication in the *River Valley Shopper*, a newspaper of general circulation in the Township.

REYNOLDS TOWNSHIP
MONTCALM COUNTY, MICHIGAN
(Ordinance No. 2012-02-09-1)

At a regular meeting of the Reynolds Township Board held at the Township offices on February 9, 2012 the following Ordinance was offered for adoption by Township Board Member L. Olsen, and was seconded by Township Board Member T. Porzondek.

AN ORDINANCE REGARDING THE REGULATION OF
MEDICAL MARIHUANA, MEDICAL MARIHUANA
DISPENSARIES, AND RELATED USES AND ACTIVITIES

THE TOWNSHIP OF REYNOLDS ("Township") ORDAINS:

ARTICLE 1. PURPOSE AND INTENT

The voters of the state of Michigan adopted the Medical Marihuana Act, being Public Act 2008, Initiated Law 1, MCL 333.26421 *et seq.*, which became effective on December 4, 2008. That statute fails to regulate many aspects associated with the possession and use of medical marihuana, including, but not limited to, the distribution, sale, consumption, smoking and processing of medical marihuana. The Township Board finds that there are many negative impacts associated with the use and dispensing of marihuana (including medical marihuana) which can include burglaries, robberies, violence, increased vandalism, illegal sales of marihuana, and use of marihuana by minors and other persons without medical need. Furthermore, the unregulated sale and distribution of medical marihuana can create many problems in the areas adjacent to medical marihuana sales, usage or processing, including threats to the public peace and undermining of Township efforts to safeguard the health, safety and welfare of the residents and property owners of the Township and the public at large.

ARTICLE 2. DEFINITIONS

The following words, terms and phrases shall have the following meanings for purposes of this Ordinance:

A. "Act" means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 *et seq.*, as well as any and all amendments thereto, and also any legislation enacted into law to implement that statute.

B. "Marihuana" is also known as Marijuana and Cannabis.

C. "Medical Marihuana Dispensary" means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:

1. A primary caregiver (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
2. A qualifying patient (as defined by Michigan Initiated Law I of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
3. Members of the general public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana, or where one or more persons are present and smoking or consuming medical marihuana and such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualifying patients (as defined by Michigan Initiated Law 1 of 2008, as amended (being MCL 333.26421 *et seq.*, as amended), so long as the primary caregiver personally delivers the lawful amount of

medical marihuana to the qualifying patient where the qualifying patient resides and is done in full compliance with not only the Reynolds Township Zoning Ordinance and this Ordinance but all applicable Michigan and federal laws and regulations.

D. "Medical Use of Marihuana" Is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.

E. "Primary Caregiver" shall be as defined by the Act.

F. "Qualifying Patient" shall be as defined by the Act.

ARTICLE 3. PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES

No medical marihuana dispensary shall be commenced, conducted, maintained, operated or utilized anywhere within Reynolds Township or on or from any property, land, building or structure within and from Reynolds Township. Furthermore, no person shall frequent, patronize or obtain or purchase any marihuana from or through any medical marihuana dispensary within Reynolds Township.

ARTICLE 4. GENERAL REGULATIONS REGARDING PRIMARY CAREGIVER RESIDENCES

The following regulations generally pertain to the residence of a primary caregiver:

A. The primary caregiver may grow and process marihuana in compliance with the Act within the residential dwelling where the primary caregiver lives and is the primary caregiver's residence pursuant to Michigan law. No such residential dwelling of the primary caregiver shall be located within an apartment building, multi-family residential building or

similar housing building or development, but rather, shall occur only within a detached lawful single-family residential dwelling.

B. No person other than the members of the immediate family of the primary caregiver residing within the residence of that primary caregiver (and no person under 18 years of age) shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of the marihuana.

C. Use of the residential dwelling (which is the residence of the primary caregiver) for marihuana related purposes shall be clearly incidental and subordinate to its use for single family residential purposes. Not more than 25 of the gross finished floor area of the dwelling shall be used for the growing, processing and handling of the marihuana. No part of an accessory building, detached garage, pole barn or similar building or structure shall be used for the growing, processing, or distribution of marihuana.

D. No qualifying patient shall visit, come to or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana; rather, the primary caregiver must personally deliver any medical marihuana to a qualifying patient at the residence of that qualifying patient.

E. No person shall deliver marihuana to a qualifying patient other than the primary caregiver for that qualifying patient. The primary caregiver must personally deliver the marihuana to his/her qualifying patient.

F. There shall be no visible change to the outside appearance of the primary caregiver's residence or other visible evidence of the conduct of the medical marihuana operation occurring inside the dwelling.

G. No marihuana, marihuana plants, marihuana paraphernalia or plant growing apparatus shall be visible from the exterior of the dwelling.

H. No growing, processing, smoking or use of marihuana shall occur outdoors. All medical marihuana growing, processing and handling shall occur entirely within the dwelling.

I. No sale or distribution of merchandise or products shall be conducted on, within or from the dwelling or residential premises (including the lot or parcel involved) of the primary caregiver apart from the medical marihuana itself.

J. No equipment or process shall be used in growing, processing or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver off the premises or causes fluctuation of line voltage off the premises. The dwelling of the primary caregiver shall meet all building, housing, fire and local and state codes and ordinance requirements.

K. The growing, processing, distribution, sale and handling of medical marihuana shall comply at all times and all circumstances with the Act and any applicable regulations or requirements by the Michigan Department of Community Health or any other Michigan agency.

L. The residence for the primary caregiver shall be located more than 1,000 feet from any school, church, library or day care as defined by Michigan law to ensure community compliance with federal "Drug-Free School Zone" requirements and to minimize negative impacts.

M. Not more than one (1) primary caregiver shall be permitted to grow, process or handle medical marihuana at or from a given dwelling unit.

N. All medical marihuana shall be contained within the primary caregiver's residential dwelling (except when being delivered by the primary caregiver to a qualifying patient off site) and in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver. Any person under eighteen (18) years old shall not have any access to any medical marihuana.

O. No on-site consumption or smoking of marihuana is allowed within the residence (or on the lot or parcel) of a primary caregiver except for any medical marihuana consumption by the primary caregiver himself/herself if he/she is a qualifying patient and in full compliance with the Act.

P. No medical marihuana shall be grown, processed or handled at, from or through the residence of the primary caregiver beyond that which is needed or allowed by law (whichever is less) for the qualifying patients of that particular primary caregiver.

Q. No sign identifying the dwelling as being a place where medical marihuana is grown, sold, processed, kept, or distributed shall be visible outside of the dwelling or within any of the windows of the dwelling.

ARTICLE 5. REGULATIONS REGARDING QUALIFYING PATIENTS

A. A primary caregiver is required to deliver marihuana to his/her qualifying patients at the residence where the particular qualifying patient resides. A qualifying patient shall not go to the residence of their primary caregiver to purchase, obtain, smoke or consume marihuana.

B. Use of marihuana by a qualifying patient shall fully comply with this Ordinance and the Act.

ARTICLE 6. REQUIRED COMPLIANCE WITH FEDERAL LAW

A. Nothing in this Ordinance is intended to grant, nor shall any provisions of this Ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marihuana which is not in strict compliance with the Act, this Ordinance and all other applicable laws and regulations.

B. Since federal laws are not affected by the Act or this Ordinance, nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The Act and this Ordinance do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

ARTICLE 7. GENERAL REGULATIONS

A. No medical marihuana shall be grown, utilized, smoked, processed, distributed or handled within 1,000 feet of any half-way house, school, library, church, correctional facility, college, trade or vocational school, public park, halfway house, child daycare center, foster care center or similar use.

B. No medical marihuana shall be grown, utilized, smoked, distributed or handled within a dwelling or on a residential lot or parcel within 1,000 feet of the residence of another primary caregiver.

C. The smoking or consumption of marihuana shall not occur in any public place.

D. Every primary caregiver, qualifying patient and any other person shall comply at all times and all circumstances with the Act and the regulations of the Michigan Department of Community Health, as may amended from time to time.

E. It shall be unlawful to give, sell, dispense, or otherwise distribute medical marihuana (or any marihuana) to anyone other than a primary caregiver or qualifying patient.

F. No sign or other advertising materials identifying a particular dwelling or property as being associated with the use or cultivation of medical marihuana or marihuana in general shall be displayed, posted, or distributed.

G. Every primary caregiver shall maintain an accurate and complete written record of all medical marihuana purchased, sold, distributed, or dispensed by or through the primary caregiver which shall include, at a minimum, all of the following:

1. The identity of the primary caregiver and qualifying patient involved in each transaction.
2. The total quantity of, and amount paid for, the medical marihuana for each transaction.
3. The date, time and location of each transaction.

H. All transactions and the above-required information shall be recorded and kept in a numerical register in the order of which the transaction occurs. All such records must be kept in the English language in a legible manner and must be preserved for at least 3 years after the date of the transaction. Law enforcement officers shall have access to such register and records to the extent allowed by law.

I. It is unlawful to purchase or otherwise obtain medical marihuana (or any marihuana) from any source other than a primary caregiver who is authorized under the Act to sell or dispense medical marihuana to that particular person.

J. The Township Board by resolution may require the issuance of a Township business permit for each primary caregiver.

ARTICLE 8. RESPONSIBILITY FOR THE PREMISES

A primary caregiver shall be responsible (and shall be deemed to be in violation of this Ordinance) for any violation of this Ordinance or the Act which occurs in the residential dwelling or lot or parcel owned or leased by the primary caregiver.

ARTICLE 9. SEVERABILITY

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

ARTICLE 10. PENALTIES

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than five hundred dollars (\$500.00) for the first offense and not less than one thousand dollars (\$1000.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

ARTICLE 11. PUBLIC NUISANCE AND NUISANCE *PER SE*

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

ARTICLE 12. EFFECTIVE DATE

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

The vote in favor of this Ordinance was as follows:

YEAS: Lee Olsen, Keith Grannis, Tina Porzondek, Roger Stedman

NAYS: None ABSENT: Ann Yanke


ORDINANCE DECLARED ADOPTED.

CERTIFICATION

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

Dated: Feb. 9, 2012

Respectfully submitted,


By~ Tina Porzondek
Reynolds Township Clerk



REYNOLDS TOWNSHIP

MICHIGAN BUILDING CODE

Ordinance Number 100114-1

An ordinance to designate an enforcing agency to discharge the responsibility of Reynolds Township, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

The Township of Reynolds ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Building Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Inspector of Reynolds Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Reynolds under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Reynolds Township assumes responsibility for the administration and enforcement of said Act throughout its jurisdiction.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 14th day of January, 2010.

This ordinance duly adopted on Jan. 14th at a regular meeting of Reynolds Township and will become effective 14th days after publication, Feb. 10, 2009

Date: January 14th, 2010.

Signed: Tina Porzondek
Tina Porzondek, Clerk
Reynolds Township

Attested: Keith Grannis
Keith Grannis, Supervisor
Reynolds Township



REYNOLDS TOWNSHIP

MICHIGAN ELECTRICAL CODE

Ordinance Number 100114-2

An ordinance to designate an enforcing agency to discharge the responsibility of Reynolds Township, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

The Township of Reynolds ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Electrical Inspector of Reynolds Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Reynolds under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Reynolds Township assumes responsibility for the administration and enforcement of said Act throughout its jurisdiction.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 14th day of January, 2010.

This ordinance duly adopted on Jan. 14 at a regular meeting of Reynolds Township and will become effective 14 days after publication

Date: Jan. 14, 2010.

Signed: Tina Porzondek
Tina Porzondek, Clerk
Reynolds Township

Attested: Keith Grannis
Keith Grannis, Supervisor
Reynolds Township



REYNOLDS TOWNSHIP

MICHIGAN MECHANICAL CODE

Ordinance Number 100114-3

An ordinance to designate an enforcing agency to discharge the responsibility of Reynolds Township, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

The Township of Reynolds ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Mechanical Inspector of Reynolds Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Reynolds under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Reynolds Township assumes responsibility for the administration and enforcement of said Act throughout its jurisdiction.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 14th day of January, 2010.

This ordinance duly adopted on Jan. 14 at a regular meeting of Reynolds Township and will become effective 14 days after publication

Date: Jan. 14, 2010.

Signed: Tina Porzondek
Tina Porzondek, Clerk
Reynolds Township

Attested: Keith Grannis
Keith Grannis, Supervisor
Reynolds Township



REYNOLDS TOWNSHIP

MICHIGAN PLUMBING CODE

Ordinance Number 10014-4

An ordinance to designate an enforcing agency to discharge the responsibility of Reynolds Township, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

The Township of Reynolds ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Plumbing Inspector of Reynolds Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Reynolds under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Reynolds Township assumes responsibility for the administration and enforcement of said Act throughout its jurisdiction.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this 14th day of January, 2010.

This ordinance duly adopted on Jan. 14 at a regular meeting of Reynolds Township and will become effective 14 days after publication

Date: Jan. 14, 2010.

Signed: Tina Porzondek
Tina Porzondek, Clerk
Reynolds Township

Attested: Keith Grannis
Keith Grannis, Supervisor
Reynolds Township

ORDINACE NO. 070810-1
(State Construction Code Misdemeanor)

**AN ORDINANCE TO CHANGE THE PENALTY FOR VIOLATIONS OF THE
STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT,
ACT 230 OF 1972, FROM A MISDEMEANOR TO A MUNICIPAL CIVIL
INFRACTION, TO SET PENALTIES FOR VIOLATION, AND TO REPEAL ANY
ORDINANCES IN CONFLICT.**

THE TOWNSHIP OF REYNOLDS ORDAINS:

1. Construction Code Penalty The purpose of this Ordinance is to designate a violation of the State Construction Code, Michigan Building Code, Michigan Plumbing Code, Michigan Mechanical Code, Michigan Electrical Code, Michigan Rehabilitation Code, Michigan Uniform Energy Code, and the Michigan Residential Code, collectively referred to as the State Construction Code, as a Municipal Civil Infraction and to state a penalty for such violation. Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of the State Construction Code, or who shall fail to do what is required by the terms of the said Code, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.
2. Schedule of Civil Fines for Violation Except with respect to zoning ordinance violations, the following schedule of fines and the provisions stated in this section shall apply to any and all Township Ordinance and/or Code violations that are designated as municipal civil infractions. An authorized local official is hereby authorized to issue and process municipal civil infraction violation notices and citations in accordance with the Reynolds Township Municipal Civil Infractions Ordinance, Ordinance No. 071101-1, and as otherwise permitted by law. Except as otherwise provided for herein, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this or any other Township Ordinance, a civil fine shall be assessed as follows:
 - 1st offense** - Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;
 - 1st repeat offense** - Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

2nd repeat offense - Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

Whenever an authorized local official issues a stop work order for violation of any of the above referenced Ordinances or Codes, a failure to comply with the properly issued stop work order shall constitute a municipal civil infraction violation and subject the offender to a fine of not less than two hundred and fifty dollars (\$250.00) for each offense plus costs and attorney fees. A failure to obtain a certificate of occupancy in accordance with the State Construction Code shall constitute a municipal civil infraction violation for which a fine of not less than five hundred dollars (\$500.00) plus costs and attorney fees shall be assessed for each violation.

3. Repeat Offence. For the purpose of this Ordinance, a "repeat offense" means a second or subsequent violation of the same requirement or provision in an Ordinance or Code. Nothing in this section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the County Circuit Court to enjoin and/or abate any violation of the terms of an Ordinance or Code. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of the Ordinance or code so violated.
4. Repeal. All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.
5. Saving Clause. If any section, paragraph, clause, or provision of this Ordinance is, for any reason, held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.
6. Authority. The adoption of the Ordinance is done under authority of Act No. 246 of the Public Acts of Michigan of 1945 (MCL 41.181 et. Seq.), as amended, and shall apply to all lands within the corporate limits of the Township and beyond where provided by law. It is needed to ensure the health, safety and welfare of the residents of the Township.
7. Effective Date. This Ordinance shall be immediately recorded by the Township Clerk, and shall be published once in a newspaper of general circulation in said Township within ten (10) days after passage, and shall take effect immediately upon publication

This Ordinance was duly adopted by the Reynolds Township Board at its regular meeting called and held on the 8th of July, 2019 and was ordered given publication in the manner required by law.

CERTIFICATE

I, Tina Porzondek, Clerk of the Township of Reynolds, Montcalm County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Reynolds Township Ordinance No. _____, which was duly adopted by the Township Board of Reynolds Township at a Regular Meeting of said Board, held on _____, after said Ordinance had previously been introduced at a Regular Meeting of the Board held _____, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

Dated: _____

Tina Porzondek, Clerk
Reynolds Township

Keith Grannis, Supervisor
Reynolds Township

**TOWNSHIP OF REYNOLDS
COUNTY OF MONTCALM, MICHIGAN**

At a regular meeting of the Township Board of the Township of Reynolds, Montcalm County, Michigan, held in the Reynolds Township Center, 215 E. Edgerton Street Howard City, MI 49329, in said Township, on the 10th day of April, 2014, at 7:00 p.m.

PRESENT: Supervisor Dan Fisk, Clerk Robin Sholty, Treasurer Jan Stevens, Trustee Aaron Kindel and Trustee Bill Smith

ABSENT: 0

The following ordinance was offered by Member Treasurer Stevens and supported by Member Clerk Robin Sholty.

ORDINANCE NO. 2014-1

AN ORDINANCE TO AMEND THE REYNOLDS TOWNSHIP ORDINANCE ENTITLED: "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 REYNOLDS, MONTCALM 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 REYNOLDS ORDAINS:

SECTION 1. AMENDMENT. Sections 3 through 5 of the Ordinance entitled "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 Reynolds, Montcalm County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith," are hereby amended to read in their entirety as follows:

“SECTION 3: SALE OF LOTS OR BURIAL SPACES

Hereafter, cemetery lots or burial spaces shall be sold to residents or Taxpayers of the Township and non-residents of the Township for the purpose of the burial of the purchaser and his or her heirs at law or next of kin subject to the provisions of Section 4.

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

Transfer of burial rights may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by the Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

SECTION 4: PURCHASE PRICE, GRAVE OPENING CHARGES AND TRANSFER FEES

For residents and Taxpayers of the Township, each burial space or lot shall cost one hundred (\$100.00) dollars.

For non-residents, each burial space or lot shall cost five hundred (\$500.00) dollars.

Any transfer of one or more burial spaces or lots from an original purchaser to a qualified assignee shall cost fifty (\$50.00) dollars per transfer.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the appropriate cemetery fund.

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

SECTION 5: GRAVE OPENING CHARGES

From April 1 through November 15 for residents and Taxpayers of the Township, grave opening charges shall be four hundred (\$400.00) dollars for adult burial, two hundred (\$200.00) dollars for child burial and one hundred (\$100.00) for the burial of cremated remains.

From November 16 through March 31 for residents and Taxpayers of the Township, grave opening charges shall be five hundred (\$500.00) dollars for adult burial, three hundred (\$300.00) dollars for child burial and one hundred twenty five (\$125.00) dollars for the burial of cremated remains.

From April 1 through November 15 for non-residents, grave opening charges

shall be four hundred fifty (\$450.00) dollars for adult burial, two hundred twenty-five (\$225.00) dollars for child burial and one hundred twenty-five (\$125.00) dollars for the burial of cremated remains.

From November 16 through March 31 for non-residents, grave opening charges shall be five hundred fifty (\$550.00) dollars for adult burial, three hundred twenty-five (\$325.00) dollars for child burial and one hundred fifty (\$150.00) dollars for the burial of cremated remains.

For Saturday burials, a twenty-five (\$25.00) dollar charge shall be assessed. For Sunday or Holiday burials, a one hundred (\$100.00) dollar charge shall be assessed.


No burial spaces or lots shall be opened and closed except under the direction and control of the Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.”

AYES: 5

NAYS: 0


ABSENT: 0

ORDINANCE DECLARED ADOPTED.



Robin Sholty, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Reynolds at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Robin Sholty, Township Clerk

Reynolds Township Cemetery Ordinance

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 Reynolds, Montcalm 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 REYNOLDS, MONTCALM COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

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

A burial space shall consist of a land area five (5) feet wide and ten (10) feet in length.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. 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.

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.

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.

Section 4: Purchase Price and Transfer Fees

Each burial space shall cost the sum of one hundred (100) dollars.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost one hundred (100) dollars.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and

needed reserve funds for cemetery maintenance and acquisition.

Section 5: Grave Opening Charges

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

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 reinterment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Markers or Memorials

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

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

Only one monument, marker or memorial shall be permitted per burial space unless approved by township board.

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

All markers or stones placed on graves on the East Half of a block shall face East with the inscription thereon placed in such a manner that it can be read facing West, and all markers or stones placed on the West half of a block shall face West with the inscription placed in such a manner that it can be read facing East. Placement of markers and stones, whenever possible, shall be in a straight line with markers or stones on adjoining lots.

Section 7: Interment Regulations

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 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.

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

Section 8: Ground Maintenance

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

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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.

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

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

Surfaces other than earth or sod are prohibited. Sprinkling of water is limited to one hour.

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

The use of any glass containers is prohibited.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 50 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

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 50-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.

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.

Section 10: Repurchase of Lots or Burial Spaces

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

Section 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.

Section 12: Vault

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

Section 13: Cemetery Hours

The cemetery shall be open to the general public from the hours of 8 a.m. to 8 p.m. each day.

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 Cemetery Sexton.

Section 14: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a civil infraction and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Civil infractions may be enforced by an authorized township official.

Section 15: Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision, 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 such ordinance which shall continue in full force and effect.

Section 16: Effective Date

this ordinance shall take effect on July 30, 2010. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Porzondek and was seconded by Township Board Member Yanke the vote being as follows:

YEAS: 5

NAYS: 0

ABSENT/ABSTAIN; 0

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Reynolds Township Board at a regular meeting held on July 8, 2010 pursuant to the required statutory procedures.

Dated July 8, 2010

Respectfully submitted,

By Tina Porzondek

Tina Porzondek, Reynolds Township Clerk

This ordinance shall take effect on July 30, 2010. All ordinances or parts of ordinances in conflict herewith are hereby repealed.