

**MENTOR TOWNSHIP**  
**ORDINANCES & RESOLUTIONS**

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## **RESOLUTION: JUNK YARDS**

Resolution for licensing junk yards and to prescribe rules, regulations and conditions for operation of same to provide for violation of such regulations

Whereas certain conditions have developed within the Township of Mentor in Oscoda County, Michigan calling for the adoption of provisions for the proper control of places and operations of assembling of refuse materials and junk within the meaning of Act 12 of P. A. of the State of Michigan

**Therefore Be It Resolved:**

### **SECTION I**

That no person, firm, association or corporation shall be permitted to engage in the dismantling of automobiles, the assembling of junk and refuse materials for sale as junk in the Township of Mentor, Oscoda County Michigan, without first applying to and securing a license from the Township Board of such Township and paying fee as herein prescribed.

### **SECTION II**

That no person shall be permitted to conduct such business at any point within 500 feet from a previously established residence without the written consent of the owner or owners of such residence.

### **SECTION III**

That no such junk yard shall be operated without being enclosed by such fence as will prevent materials from overflowing or being blown upon the premises of others or upon premises included within any public street, alley or other public way. That the type of such fence shall be such as may be directed by the Township Board

### **SECTION IV**

That an annual license fee shall be paid for such license to the said Township in the amount of \$25.00 which license shall be valid for one (1) year from the date it shall be granted.

**SECTION V**

That this resolution shall take effect from and after April 20, 1952

**SECTION VI**

That within five (5) days from the date hereof publication hereof shall be had by posting copies hereof in three (3) conspicuous places in the Township of Mentor and that a copy be published in the Oscoda County News

**SECTION VII**

That any person, firm or corporation which shall operate such establishment without a license, or shall violate any of the provisions hereof shall be guilty of a misdemeanor and shall be subject to penalty as provided by Sec. 3 of Act 12 of P.A. 1929 of Michigan as amended. (19.731 M S.A.)

Adopted. April 7, 1952

Notices posted (4) Friday, April 11, 1952

## **FLOODING, MUD SLIDES, OR FLOOD RELATED EROSION**

- Whereas** Certain areas of Mentor Township are subject to periodic flooding, mud slides, or flood related erosion causing serious damages to properties within these areas; and
- Whereas** Relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968, and
- Whereas** It is the intent of the Board to require the recognition and evaluation of flood, mud slide or flood related erosion hazards in all official actions relating to land use in areas these hazards; and
- Whereas** This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to M S.A. 13 1821.

**Now Therefore Be It Resolved** that this Board hereby:

1. Assures the federal insurance administration that it will enact a necessary and maintain in force in those areas having flood, mud slide or flood related erosion hazards, adequate land use and control with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations: and
2. Vests Supervisor with responsibility, authority and means to:
  - (A) Assist the administrator at his request, in his delineation of the limits of the area having special flood, mud slide or flood related erosions hazards.
  - (B) Provide such information as the administrator may request concerning present uses and occupancy of the flood plain, mud slide or flood related erosion areas
  - (C) Cooperate with Federal, State and Local agencies and private firms which undertake to study, survey, map and identify flood plain, mud slide or flood related erosion areas and cooperate with neighboring communities with respect to management of adjoining flood plain, mud slide and/or flood related erosion areas in order to prevent aggravation to existing hazards
  - (D) Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures.

(E) Upon occurrence, notify the administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all flood hazard boundary maps and flood insurance rate maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits of new area for which the community has assumed or relinquished flood plain management regulatory authority.

3. Appoints supervisor to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a flood hazard boundary map or flood insurance rate map, any certificates of flood proofing, and information of the elevation in relation to mean sea level of the level of the lowest habitable floor including basement if habitable, of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood roofed the elevation (in relation to mean sea level) to which the structure was flood proofed;

4. Agrees to take such official action as may be necessary (reasonably) to carry out the objectives of the program.

Adopted: Regular meeting October 15, 1979

Voted Wehrmeister, Parker, Kinney, Crane, Bigler - Yes None Opposed.

## **DISTRIBUTION OF OIL AND GAS ROYALTY REVENUES**

- Whereas** Our nation's ever-increasing energy needs have speeded recent oil and gas exploration and development in northern Michigan, resulting in verification of this area's proven potential for vastly increasing deep-well production and
- Whereas** Through this anticipated development our area will contribute substantially meeting our State's total energy needs, and will in addition greatly increase its severance and royalty general fund revenues, and
- Whereas** The increased activities of the oil and gas industry have had severe economic, environmental, housing, land use, public facility, and transportation impacts, and have introduced or greatly aggravated the problems of our local communities and their local elected officials, and
- Whereas** We support the policy of the State to use its profits from the oil and gas industry to cover the costs of worthy and necessary State activities, and
- Whereas** The profits available for such discretionary distribution cannot even be computed until all the direct and indirect costs have been paid,

### **Now Therefore Be It Resolved**

That the State Legislature, which shares our responsibility for the welfare of our communities and our citizens, enact a fair and equitable mineral revenue reimbursement formula which recognizes that it is morally wrong and economically unrealistic to expect Mentor Township to subsidize an activity of statewide benefit, and which therefore provides for use of the revenues to meet local costs before the remaining revenues are allocated for other areas and other purposes.

Adopted: Regular Meeting June 15, 1981.

Voted Crane, Kinney, Wehrmeister, Kann, Wyckoff Yes. None opposed.

**AN ORDINANCE TO LICENSE AND REGULATE PUBLIC AMUSEMENT AND ENTERTAINMENT BUSINESS**

The Township Of Mentor ordains:

**SECTION I**

**LICENSE REQUIRED**

No person, firm or corporation shall engage in the business within the township of Mentor of offering a public amusement entertainment, exhibition, assembly or performance without first obtaining a license therefore from the Township of Mentor.

**SECTION II**

**OWNER TO SEE LICENSE**

No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such a purpose unless a Township license therefore first shall have been shown to such owner or possessor.

**SECTION III**

**CONDITIONS PRECEDENT**

No license shall be granted or delivered until the applicant therefore has complied with all of the required conditions precedent to its issuance.

**SECTION IV**

**PROCEDURE FOR ISSUANCE**

A. Applicant shall submit an application not less than sixty (60) days prior to the proposed commencement of such business, under oath, which application shall disclose such pertinent information about applicant, his purposed business location, facilities, maximum capacity to be admitted, business history, and responsibility, as the clerk may require and shall be accompanied by the following:

I. Evidence that applicant has obtained public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan which insurance shall insure applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full

force and effect in the specified amount during the term of the license. The evidence of insurances shall include an endorsement to the effect that the insurance company shall notify the Township Clerk, in writing, at least ten (10) days before the expiration or cancellation of said policy or policies.

## **TOWNSHIP ORDINANCE**

2. A corporate surety bond in the amount of \$10,000 in a form to be approved by the Township attorney, conditioned upon applicant's faithful compliance with all of the terms and provisions of this licensing ordinance, and all applicable provisions of other Township ordinances, County ordinances, and State statutes.

3. A license fee of \$25.00 for a business the approved capacity of which does not exceed 200 persons and an additional license fee of \$25.00 for each addition 1,000 persons or fraction thereof to be admitted to licensee's place of business per day of operation.

4. If applicant is not a resident of, or a corporation licensed to conduct business by the State of Michigan, he shall designate an agent located in the State of Michigan for acceptance of service of process.

**B.** The Clerk may refer the application to the Oscoda County Sheriff, Michigan State Police, District Sanitarian, Dept. of Natural Resources, US Forest Service and such other public officials as he may deem appropriate.

**C.** The application, supporting data, and reports of governmental officials shall then be presented to the Township Board of the Township of Mentor. In passing on the application, the Township Board shall determine whether or not the proposed business meets the requirements of this Ordinance, other applicable Township ordinances, other applicable County ordinances and applicable State statutes and shall approve or deny the license accordingly. If the license is denied the basis or bases for denial shall be specified in the resolution of denial.

**D.** Advertising of applicant's proposed business prior to the issuance of a license by the Township of Mentor shall constitute a violation of this Ordinance by applicant and shall constitute a basis for the denial of such license.

**E.** Based upon the maximum number of persons to be admitted to licensee's place of business per day as disclosed in application, if such number exceeds 499 persons and if the Township Board in its discretion determines that the public safety and welfare make it desirable that police personnel be assigned to the vicinity of licensee's place of business, licensee shall be obligated to reimburse the Township for the actual expense in providing such police service to the extent of two (2) officers for the first 500 persons and one (1) additional officer for each additional 200 persons.

## **SECTION V**

### **REQUIREMENTS FOR OPERATION**

After issuance of the license, licensee shall meet the following requirements.



- A. The insurance and bond required above shall continue in full force and effect until expiration or termination of the license.
- B. Licensee shall permit Township, County and State officials to enter upon the licensed premise at all reasonable times to determine compliance with the requirements of this Ordinance and other applicable Township, County and State ordinances and statutes.
- C. Licensee shall not knowingly permit violation of any Township ordinance, County ordinance or State statute by any of his patrons.
- D. Licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.
- E. Licensee shall not admit to his premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall he knowingly permit the possession, sale or consumption of intoxicating beverages, narcotics or hallucinogenic drugs on his business premises.
- F. Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to effectively prevent his patrons from directly trespassing on neighboring premises.
- G. Licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor or dust
- H. Licensee shall limit his business activities to the hours specified in his license.
- I. Licensee shall post a copy of this Ordinance and a copy of his license in his place of business in a location where they can be read easily by his patron.

## **SECTION VI**

### **TERMINATION**

Each license granted under the provisions of this Ordinance shall expire at the end of the term specified in the application but if not so established, shall expire on the next succeeding March 31.

## **SECTION VII**

### **NON-TRANSFERABILITY**

A license issued under this Ordinance shall not be transferable to any other firm or person.

## **SECTION VIII**

### **SUSPENSION AND REVOCATION**

A license required by this Ordinance may be suspended or the renewal thereof refused by the Township for misrepresentation of any material fact in the application for such license Any license may be suspended or revoked by the Township for any good cause. The term "good cause" shall mean any act or omission of the permittee of a condition to exist with

respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this Ordinance under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which had it existed or been known to the Township at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the Township Board upon not less than seven (7) days written notice to licensee the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation. A license issued under this Ordinance may be suspended for not more than twenty (20) days by the Sheriff's Department of Oscoda County for good cause.

#### **SECTION IX**

##### **PENALTY**

Any licensee, employee or agent convicted of a violation of any provision of this Ordinance shall be punished by a fine of not to exceed \$100 00, or by imprisonment for not more than ninety (90) days or any combination of both fine and imprisonment. Each act of violation and each day upon which such violation occurs shall constitute a separate offense.

#### **SECTION X**

##### **NUISANCE**

Any violation of any provision of this Ordinance is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

#### **SECTION XI**

##### **SEVERABILITY**

It is the legislative intent of the Township Board of the Township of Mentor that each and every provision of this Ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of said Township, and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provision, it being the intent that the remainder of such Ordinance shall stand notwithstanding the invalidity of any provision thereof.

#### **SECTION XI A**

This Ordinance shall have no retroactive effect and shall not apply to any business in operation in said Township prior to the effective date hereof.

**SECTION XII**

**EFFECTIVE DATE**

This Ordinance shall take effect from and after June 20, 1970.

Adopted: May 19, 1970

5 yeas    0 nays

**MENTOR TOWNSHIP ORDINANCE NO.4**

An Ordinance to control the operation of snowmobiles and other similar type of motor driven vehicles including the so-called all-terrain-vehicles within the Township of Mentor, Oscoda County, Michigan.

Ordinance adopted November 17, 1970 by the Township Board.

It shall be unlawful for any person to operate a snowmobile or other similar type of motor driven vehicle including the so-called all-terrain-vehicles in any part of the Township of Mentor, Oscoda County, Michigan, contrary to the provisions of Act No. 74 of 1968 of the Public Acts of Michigan.

It shall also be unlawful for any person to operate such vehicle within any populated part of the Township of Mentor between the hours of 9:00 P.M., and 7:00 A.M. It is determined that "populated part" of the Township shall include the area occupied as a part of the Village of Mio in Sections 7 and 18, Town 26 North Range 3 East; also the closely settled area within Section 15 Town 26 North Range 4 East

Any person convicted of violating any provisions of this Ordinance may be fined not to exceed \$100.00 or sentenced to imprisonment in the County Jail not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.

This Ordinance shall take effect January 1, 1971.

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State of Michigan)  
County of Oscoda)

I, Helen Frick, hereby certify that I am the Township Clerk of the Township of Mentor, Oscoda County, Michigan. I further certify that the above is a true and correct copy of Ordinance passed by the Township board of the township of Mentor at a regular meeting of said Board held Tuesday, November 17, 1970.

Dated this 18th day of November, 1970

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Mentor Township Clerk

## MENTOR TOWNSHIP ORDINANCE NO. 5

An Ordinance to control the splitting of lots in platted lands in the Township of Mentor, Oscoda County, Michigan, to meet requirements of Section 263 of Act 288 of the Public Acts of 1967 known as Subdivision Control Act

Ordinance adopted November 17, 1970 by, the Township Board.

The division of a lot in a recorded plat of property within the Township of Mentor, Oscoda County, Michigan, is prohibited unless approved following application to the Township Clerk. The application shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall not be less in area than permitted by any valid zoning ordinance. In no event shall any resulting lot be less than eighty (80) feet at the front line and not less than twelve thousand (12,000) square feet in area. No building permit may be issued or building construction commenced on such parcel until the division has been approved by the proper board. The division of a lot resulting in a smaller area than prescribed herein may be permitted for the purpose of adding area to an existing building site or sites or lot. The application for division shall state the purpose for dividing and shall be sworn to by the applicant.

This Ordinance shall take immediate effect.

Ordinance passed: November 17, 1970.

Published: Oscoda County News November 26, 1970.

**ORDINANCE NO. 6**

**AN ORDINANCE TO CONTROL AND LICENSE PEDDLERS, SOLICITORS  
AND TRANSIENT MERCHANTS**

**THE TOWNSHIP OF MENTOR, OSCODA COUNTY, Ordains:**

**ARTICLE I. IN GENERAL**

**Section 1.** Operation or use of vehicles and equipment on streets and other public places between sunset and sunrise

No vehicle or other equipment shall be operated, propelled, located, or otherwise used on the public streets, sidewalks, parks or other public ways or places, between the hours of sunset and sunrise, by any person licensed under this chapter, for the purpose of carrying on the licensed activity; provided, however, that the police department may authorize the use of equipment for street vending within such hours, where the occasion, location and circumstances are such that there is no danger to the public or the operator, and on such terms and conditions as the department finds necessary as to the time, location, equipment, and mode of operation to protect the public and operator from hazard; and provide further, that motor vehicles, licensed under the state statutes and meeting their requirements, may be operated as authorized thereby

**Section 2.** Misrepresentations by Solicitors

No person shall, directly or indirectly, solicit contributions for any purpose, by misrepresenting of his name, occupation, financial condition, social condition, or residence, and no persons shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose in the Township.

**ARTICLE II. HAWKERS AND PEDDLERS**

**Section 1. Definitions.**

The term "hawkers" or "peddlers" used in this article, shall be construed to mean any person who travels from house to house or place to place, or who, on the streets or

alleys or open places, or in public grounds or places, sells or offers for sale, any goods, wares or merchandise to any person not a dealer therein, or who takes orders for the purchase of goods, wares or merchandise or samples, lists, or catalogue or subscription for magazine and books from any person not a dealer therein. The term "hawker" or "peddler" as used in this article, shall not be applicable to any party selling the products of his own farm, orchard or garden.

**Section 2. License Required.**

No person shall follow the business or occupation of a hawker or peddler within the limits of the Township unless he shall have obtained a license in accord with this division. No person shall act as a helper or assistant to a licensed peddler, unless he has a helper's license

**Section 3. Application.**

Any person desirous of obtaining a license as a hawker or peddler shall apply to the Township clerk, upon proper blanks to be furnished by the Clerk and signed by such applicant, and stating in what manner he intends to travel and trade or to conduct business, his address, physical description and the name and class of the license desired and a true photograph of the applicant.

**Section 4. Fee prescribed.**

Licenses issued under this article shall be charged and paid for, at the time the application is filed, a fee of \$25.00

**Section 5. Issuance.**

The Township Clerk is authorized to issue licenses to those who have complied with the provisions of this division, unless otherwise directed by the Township Board

**Section 6. Contents: To be carried by Licensee.**

Each license granted under this division shall be in such form as to contain a true photograph of the licensee, address, and physical description, and the name of the class of his license paid for. All licensees shall carry with them, at all times, while peddling, the license herein described.

**Section 7. Alteration, Etc., Prohibited.**

No licensee under this division shall alter, remove or obliterate any entry made on his license.

**Section 8. Expiration.**

All licenses issued under the provisions of this division shall expire on the thirty-first day of December, unless a prior date is fixed therein

### **Section 9. Suspension or Revocation.**

The Township Clerk shall have the power to suspend any license issued under this division for violation of a Township Ordinance or any condition or regulation under which the license was granted, or for undesirable business practices. The Township Clerk shall report all suspensions to the Township Board, which may for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

### **Section. 10. Records to be kept.**

A full, complete record of each license issued under this division, including renewals, suspensions, or revocation thereof, and serious complaints and charges against the licensee, together with his photograph, shall be kept on file by the Township Clerk

## **ARTICLE III. TRANSIENT MERCHANTS**

### **DIVISION I. GENERALLY**

#### **Section 1. Definition.**

The term "transient merchant" as used in this article, shall be construed to mean and to include all persons, associations, firms, and corporations, and their agents, servants, and employes, who engage temporality in a retail sale of goods, wares, or merchandise within the limits of the Township and, specifically, such terms shall include the taking and sales of photographs at retail. The transaction of such business by any person for a period of time of less than part of two (2) separate days of each week for six (6) consecutive months shall be prima facie evidence that such person was or is a transient merchant within the meaning of this article

#### **Section 2. Association with local merchant does not exempt transient merchant from article.**

No transient merchant shall be exempt from any provisions of this article by reason of associating himself temporarily with any merchant, tradesman, or other person doing business permanently within the township, or by conducting his business in connection with or as a part of the business of, or in the name of, any merchant, tradesman or other person doing business permanently in the Township.



## **DIVISION 2. LICENSE**

### **Section 1. Required.**

No person, either as a principal or an agent, shall engage in business as a transient merchant within the limits of the Township without having first obtained a license in the manner provided in this division. All agents and employees must obtain separate licenses.

### **Section 2. Application.**

Any person desiring to engage in business as a transient merchant within the limits of the Township shall make and file, with the Township Clerk, a written application for a license to engage in business as a transient merchant. Such application shall be signed by and sworn to by the applicant and shall state his full name, his physical description, his local and permanent residential address. Such application shall also list the names of the last five cities in which the applicant has worked and shall further state the nature of the business proposed to be conducted within the limits of the Township. Such application shall further state the name and address of the owner of such business.

### **Section 3. Applicant to furnish photographs and fingerprints.**

At the time of filing an application for a license under this division, the applicant shall furnish the Township with two (2) photographs of himself and two (2) complete sets of his fingerprints upon forms to be provided by the Township Clerk.

### **Section 4. Applicant to appoint Township Clerk as agent for service of process.**

At the time of filing an application for a license under this division, the applicant shall cause to be filed with the Township Clerk a power of attorney appointing the Township Clerk the agent of the applicant and of the applicant's principal, if such applicant is acting as the agent of another person, upon whom service of process may be made in any suit commenced against the applicant or his principal.

### **Section 5. Applicant's bond or cash deposit.**

(A) At the time of filing an application for a license under this division, the applicant shall deposit with the Township Clerk the sum of five hundred (\$500.00) dollars as a cash bond or shall file a surety company bond in a like amount. Such cash bond or surety bond shall be conditioned for the faithful performance of his promises and contracts made during his course of business as a transient merchant within the Township and for compliance with all ordinances of the Township. Such bond shall be further conditioned that any person injured by the breach of any obligation which the bond is given to secure may sue upon such bond in his own name in any court of competent jurisdiction to recover

any damages such person may have sustained by such breach. Such bond shall be for a term of not less than six (6) months

(B) Deposits of money or bonds made with the Township Clerk as required by the provisions of this section shall be subject to the claims of creditors in all cases where a judgment has been obtained against such transient merchant and the date for the appeal of such judgment has expired. In such cases, garnishment proceedings may be commenced against the Township Clerk. It shall be the duty of the Township Clerk to remit to any court any balance of such cash deposit remaining in his hands not exceeding the amount of the judgment for the purpose of satisfying the same. Any balance of such cash deposit remaining in the hands of the Township Clerk for a period of six (6) months after the expiration of the license shall be remitted to the transient merchant.

(C) Any license issued under the provisions of this division shall expire and be void as soon as the amount of the bond filed with the Township Clerk shall have been diminished or used in whole or in part because of suits as provided for in subsection (B).

(D) The Township Clerk may, if the applicant is a Township resident, in his discretion waive the requirement of a bond

#### **Section 6. Fee.**

(A) The fee for a license required by this division shall be twenty-five (\$25.00) dollars, which shall be paid to the Township Clerk at the time the application is filed

(B) No license fee shall be required under this section from any person exempt from such fee by state or federal law, but such person shall be issued a license without charge and shall comply with all other provisions of this article

#### **Section 7. Issuance.**

The Township Clerk shall withhold the granting of a license applied for under this division until such time as he may receive information from the police departments of the last two (2) cities in which the applicant has worked concerning the applicant's conduct in such cities, whichever event occurs first in time. Whenever the Township Clerk receives information from any source indicating that the applicant has violated any law or ordinance of any state or municipality, or whenever the Township Clerk shall receive information from any source derogatory of the applicant's character or honesty, the Township Clerk shall refer the application to the Township board, which shall determine whether the license shall be granted. If the circumstances do not require the Township Clerk to refer such application to the Township Board, the Township Clerk shall issue the license

#### **Section. 8. Contents: To be carried by Licensee.**

All licenses granted under this division shall be in such form as to contain a true photo graph of the licensee, his name, address, physical description, and the period of time for which the license is issued. All licensees shall carry with them at all times the license herein described.

**Section 9. Alteration, Etc., Prohibited.**

No licensee under this division shall alter, remove or deliterate any entry made on such license.

**Section 10. Expiration and Renewal.**

The Township clerk shall have the power to suspend any licenses issued under the provisions of this division shall expire six (6) months from and after the date of issue and all licenses must thereafter be renewed by compliance with the revisions of this article.

**Section 11. Revocation; Suspension.**

The Township Clerk shall have the power to suspend any license issued under this division for violation of a Township Ordinance or any condition or regulation under which the license was granted, or for undesirable business practices. The Township Clerk shall report all suspensions to the Township Board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license have been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

**Section 12. Records to be kept.**

A full, complete record of each license issued under this division, including renewals or revocations thereof, and serious complaints and charges against the licensee, together with his photographs and fingerprints, shall be kept on file by the Township Clerk.

**ARTICLE IV. CHARITABLE AND RELIGIOUS SOLICITATIONS**

**DIVISION I. GENERALLY**

**Section 1. Definitions.**

For the purpose of his article, the following definitions shall apply, unless a different meaning is clearly indicated by the context:

Charitable. The word "charitable" shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

Contribution. The word "Contribution" shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

Person. The word "Person" shall mean any individual firm, copartnership, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

Promoter. The term "promoter" shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

Religious and religion. As used in this article the words "religious and religion" shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.

Solicit and solicitation. The terms "solicit" and "solicitation" shall mean the request, directly or indirectly, of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable or religious purpose by means of going from door to door.

## **Section 2. Solicitor's credentials.**

All persons to whom permits have been issued under this article shall furnish proper credentials to their solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's charitable or religious activity, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer, and the name, address, age, sex and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. A copy of such credentials must be filed with the Township Clerk at the time the application for a permit is filed under this article and must be approved by him as conforming to the requirements of this section. No person shall solicit under any permit granted under this article, unless he has such credentials in his immediate possession, and the same shall be shown upon the request of any person solicited or any police officer of the Township.

## **Section 3. Records of Donations and Disbursements.**

No person shall solicit any contributions for any charitable or religious purpose for which a permit is required by this article, without maintaining a system of accounting.

whereby all donations and all disbursements are entered upon the books or records of such person's treasurer or other financial officer.

## DIVISION 2. PERMITS

### Section 1. Required: Exceptions.

It shall be unlawful for any person, or for any agent, member, or representative thereof, directly or indirectly to solicit money, donations of money, property or financial assistance of any kind, or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value on the plea or the representation that such sale or solicitation, or the proceeds or any part thereof, is for a charitable or religious propose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place or personal solicitation unless such person shall have a permit issued in accord with this division

The provisions of this section shall not apply to any established society, association or corporation that is organized and operated exclusively for religious, philanthropic, benevolent, fraternal, charitable or reformatory purpose, and not operated for pecuniary profit, where no part of the net earnings of which benefits any person, private shareholder or individual, and where the solicitation of such organization is conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation, or where such solicitation is in the form of collection or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order of fraternity or similar organizations, or any branch thereof.

### Section 2. Application Generally.

A. An application for a permit required by this division shall be made to the Township Clerk upon forms provided by the Township.

Such application shall contain the following information or in lieu thereof a detailed statement of the reason or reasons why such information cannot be furnished:

1. The name, address or headquarters of the person applying for the permit
2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution if any, authorizing such solicitation certified to as a true and correct copy of the original by the officer having charge of the applicant's records.
3. The purpose and use for which such solicitation is to be made
4. The name and address of the person who will be in direct charge of conducting the solicitation, and the names of all promoters connected or to be connected with the proposed solicitation.
5. An outline of the method or methods to be used in conduction the solicitation.
6. The time when such solicitation shall be made giving the preferred dates of beginning and ending of such solicitation.

7. The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the names and addresses of all such persons.

8. A statement that the actual cost of the solicitation will not exceed twenty-five per centum (25%) of the total amount to be raised

9. A statement to the effect that, if a permit is granted, it will not be used or represented in any way an endorsement by any department or office thereof.

10. Such other information as may be reasonably required by the Township in order for the Township to determine the kind and character of the proposed solicitation and whether such is in the interest of and not inimical to the public welfare.

B. If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Township Clerk in writing thereof within twenty-four (24) hours after such change

C. No person shall, directly or indirectly, make or perpetrate any misstatement, deception, or fraud in connection with any application or report filed under this section.

### **Section 3. Investigation of Application and Applicant.**

A. The Township Clerk shall examine all applications filed under this division and shall make or cause to be made such further investigation of the application and the applicant as the Township Clerk shall deem necessary.

B. The Township Clerk shall not issue a permit required by this division unless he finds:

1 That all of the statements made in the application are true.

2 That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual person, that every member or co-partner, managing officer or agent of the applicant has a good character and reputation for honesty and integrity.

3 That the control and supervision of the solicitation will be under responsible and reliable persons.

4. That the applicant has not engaged in any fraudulent transaction or enterprise

5 That the solicitation will not be a fraud on the public.

6. That the solicitation is prompted solely by a desire to finance the charitable or religious cause described in the application and will not be conducted primarily for private profit.

7. That the cost of raising the funds will be reasonable. Any such cost in excess of twenty-five (25%) percent of the amount collected shall be considered to be unreasonable unless special facts are presented showing that peculiar reasons make a cost higher than twenty-five (25%) percent reasonable in the particular case.

### **Section 4. Issuance.**

A permit required by this division shall be issued by the Township Clerk, when all of the provisions of this division have been complied with and when such issuance has been approved by the Township Clerk, provided that, such permit shall not be issued until the credentials of the applicant's solicitors have been approved

**Section 5. Content: duration.**

Permits issued under this article shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the Township or by any of its department, officers or employees of the purpose or of the person conducting the solicitation. All permits must be signed by the Township Clerk. No permit may grant the right to solicit longer than ninety days (90) from its date, but the Township Clerk may extend any permit for not more than ninety (90) additional days, upon a showing that unnecessary hardship would be created by a failure to so extend the original ninety (90) day period, and upon approval of such extension by the Township Board.

**Section 6. Copy to be carried by Solicitors and Displayed upon Request.**

No person shall solicit under a permit issued pursuant to this division, unless he has, in his immediate possession, a facsimile copy of such permit, which copy must be shown upon the request of any person solicited or any police officer of the Township.

**Section 7. Nontransferable: Return upon expiration.**

Any permit issued under this division shall be nontransferable and shall be returned to the Township Clerk within two (2) days after its date of expiration, together with all facsimile copies thereof.

**Section 8. Suspension and Revocation.**

Whenever it shall be shown or whenever the Township Clerk has knowledge that any person to whom a permit has been issued under this division has violated any of the provisions of this article or has misrepresented the purpose of the solicitation, the Township Clerk may revoke the license by mailing a notice of revocation by certified mail to the licensee. The licensee shall have the right to appeal to the Township Board at their next regular meeting.

**ARTICLE V. PENALTY SECTION**

**Section 1. Effect of Ordinance: severability.**

If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The ordinance-making body hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared or unconstitutional.

**Section 2. Penalties.**

In addition to the other penalties provided any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each occurrence thereof and upon conviction of such violation such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment

Adopted: November 8, 1976 Regular meeting  
Published: November 18, 1976 Oscoda County News:  
Effective: January 1, 1977

Bigler, Bohlinger, Wehrmeister, Kinney YES  
Crane: Absent.



**MENTOR TOWNSHIP ORDINANCE NO. 7**

An ordinance to restrict or limit the powers and duties prescribed by State law for Township constables; to require minimum employment standards imposed by 1965 PA 203, as amended; and to repeal all ordinances in conflict with this ordinance.

**THE TOWNSHIP OF MENTOR  
COUNTY OF OSCODA  
ORDAINS:**

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

1. Township constables shall be authorized to serve all civil notices and process lawfully directed to them by this Township Board, the Township Clerk or any other officer.

**Section II.** When a Township constable is required to perform both statutory criminal and civil duties, such Township constable shall comply with the minimum employment standards established by the law enforcement officer training council pursuant to Section 928.609 of the Michigan compiled Laws. The cost of complying with these standards shall be borne by the Township. The employment standards of the Section shall not apply when a Township constable is appointed as a District Court Officer.

**Section III.** Any elected or appointed Township Constable who shall violate any provision of this ordinance shall thereby assume sole responsibility and liability for any damages resulting from such action constituting said violation.

**Section IV.** This Ordinance shall take effect on the first day of December 1977. All Ordinances or parts of Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

**Adopted: 11/21/77**

**Published: 12/1/77 Oscoda County News**

**Effective: 12/1/77**

**Members voting: Kinney, Crane, Bilger, Maier, Wehrmeister, Yes. None Opposed.**

**ORDINANCE NO 9.  
FISCAL YEAR ORDINANCE**

**An ordinance to establish the fiscal year of the Township of Mentor, Oscoda County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.**

**THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN HEREBY ORDAINS:**

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

**Section 2.** The settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday

**Section 3.** The annual meeting of the electors of the Township where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

**Section 4.** This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**ADOPTED: 2/19/79**

**EFFECTIVE: 4/1/79**

**PUBLISHED: 3/1/79 OSCODA COUNTY NEWS**

**Members Voting: Crane, Kinney, Parker, Bigler, Wehrmeister, YES.  
None opposed.**

**MENTOR TOWNSHIP ORDINANCE NO. 10**

**HANDLING AND/OR DISPOSAL OF TOXIC OR HAZARDOUS SUBSTANCES**

**THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN.**

**BE IT ORDAINED BY THE MENTOR TOWNSHIP BOARD that this Ordinance and is hereby adopted as follows:**

**Section 1. UNLAWFUL ACTS.**

It shall be unlawful to engage in or carry on any business or activity which involves the hauling (except over public highways) or disposing of any toxic or hazardous substance within the Township of Mentor, unless such activity, business or disposal facility has been approved and authorized pursuant to a permit issued under this Ordinance.

**Section 2. DEFINITIONS.**

A. "Disposal Facility" means any waste disposal facility, incinerator, sanitary landfill, pit, excavation, or any other facility used for disposal of toxic waste and/or toxic or hazardous substances, except facilities for disposal of human wastes approved by the County Health Department.

B. "Disposal Area" means any area of land upon which a disposal facility is located or proposed for location within the Township.

C. "Applicant" means any individual, firm, corporation, or political subdivision of the State, including any governmental authority created by Statute, or other person, that proposes to develop a disposal facility within the Township.

D. "Toxic and Hazardous Waste" means any material, liquid, solid or other matter which is harmful or dangerous to human health, or to birds, fish, wildlife, trees, or other plants including, but not by way of limitation, any chemical, substance or material listed in the Michigan Critical Material Register published by the Michigan Department of Natural Resources, or determined to be toxic, harmful or hazardous by the Environmental Protection Agency, pursuant to Public Law 94-469

E. "Person" means an individual, co-partnership, association, corporation, or other legal entity, or any political subdivision of the State, including any State or local governmental agency.

**Section 3. LEGISLATIVE FINDINGS.**

It is determined that the utilization and disposal of regulated materials is an activity which, if conducted on certain lands or in certain ways will result in the pollution,

impairment and/or destruction of natural resources and create hazards to the public health, safety and general welfare as well as nuisances both public and private that licensing and regulated material is required to haul, utilize or dispose of regulated material is required to protect natural resources and the public health, safety and general welfare, and that the regulations capable of assuring the protection of the natural resources of the Township and adjacent areas and the public health, safety and general welfare

#### **Section 4. APPLICATION FOR PERMIT.**

Application for a permit shall be made in writing to the Mentor Township Clerk and shall contain the following.

- A. Names, addresses and telephone number of applicant, engineer, attorney, scientist, contractor or other person engaging in the preparation of the application.
- B. Legal description of the premises for which the permit is sought.
- C. A description including if applicable, the chemical analysis of said toxic or hazardous substance involved in the application, whether it is liquefied, solid or mixed, whether it has been treated and, if so, how and where. Also describe any treatment or processing to be done on permit premises.
- D. The estimated volume of toxic or hazardous substance to be hauled, utilized, or disposed of.
- E. Statement of the measures to be taken to control noise, vibration, dust, odors, erosion, leaching, or other forms of pollution.
- F. A description of any public facilities or services required, whether such services exist, and if not, how applicant proposed these services to be provided and financed.
- G. A description of the measures which applicant proposes to take to assure the public safety, the exclusion of children from the premises, and the lateral support of surrounding lands and structure.
- H. Applicant shall provide a diagram or map of the premises and surrounding area which shall include the following information:
  - 1. A topographic map of the area
  - 2. Description of natural and improved drainage surface and features
  - 3. Location of all wells within one half (1/2) mile of the application site
  - 4. Location of all occupied dwellings within one half (1/2) mile of the application site
  - 5. Soil characteristics of the application site
  - 6. Proposed access to the application site

7. Proposed buffers or features to control drainage from the area where toxic or hazardous substances are to be disposed of
8. Proposed ground water monitoring points
9. Proposed delivery, storage, and transfer location, if within the application site.

I. Applicant shall provide an environmental impact statement describing the environmental consequences of the proposed activity both during the operation and after, and setting forth any limitation or restrictions on the proposed operations that are necessary to protect the environment.

J. When requested, applicant will provide a description of the surface and subsurface geological characteristics of the premises, including identification of bedrock and rock outcrops, detailed soil analysis and ground water table, the location of existing or desired test wells.

#### **Section 5. PROCESSING OF APPLICATION.**

Upon receipt of such application, it shall be transmitted by the Clerk to the Township Board which shall first retain independent professional advisors to analyze the application and environmental impact statement and report thereon. It shall also estimate the cost of the services of such advisors and the cost of legal counsel to supervise the proceedings and any other costs involved in connection with the processing of the application. The total of such costs shall be reported to the applicant who shall pay the amount thereof to the Township Treasurer before the work of said professionals begins. If, at any time during the processing of the application, it appears that additional expenditures on the part of the Township are required in order that the Township officials may properly discharge their obligations to the public, the amount of such expenditures shall be reported to the applicant and paid by the applicant to the Township Treasurer forthwith. Prior to the granting of any license hereunder, the Township Board shall refer the matter to the planning Commission for advice with respect to the impact of the grant of a license upon existing planning for land use and development in the vicinity of the premises.

#### **Section 6. PUBLIC HEARING.**

Prior to the granting of any license hereunder the Township Board shall conduct a public hearing with notice of the date, time, place and purpose published in a newspaper of general circulation in the Township at least fourteen (14) days prior to said public hearing.

**MENTOR TOWNSHIP ORDINANCE NO. 11**

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

An ordinance to establish procedures and standards for review of applications, renewals, and revocation of license to sell beer and wine or spirits.

**The Township of Mentor, Oscoda County, Michigan Ordains:**

**Section 1. This Ordinance shall be known and may be cited as the "Mentor Township Liquor License Ordinance".**

A. Application for license to sell beer and wine or spirits shall be made to the Township board in writing signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information.

1. The name, age and address of the applicant in the case of an individual; or in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors and if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization

3. The character of business of the applicant and in the case of a corporation, the object for which it was formed.

4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.

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

6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.

8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.

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

## Section 2. APPLICATIONS FOR NEW LICENSE

### B. Restriction on licenses. No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.
2. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate for than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
7. A person who does not own the premises for which license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-corporation that does not have sufficient financial assets to carry on or maintain the business
8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.
9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulation, or applicable Public Health Regulations,, or any other applicable Township Ordinance.
10. For any new license or for the transfer of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site such as but not limited to food sales, motel operations, or recreational activities.
11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. Term of license. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license which ever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation

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

E. License Hearing: The Township Board shall grant a public hearing upon the license application when in its discretion, the Board determines that the issuance of an addition liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in paragraph B. 1 through 12 above.

### **Section 3. OBJECTIONS TO RENEWAL AND REQUEST FOR RELOCATION.**

A. Procedure Before filing an objection to renewal or request for relocation of a license with the Michigan Liquor Control Commission, the township board shall serve the license holder, by first class mail, mailed not less than ten days prior to hearing with notice of hearing, which notice shall contain the following.

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

Following the hearing the township board shall submit to the licence holder and the Commission a written statement of its findings and determination.

**B. Criteria for nonrenewal or revocation:** The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:



1. Violation of any of the restrictions on licenses set forth in paragraph B 1 through 12 above or,

2. Maintenance of a nuisance upon the premises.

#### **Section 4. Severability**

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

#### **Section 5. Effective Date**

October 21, 1983

Original Adopted: December 13, 1982

Effective: January 21, 1983

Published: December 22, 1982 Oscoda County News

Filed/County Clerk: December 17, 1982

Voting: Wehrmeister, Crane, Kann, Kinney, Wyckoff - Yes. None - Opposed.

Amendment adopted: September 12, 1983

Effective: October 21, 1983

Published: September 22, 1983

Filed/County Clerk: September 1983

Voting: Crane, Kinney, Kann, Wehrmeister, Wyckoff - Yes None - Opposed.

## MENTOR TOWNSHIP

### DANGEROUS BUILDING ORDINANCE 2023-12

An ordinance to promote the health, safety and welfare of the people of Mentor Township, Oscoda County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribed 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 ordinance or parts of ordinances in conflict therewith.

#### THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN, ORDAINS:

##### Section I: Title

This ordinance shall be known and cited as the Mentor Township Dangerous Buildings Ordinance.

##### Section II: Definition 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 otherwise, that has one or more the following defects or is one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the approved Fire Code or Township Building Code.
2. A portion of the building or structure is damaged by fire, wind, flood or other cause so 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 Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), 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 Michigan, Public Act 167 of 1917, amended, (MCL 125.401. et seq.), or the Township Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for 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.

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, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the local health officer of the 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 door or window, leaving the interior of the building exposed to the elements or accessible to entrance of trespassers.

10. A building or structure remains unoccupied for a period of one hundred eighty (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, Public Act 299 of 1980, (MCL 339.2501, et.eq.), or is not publicly offered for sale by the owner, This subdivision 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 *Oscoda County Sheriff's Department* that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than thirty (30) days after the building or structure becomes unoccupied.

2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), 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 *Oscoda 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 Oscoda County Sheriff's Department* not more than 30 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 the year.

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

C. **"Township Building Code"** means the building code administered and enforced in the township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, et seq.).

### **Section III: Prohibition of Dangerous Buildings**

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

### **Section IV: Notice of Dangerous Building; Hearing**

A. **Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. **Parties Entitled to Notice.** The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.

C. **Contents of Notice.** The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or property maintained.

D. **Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten (10) days before the date of the hearing included in the notice.

### **Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order**

A. **Appointment of Hearing Officer.** The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

B. **Filing Dangerous Building Notice with Hearing Officer.** The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. **Hearing Testimony and Decision.** At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five (5) days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

**D. Compliance with Hearing Officer Order.** If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent, or lessee to comply with the order. If the building is dangerous building under Section II. A. 10. of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

**E. Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order the Township Board not more than five (5) days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to Section IX of this ordinance, the Hearing Officer shall file a report of the findings and copy of the order with Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officers shall be served on the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance.

#### **Section VI: Enforcement Hearing Before the Township Board or Dangerous Building Board of Appeals**

The Township Board, or the Dangerous Building Board of Appeals, as applicable, shall fix a date not less than thirty (30) days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order shall not be enforced. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order with sixty (60) days after the date of the hearing under this section. In the case of an order of demolition, the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within twenty-one (21) days after the date of the hearing under this section.

#### **Section VII: Implementation and Enforcement of Remedies**

**A. Implementation of Order by Township.** In the event of the failure of the owner or party of interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

**B. Reimbursement of Costs.** The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

**C. Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Township records.

**D. Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for the property tax liens under the General Property Tax Act, Public Act 206 of 1983, as amended, (MCL 211.1m et seq.).

**E. Court Judgement for Unpaid Costs.** In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

**F. Enforcement of Judgment.** A judgment in an action brought pursuant to Section VII.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

**G. Lien for Judgment Amount.** In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state what is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

#### **Section VIII: Sanction for Nonconformance with Order**

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI. of this ordinance with the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine or not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall

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

### **Section IX: Dangerous Building Board or Appeals**

**A. Establishment and Duties.** The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section VI. of this ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provision of this section.

**B. Membership.** The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:

1. Hearing Officer;
2. One member of the Township Board;
3. One member of the Planning Commission;
4. One Township Resident member of the general public;
5. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Public Act 54 of 1986 (MCL 338.2301. et seq.). The individual may not be an employee of the enforcing agency.

**C. Terms.** Board of Appeals members shall be appointed for three (3) years, except that of the members first appointed, two (2) members shall serve for one (1) year, two (2) members shall serve for two (2) years, and one (1) member shall serve for three (3) years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

**D. Officers.** The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.

**E. Quorum and Final Action Votes.** A majority of the Board of Appeal members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

**F. Compensation and Expenses.** The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

**G. Open Meetings Act Applicable.** A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.261, et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

**H. Freedom of Information Act Applicable.** A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976, as amended, (MCL 15.231, et seq.).

### **Section X: Appeal of Township Board/Board of Appeals Decision**

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI. of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

### **Section XI: 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 XII: Repeal**

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

### **Section XIII: Effective Date**

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

ADOPTED: Regular Meeting, Mentor Township Board of Trustees, May 15, 2023

Published: Oscoda County News, August 2023

Vote: Matte, yes, Marble, yes, Stenzel, yes, Hall, yes, Trim, ,yes

EFFECTIVE: May 15, 2023



**MENTOR TOWNSHIP ORDINANCE NO. 13  
SEISMOGRAPH TESTING ORDINANCE**

**An Ordinance to establish procedures and standards for seismograph testing in Mentor Township.**

**THE TOWNSHIP OF MENTOR, COUNTY OF OSCODA, STATE OF MICHIGAN HEREBY ORDAIN:**

**Section I. PERMIT REQUIRED.**

Anyone, person or persons, company or companies, wishing to do any type of seismograph testing in said township shall hereafter obtain permission from said township.

**Section II. PROCEDURE FOR ISSUANCE**

**A.** Mentor Township Supervisor shall be responsible for issuance of permits.

**B.** Applicants shall be bonded for \$500.00 per mile for a period of one full year and furnish maps and description of line to be tested and shall provide written permission from each property owner whose property is to be crossed.

**Section III. PERMIT**

The permit shall state that applicant will be bonded to the township for a period of one year and if property owner is not satisfied with the condition in which their property is left they may contact the Township Board for appropriate action.

**Section IV. Effective**

This Ordinance shall take effect on the 19th day of June 1986.

ADOPTED: MAY 19, 1986

PUBLISHED: MAY 29, 1986 OSCODA COUNTY NEWS

EFFECTIVE: JUNE 19, 1986

FILED OSCODA COUNTY CLERK'S OFFICE: MAY 30, 1986

I hereby certify that the foregoing ordinance was adopted by the Mentor Township Board at a regular meeting held May 19, 1986, 7 00 p m. at the Mentor Township Hall, 216 10th, Mio. Kann, Sherwood, Crane, Kinney, Wyckoff, yes. None opposed.

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Ruth Ann Kinney, Clerk

## **MENTOR TOWNSHIP DISMANTLED CAR ORDINANCE NO. 14**

**An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Mentor, Oscoda County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts of junk therefrom, within the Township of Mentor, to provide penalties for the violation of this ordinance and to repeal any ordinance or parts of ordinances in conflict herewith.**

**The Township of Mentor, Oscoda County, Michigan ordains:**

### **Section I. NAME**

This Ordinance shall be known and cited as the Mentor Township Dismantled car Ordinance

### **Section II. PURPOSE**

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

### **Section III. REGULATIONS**

A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or State of Michigan, except for the following:

1. Duly licenses and operable vehicles or trailers with substantially all main component parts attached.
2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days
3. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the

open, remnants of woods, metal and any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

D. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.

E. In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

F. In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building/zoning permit issued by the Township and unless such construction is completed within a reasonable time.

### **Section III. ENFORCEMENT and PENALTIES**

A. This Ordinance shall be enforced by such persons who shall be so designated by the Township Board

B. the owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blighting factors from such property within ten days after service of the notice upon him. Such notice may be personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

C. Failure to comply with such notice within time allowed by the owner and/or occupant shall constitute a violation of this ordinance

D. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding five hundred (500) dollars or by imprisonment for not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the Court

### **Section IV. EFFECTIVE DATE AND ADOPTION**

A. This Ordinance shall become effective thirty (30) days after its publication as required by law.

B. This Ordinance was adopted by the Township Board of the Township of Mentor, Oscoda County, Michigan, at a Regular meeting thereof held on August 17, 1987.

Effective. September 25, 1987

Kann, Sherwood, Crane, Kinney, Wyckoff Yes

None opposed. None Absent.

Published: August 25, 1987 Oscoda County Herald

Filed with County Clerk 8/25/87

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Ruth Ann Kinney, Clerk

**TOWNSHIP OF MENTOR  
COUNTY OF OSCODA, STATE OF MICHIGAN**

**ORDINANCE NO. 15 - 2019**

**ADOPTED: 12/16, 2019**

**EFFECTIVE: 1/16, 2020**

**MENTOR TOWNSHIP BLIGHT ELIMINATION ORDINANCE**

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, ORDAINS:

**TITLE:** To amend Ordinance No. 15 of the Ordinances of the Township of Mentor to provide that blight and blighting factors are public nuisances, clarify that blight and blighting factors shall not be maintained in violation of the Ordinance regardless of when such blight or blighting factors occurred, amend the penalty for its violation to a municipal civil infraction, and add a severability clause.

An ordinance to Amend Ordinance No. 15. of the Ordinances of Mentor Township to read in its entirety as follows:

**Section 1. PURPOSE**

Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Mentor Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may be in the future exist in said Township.

**Section 2: CAUSE OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and are hereby declared public nuisances. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Mentor Township owned, leased, rented or occupied by such person, firm or corporation.

**A.** In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this Ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is

inoperative.

**B.** In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building/zoning permit issued by the Township of Mentor for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall be limited to lumber, bricks, concrete, or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar; concrete or cement, nails, screws, or any other materials used in constructing any structure.

**C.** In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal and any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

**D.** In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.

**E.** In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.

**F.** In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building/zoning permit issued by the Township and unless such construction is completed within a reasonable time.

### **Section III. ENFORCEMENT and PENALTIES**

**A.** This Ordinance shall be enforced by such persons who shall be so designated by the Township Board.

**B.** The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blighting factors from such property within ten days after service of the notice upon him. Such notice may be personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors

are in progress. Failure to comply with such notice within time allowed by the owner or occupant shall constitute a violation of this ordinance.

**C. Any person violating this ordinance shall be responsible for a municipal civil infraction, subject to the penalties set forth in the following subsection.**

**1. Municipal civil infraction penalties:**

**a. Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:**

- i. First offense. The civil fine for a first offense violation shall be in an amount of \$75.00, plus costs and other sanctions, for each offense.**
- ii. Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of \$150.00, plus costs and other sanctions for each offense.**

**2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation(s) of this Ordinance.**

**3. Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.**

**4. The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.**

**D. Remedies not exclusive. In addition to any remedies provided for by Ordinance, any equitable or other remedies available may be sought, including the Township may proceed with an appropriate equitable action in the Oscoda County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance.**

**E. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.**

**Section IV. SEVERABILITY.**

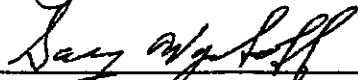
The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.


**Section V. EFFECTIVE DATE AND ADOPTION**

This Ordinance shall become effective thirty (30) days after its publication as required by law, which publication shall occur within 30 days after the passage of the ordinance.

Ayes: 5  
Nays: 0  
Absent: 0

ORDINANCE DECLARED ADOPTED.

  
By: Gary Wyckoff, Township Supervisor  
Date: 12-16-19, 2019

  
By: Thomas Galbraith, Clerk  
Date: 12/16/19, 2019

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of Mentor Township, County of Oscoda, State of Michigan, at a regular meeting held on 12/16/, 2019, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on 11/7/20 in the following newspaper: Oscoda County Herald

  
Thomas Galbraith, Clerk



## MENTOR TOWNSHIP NUISANCE ABATEMENT ORDINANCE NO. 16

An Ordinance to preserve the peace, welfare, order, health, and safety of persons and property in the Township, and to prescribe a penalty for the violation of the provisions of this ordinance.

The Township of Mentor, Oscoda County, Michigan Ordains:

### Section I. DEFINITIONS

A. The word "persons" or "person" as used in this Ordinance means a natural person and also includes corporations, partnerships and associations and their officers and officials existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country

B. The word "nuisance" as used in this Ordinance means any act or acts of omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their person or property. As defined herein, a nuisance includes but is not limited to conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, sly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

### Section II. PENALTY.

Any person who creates, causes, allows, suffers or permits the existence of a nuisance shall be guilty of a misdemeanor. Each day that such nuisance is permitted to exist shall constitute a separate misdemeanor. Any person who is convicted of a misdemeanor shall be punished by a fine not to exceed \$500 00 or by imprisonment in the Oscoda County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the judge imposing sentence

### Section III. ABATEMENT.

It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same. The term "abate" or "abatement" shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal and treatment of refuse, manure or other

substance or media capable of causing obnoxious odors or of attracting or breeding flies, and the application of chemicals insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screen-belts of trees and fences.

**Section IV. ENFORCEMENT.**

The Supervisor is hereby authorized to enforce this ordinance, and he may delegate the enforcement to any administrative official or employee of the Township. The Township may seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section II. hereof.

The foregoing ordinance was duly adopted by the Township Board of the Township of Mentor, Oscoda County, Michigan, at its regular meeting held on August 17, 1987.

**EFFECTIVE: September 25, 1987**

**PUBLISHED: August 25, 1987 Oscoda County Herald**

**FILED COUNTY CLERK: August 25, 1987**

Kann, Kinney, Sherwood, Crane, Wyckoff - yes. None - opposed. None absent.

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Ruth Ann Kinney, Clerk

**MENTOR TOWNSHIP ENFORCEMENT OFFICER ORDINANCE NO. 17**

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

**THE TOWNSHIP OF MENTOR, OSCODA, COUNTY, MICHIGAN ORDAINS:**

**SECTION I**

**ORDINANCE ENFORCEMENT OFFICER**

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

**SECTION II**

**APPOINTMENT**

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

**SECTION III**

**DUTIES**

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of Mentor Township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or don not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested by the Township Supervisor by state statute. The ordinance enforcing authority of the Township Supervisor and the other officers specifically designated in any township ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.

## SECTION IV

### DEFINITIONS

The ordinance enforcement duties herein authorized shall include, among others, the following: Investigation of ordinance violations; serving notice of violations; serving appearance tickets as authorized under Chapter 4 of Public Act 175 of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance enforcing duties as may be delegated by the Township Supervisor or assigned by the Township attorney.

## SECTION V

### SAVING CLAUSE

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

## SECTION VI

### EFFECTIVE DATE

This ordinance shall take immediate effect. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance

Adopted September 21, 1987 regular meeting of the Mentor Township Board.

Kann, Sherwood, Kinney, Crane, Wyckoff, yes. None absent. None opposed.

Effective: September 21, 1987

Filed Oscoda County Clerk: September 22, 1987

Printed Oscoda County Herald: September 19, 1987

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Ruth Ann Kinney, Clerk

## MENTOR TOWNSHIP ORDINANCE NO. 18

THE TOWNSHIP OF MENTOR ORDAINS:

### SECTION I

#### GRANT OF NONEXCLUSIVE GAS FRANCHISE AND CONSENT OF LAYING OF PIPES, etc

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

### SECTION II

#### INSTALLATION AND EXTENSION OF SYSTEM

If the provisions and conditions herein contained are accepted by the Company, as in Section VI hereof provided, then within not more than one year following the later of the date upon which this ordinance takes effect and the date upon which the Company receives such regulatory approval as may be necessary for the Company to convey gas to the Township of Mentor and to construct and operate its facilities therein, the Company shall determine the area within the Township of Mentor to be served initially and commence the installation of a gas distribution system within such area, and the Company shall thereafter proceed to complete said initial installation as soon as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control, and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from the time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

### SECTION III

#### USE OF STREETS AND OTHER PUBLIC PLACES

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

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

#### SECTION IV

#### STANDARDS AND CONDITIONS OF SERVICE: RULES, REGULATIONS AND RATES

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

#### SECTION V

#### SUCCESSORS AND ASSIGNS

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

#### SECTION VI

#### EFFECTIVE DATE. TERM OF FRANCHISE ORDINANCE: ACCEPTANCE BY COMPANY

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township at any time during said thirty (30) year period. provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, within one hundred eighty (180) day after the date this ordinance take effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof

## SECTION VII

### EFFECT AND INTERPRETATION OF ORDINANCE

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

Ayes: 5

Nays: 0

Date Passed: November 19, 1990

Attested, by Order of the Mentor Township Board

\_\_\_\_\_  
Lee Sherwood, Township Clerk

## MENTOR TOWNSHIP PENSION PLAN ORDINANCE NO. 19

Be it ordained that to be in compliance with H R 5835 (Omnibus Budget Reconciliation Act of 1990) the Township of Mentor does hereby create and establish a pension plan for the elected officials of Mentor Township and to authorize the Township Supervisor and the Township Clerk to contract, in the name of said Township, for such a plan and to set forth the respective share which said township shall contribute to the pension plan.

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN HEREBY  
ORDAINS:

### SECTION I

This ordinance shall be known and cited as the Mentor Township Pension Plan Ordinance.

### SECTION II

Pursuant to Public Act 27 of 1960, as amended, the Township of Mentor hereby creates and establishes a pension plan and program for the elected officials, and hereby authorizes the Township Supervisor and the Township Clerk to contract in the name of the Township Board with any company authorized to transact such business within the State of Michigan for pensions.

### SECTION III

The pension plan created for the ordinance shall cover all members of the Township Board

### SECTION IV

The Township of Mentor shall annually contribute an equal percentage for all elected officials of the premium arising under the pension contract. Such contributions shall be secure from the General Fund.

Effective Date: This ordinance number 19 Mentor Township, Oscoda County, Michigan shall become effective thirty (30) days after the last required publication

Roll call vote Kann, Velten, Crane, Sherwood, Wyckoff; yes. None opposed. Motion approved



## MENTOR TOWNSHIP PARKING ORDINANCE

An Ordinance to provide for the Regulation of the Parking of Vehicles, and to Provide Penalties for the Violation Thereof.

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE

This Ordinance shall be known and cited as the Mentor Township Parking Ordinance, but for record keeping it shall be called Mentor Township Ordinance Number 20.

Section 2: DEFINITIONS

The word "Parking" wherever used in this Ordinance is defined to mean allowing a vehicle to remain standing

Section 3: REGULATIONS

- a) When signs have been erected by any competent authority designating "Handicapped Parking" the parking by any automobile, truck, or other vehicle not displaying a "Handicapped Permit" or having a licence plate designating Handicapped status shall be in violation of this Ordinance.
- b) When signs have been erected by any competent authority designating a "No Parking" zone, the parking of any automobile, truck or other vehicle contrary thereto shall be in violation of this Ordinance.

Section 4: VIOLATIONS, PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not to exceed One Hundred (\$100.00) Dollars and cost of prosecution, or by imprisonment in the County jail for a period of not to exceed 90 days, or both such fine and imprisonment in the discretion of the Court for each offense

Section 5: VALIDITY

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

Section 6: CONFLICTING PROVISIONS REPEALED.

Any ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 7: EFFECTIVE DATE

This ordinance shall take effect on the   15   day of   September  , 1994.

\_\_\_\_\_  
Township Clerk

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

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

THE TOWNSHIP OF MENTOR ORDAINS:

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

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

SECTION 3. CONDITIONS. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

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

SECTION 5. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and

rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

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

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

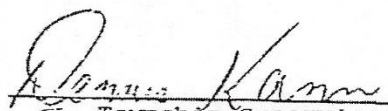
SECTION 9. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a electric ordinance adopted by the Township Board on September 21, 1965 entitled:

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

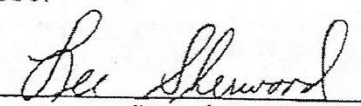
and amendments, if any, to such ordinance whereby a electric franchise was granted to Consumers Power Company.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing ordinance was duly enacted by the Township Board of the TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN, on the 15TH day of MAY, 1995.

  
\_\_\_\_\_  
Twp. Supervisor

Attest:

  
\_\_\_\_\_  
Township Clerk

PROCEEDINGS OF THE TOWNSHIP BOARD  
OF THE  
TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN

At a REGULAR meeting of the Township Board of the TOWNSHIP OF MENTOR,  
OSCODA COUNTY, MICHIGAN, duly called and held on the 15TH day of  
MAY, 1995, there were present:

GARY WYCOFF (NOT PRESENT), Supervisor,

LEE SHERWOOD, Township Clerk,

NANCY CRANE, Township Treasurer,

DENNIS KANN - APPOINTED &, Township Trustee,  
ACTING CHAIRMAN/SUPERVISOR

KATHLEEN VELTON, Township Trustee.

The following ordinance was offered by Township Board Member

:  
DENNIS KANN and supported by Township Board Member

LEE SHERWOOD:

TOWNSHIP OF MENTOR  
ORDINANCE No. 2022-22  
CEMETERY ORDINANCE

Section I: TITLE

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

Mentor Township Cemetery Ordinance pertains only to public cemeteries formally known as Mentor Township Cemetery #1 and #2 and undeveloped sections of each along with Davis Cemetery which is inactive.

Mentor Township Cemetery #1	T26N R3E SEC 18 - NE 1/4 OF NE 1/4. 40 A. 1989 SPLIT FROM 006-318-000-00
Mentor Township Cemetery #2	T26N R3E SEC 07 - E 1/2 OF SE 1/4 LYING 100' SW'LY OF POWER LINE. 25 A
Davis Cemetery (inactive)	T26N R3E SEC 07 - E 1/2 OF SE 1/4 LYING 100' SW'LY OF POWER LINE. 25 A

Section II. DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

- a. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- b. An adult, child, infant or stillborn burial space shall consist of a land area determined by cemetery platted lot.

Section III. SALE OF LOTS OR BURIAL SPACES.

- a. Hereafter, cemetery lots or burial spaces shall be sold only to residents, tax-payers and non-residents of the Township for purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser disclosed sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- b. All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.
- c. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section IV. PURCHASE PRICE AND TRANSFER FEES.

- a. Each burial space shall cost the sum determined by schedule set annually by Mentor Township Board of Trustee regardless of intended adult, child, infant or stillborn internment.
- b. Any transfer of one (1) or more burial spaces from an original purchaser to a qualified assignee shall cost the sum of original purchase price to last owner of record.

- c. The foregoing charges shall be paid to the Township Clerk and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- d. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### Section V. GRAVE OPENING CHARGES.

- a. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of cremains, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- b. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

#### Section VI. MARKERS AND MEMORIALS.

- a. All markers or memorials must be of stone or other equally durable composition.
- b. Any large upright monuments must be located upon a suitable foundation extending four (4) inches from stone and at a line level with ground on all sides to maintain the upright monument in an erect position.
- c. An upright monument may be defined as any marker with the top surface above the line level with ground.
- d. Only one (1) monument, marker or memorial with top surface above the line level with ground shall be permitted per burial space.
- e. 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.
- f. All placement of monument, marker or memorial shall be through approval and permit obtained from Township Clerk.

#### Section VII. INTERMENT REGULATIONS.

- a. Only one (1) person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time. One (1) cremains may be buried in a burial space in addition to the one (1) person or mother and infant or two (2) children limitation. I.E. one (1) casket; one (1) casket and one (1) cremains; or four (4) cremains.
- b. Not less than thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space with special consideration allowing for strict adherence of religious beliefs.
- c. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when 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.

- d. From December 1 to March 31: there will be no grave side services allowed in the cemeteries. The casket or cremains will be placed directly in the grave. There will be no Funeral Processions within the cemeteries.
- e. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section VIII. GROUND MAINTENANCE.

- a. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or Township Clerk.
- b. No flowers, shrubs, trees or vegetation of any type shall be planted without approval of the Cemetery Sexton or Township Clerk. Any of the foregoing items planted without approval may be removed by the Township or the Cemetery Sexton.
- c. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- d. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- e. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- f. Surfaces other than earth or sod are prohibited.
- g. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

Section IX. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

- a. Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:
  - 1. 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/her of the expiration of the forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of the mailing of the within notice his/her desire to retain said burial rights.
  - 2. 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/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice will result in forfeiture of said lots or burial spaces.

Section X. REPURCHASE OF LOTS OR BURIAL SPACES.

The Township will repurchase any cemetery lots or burial spaces from the owner or legal representative for the original price paid upon written offer of said owner or legal representative.

Section XI. 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 XII VAULT.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment with the exception of cremains.

Section XIII. PENALTIES.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction.

Section XIV. 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 XV. EFFECTIVE DATE.

This ordinance shall take effect on Sept 19 2022. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Roll call vote Marble, yes Hall yes Trim yes  
Wycoff, yes Matte yes Approved



GARY WYCKOFF – SUPERVISOR  
STEPHANIE HALL – CLERK  
JOAN TRIM – TREASURER  
PAUL MATTE - TRUSTEE  
SHERI MARBLE - TRUSTEE

Township Hall  
216 E 10<sup>th</sup> Street  
Mio, Mi 48647

**MENTOR TOWNSHIP**  
September 19, 2022  
REGULAR MONTHLY MEETING  
7:00 PM

The regular monthly meeting of the Board of Mentor Township was called to order by Supervisor Wyckoff at 7:00 at the McKinley fire Department.

Roll call of officers, Supervisor Wyckoff, present, Clerk Hall, present, treasurer Trim, present, Trustee Marble, present. Trustee Matte, present.

Trim/ Matte: Motion to approve the minutes from the August 15, 2022 as corrected. **Approved**

Financial Report- Submitted by Treasurer Trim

Zoning Report- Presented by Supervisor Wyckoff, Administrator Irelan, absent. 5 zoning permits.

Accessors Report- Submitted by Assessors Somers, will be working in the field, Thurs-Saturday upcoming week.

Fire Report- Presented by Fire Chief Lawrence. Firefighter one class in March 2023  
Discussion on USFS Grant for community Wildlife Protection Plan. Discussion on a bill/receipt to Lori Walton for upcoming grant, showing townships physical address.  
Application for Mike Chartier presented to the board, to join the Mckinley Fire Department.

Trim/Matte- Motion to accept Mike Chartier's application and place him on the McKinley Fire Department on a 90-day probation period as part of the McKinley Fire Department. **Approved**

Trim/ Matte Motion to approve lot split presented to board, proposed lot to be split 006-503-001-00. **Approved**

Trim/Marble- Motion to adjust the under/over limit for tax collection and payments to a minimum of 3.00. **Approved**

Marble/ Matte- Motion to accept new cemetery ordinance as amended.

Roll call – Marble, yes. Hall, yes. Trim, yes. Wyckoff, yes. Matte, yes. **Approved**

Trim/Matte Motion to accept bid for streetscape maintenance, mowing contract for fire department and township hall and cemetery maintenance contract.

Roll call, Matte, yes, Trim, yes, Wyckoff, yes, Marble, yes, Hall, yes. **Approved**

Hall/ Matte- Motion to reject current snowplow bids and readvertise. **Approved**

Marble/ Matte- Motion to accept bid from Morse Concrete for cemetery development phase 1.

Roll call- Matte, yes, Marble, yes, Trim, yes, Wyckoff, yes, Hall, yes. **Approved.**

Public Comment

Troy Somers brings to the boards attention that taxable rates are increasing.

Trim/Marble- Motion to pay the bills as presented on vouchers # 17298-17347 **Approved.**

Matte/Marble- Motion to Adjourn at 7:51 **Approved**

Stephanie Hall, Mentor Township Clerk

**MENTOR TOWNSHIP ORDINANCE TO ESTABLISH CHARGES FOR  
TOWNSHIP EMERGENCY SERVICES RESPONDING TO A HAZARDOUS  
MATERIALS EMERGENCY INCIDENT.**

**AKA: MENTOR TOWNSHIP ORDINANCE NO. 23**

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN ORDAINS:

Section 1: Purpose

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

Section 2: "Hazardous Materials" Defined

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

Section 3: "Release" Defined

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

Section 4: "Responsible Party" Defined

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

Section 5: Charges Imposed Upon Responsible Party

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

- A. \$30.00 per hour, or fraction thereof, for each pumper required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that the pumps are activated, an additional sum of \$45.00 per hour shall be charged.
- B. \$60.00 per hour, or fraction thereof, for each water tender required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- C. \$60.00 per hour, or fraction thereof, for each additional township-owned fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- D. All personnel-related costs incurred by the township as a result of responding to the hazardous materials incident. Such costs may include, but not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time fighters, overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on-call fire fighters. Such personnel-related charges shall commence after the first hour that the fire

- department has responded to the hazardous materials incident, and shall continue until all township personnel have concluded hazardous materials incident-related responsibilities.
- E. Other expenses incurred by the township in responding to the hazardous materials incident, including but not limited to, rental or purchasing of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement costs related to disposal personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
- F. Charges to the township imposed by any local, state, or federal government entities related to the hazardous materials incident
- G. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

Section 6: Billing Procedures

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

Section 7: Other Remedies

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

Section 8: Severability

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

Section 9: Effective Date

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

Roll Call vote. Kann, yes; Velten, yes; Crane, yes; Wyckoff, yes; Sherwood, yes. 5 - yes 0 - no. **APPROVED**

STATE OF MICHIGAN  
COUNTY OF OSCODA  
TOWNSHIP OF MENTOR

LAND DIVISION ORDINANCE  
(AKA: NUMBER 24)

Adopted: Oct. 20, 1997  
Effective: Nov. 2, 1997

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

TOWNSHIP OF MENTOR  
OSCODA COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Mentor Township Land Division Ordinance, AKA Ordinance number 24.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

### SECTION III

#### DEFINITIONS

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

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

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

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

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

### SECTION IV

#### PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISIONS

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

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

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

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

SECTION V  
APPLICATION FOR LAND DIVISION APPROVAL

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

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- 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 and the parcels proposed to be created by the division(s), 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.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer detailed information about the terms and availability of the proposed division rights transfer.
- F. The payment of any fee established by the Township to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.
- G. Proof that taxes are paid on the parent parcel or parent tract.

SECTION VII

PROCEDURE FOR REVIEW OF APPLICATIONS  
FOR LAND DIVISION APPROVAL

- A. The Township assessor shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellant hearing.

- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or noncompliance with any other ordinance or statute, and any notice of approval shall include a statement to this effect.

## SECTION VII

### STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township assessor shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) meet the minimum width requirements of the Mentor Township Zoning Ordinance for the particular zoning district in which the property is located.
- B. All such parcels contain the minimum square feet or acreage required in the particular zoning district in which the property is located under the Mentor Township Zoning Ordinance.
- C. All parcels created by the proposed division meet the depth-to-width ratio required by M>C>L> 560.109(1)(b.).
- D. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

## SECTION VIII

### CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provisions of this Ordinance shall not be recognized as a land division on the Township tax roll and no land use thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation of continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration

received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

## SECTION IX

### SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, 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 X

### REPEAL

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

## SECTION XI

### EFFECTIVE DATE

This ordinance shall take effect upon publication following its adoption.

Township of Mentor  
Lee Sherwood, Clerk

Ordinance adopted at a regular meeting Oct. 20, 1997  
Ordinance published and effective Nov. 1, 1997.



**MENTOR TOWNSHIP**  
**Cross Connection Ordinance**  
(AKA Ordinance No. 25)

An ordinance regulating cross connections with the public water supply system, i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

Be it ordained by the township of Mentor, County of Oscoda, State of Michigan:

Section 1. That Mentor Township adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administration Code.

Section 2. That it shall be the duty of the Big Creek/Mentor Utility Authority to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Big Creek/Mentor Utility Authority and as approved by the Michigan Department of Environmental Quality.

Section 3. That the representative of the Big Creek/Mentor Utility Authority shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Mentor Township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested shall be deemed evidence of the presence of cross connection.

Section 4. That the Big Creek/Mentor Utility Authority is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

Section 5. That all testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of the devices shall be conducted at a time interval specified by the Big Creek/Mentor Utility Authority and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the Big Creek/Mentor Utility Authority shall be qualified to perform such testing. That

individual(s) shall certify results of his/her testing.

Section 6. That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Section 7. That this ordinance does not supercede the state plumbing code, but is supplementary to it.

Section 8. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the Big Creek/Mentor Utility Authority, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

## MENTOR TOWNSHIP ZONING ORDINANCE No. 26A

### AN ORDINANCE TO REGULATE SEXUALLY ORIENTED BUSINESSES.

#### Section 26.101. Purpose

(1) In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Article. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Ordinance or other Ordinances.

In regulating sexually oriented businesses, it is the purpose of this article to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on the evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *Thomas v Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v LaRue*, 409 U.S. 109 (1972); *DLS, Inc., v City of Chattanooga*, 107 F.3d 403 (6<sup>th</sup> Cir. 1997) *East Brooks Books, Inc., v City of Memphis*, 48 F.2d 220 (6<sup>th</sup> Cir. 1995); *Broadway Books v Roberts*, 642 F. Supp 486 (E.D. Tenn. 1986); *Bright Lights, Inc., v City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v Nichols*, 137 F. 3<sup>rd</sup> 435 (6<sup>th</sup> Cir. 1998); *Dj vu v Metro Government*, 1999 U.S. App. LEXIS 535 (6<sup>th</sup> Cir. 1999); *Bamon Corp v City of Dayton*, 7923 F. 2d 470 (6<sup>th</sup> Cir. 1991); *Threesome Entertainment v Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc., v City of Brunswick*, 49 F. Supp. 2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc., v City of Akron*, 40 F. 3d 129 (6<sup>th</sup> Cir, 1994); *Nightclubs, Inc., v City of Paducah*, 202 F. 3d 884 (6<sup>th</sup> Cir. 2000); *O'Connor v City and County of Denver*, 894 F. 2d 1210 (10<sup>th</sup> Cir. 1990); *Dj Vu of Nashville, Inc., et al v Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6<sup>th</sup> Cir. Dec 6, 2001); *Z.J. Gifts D-2, L.L.C. v City of*

*Aurora*, 136 F. 3d 683 (10<sup>th</sup> Cir 1998); *Connection Distrib. Co v Reno*, 154 F. 3d 281 (6<sup>th</sup> Cir. 1998); *Sundance Assocs. v Reno*, 139 F. 3d 804 (10<sup>th</sup> Cir. 1998); *American Library Association v Reno*, 33 F. 3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc., v Giani*, 199 F. 3d 1241 (10<sup>th</sup> Cir. 2000); *Z.J. Gifts D-2, L.L.C. v City of Aurora*, 136 F. 3d 683 (10<sup>th</sup> Cir 1998); *ILQ Investments, Inc., v City of Rochester*, 25 F. 3d 1413 (8<sup>th</sup> Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc., v Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); *Currence v Cincinnati*, 2002 U.S. App. LEXIS 1258 (6<sup>th</sup> Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including but not limited to Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California -1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona 0 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: A Insider's View,:" by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Businesses, (June 6, 1989, State of Minnesota), the Township Board finds that sexually oriented businesses as a category of establishment are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Mentor Township is seeking to abate and prevent in the future.

(2) Uses subject to these controls are as follows:

- (a) Adult book stores, adult novelty stores, or adult video stores;
- (b) Adult cabarets;
- (c) Adult motion picture theaters;
- (d) Nude or semi-nude model studios; and
- (e) Sexually oriented businesses.

#### Section 26.102. Definitions.

As used in this Article, the following terms shall have the indicated meanings:

(1) **Adult motion picture theater.** An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(2) **Adult Bookstore, Adult Novelty Store, or Adult Video Store.** A commercial establishment which has significant or substantial portion of its inventory, or derives a significant or substantial portion of its revenues, or maintains a significant or substantial portion of its revenues, or

maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one (1) or more of the following:

(a) Books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use of abuse of themselves or others.

For others of this definition, "significant or substantial portion: means thirty (30) percent or more of the term modified by such phrase.

(3) Specified sexual activities. Specified sexual activities are defined as:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(4) Specified anatomical areas. Specified anatomical areas are defined as:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region,

(ii) Buttock, and

(iii) The nipple and/or areola of the female breast; and

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(5) Adult cabaret. A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(a) Persons who appear nude or semi-nude,

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities," or

(c) Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition of or description of "specified sexual activities" or specified anatomical areas."

(6) Nude or semi-nude model studios. Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the providing of models to display any films or performances consistently offered as a part of the ongoing business of the adult entertainment business.

(7) Regular Features or Regularly Shown. A consistent and substantial course of conduct such that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as an art of the ongoing business of the adult entertainment business.

(8) Sexually oriented business. An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental or exhibition for any form of consideration of books, films, videos, DVDs, magazines, or other visual representation of live performance which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas.

#### Section 26.103. Permitted Uses.

Any of the regulated uses listed in Section 26.101(2) are permitted if:

- (1) The use is located within a zone district where the use is specifically permitted; and
- (2) The use is located more than five hundred (500) feet from any residential zone district, measured to the nearest lot line of the proposed use.
- (3) The use is not located within one thousand (1,000) feet of one (1) other regulated use, measured from the nearest lot line to the nearest lot line on a straight-line basis.

If the proposed use is within five hundred (500) feet of a residential zone, or within one thousand (1,000) feet of one (1) other regulated use, the Zoning Board of Appeals may grant a variance pursuant to the standards provided in Section 26.103 of the Zoning Ordinance and pursuant to the following procedures:

- (a) The Land Use Officer will serve notice on all owners and occupiers of all property within five hundred (500) feet of the proposed use.
- (b) Said notice will give a minimum of thirty (30) days from the mailing of the notice until the Zoning Board of Appeals hearing on the matter.
- (c) Said notice will include a postcard addressed to the Township, containing spaces for stating approval or disapproval of the proposed regulated use and including space for commentary.
- (d) The total number of postcards returned prior to the hearing will be tallied. The votes yea and any will also be tallied. These votes will be considered as evidence, in the Zoning Board of Appeal's decision.

Section 26.104. Limit on Reapplication.

No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of ninety (90) days from the date of said order of denial, except on the grounds of new evidence found valid by the Board of Zoning Appeals.

Section 26.105. Expansion and Discontinuance of Use.

Establishments where uses subject to the control of this Article are located shall not be expanded in any manner without first applying for and receiving the approval of the Zoning Board of Appeals as provided in Section 26.103. Further, if a use subject to the control of this Article is discontinued for more than thirty (30) days, the use may not be reestablished without applying for and receiving the approval of the Zoning Board of Appeals as provided in Section 26.103.

Nothing in this Article shall prevent the reconstruction, replacing, or rebuilding and continued use of any building or structure the uses of which make it subject to the controls of this Article which is damaged by fire, collapse, explosion or act of God.

## MENTOR TOWNSHIP ZONING ORDINANCE No. 26B

### AN ORDINANCE TO REGULATE CONDUCT IN AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.

THE PEOPLE OF THE TOWNSHIP OF MENTOR DO ORDAIN:

Section 1. That a new ordinance entitled "Conduct in Sexually Oriented Businesses: be added to the Township of Mentor's ordinances to read as follows:

Section 26B Conduct in Sexually Oriented Businesses.

#### (1) PURPOSE AND FINDINGS.

a. The Township hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects as detailed in Section 26A-B of the Township Zoning Ordinance.

b. The Township Board also relies upon findings concerning secondary effects contained in additional reports as well as in cases in accord with those cited in Section 26A-B Of the Township Zoning Ordinance including those upholding regulations of nudity and the time, place and manner of operation of sexually oriented businesses: *Deja Vu of Cincinnati, L.L.C. v Union Township*, 411 F. 3d 777 (6<sup>th</sup> Cir. 2005); *Bronco's Entertainment, Ltd. v Charter Township of Van Buren*, 2005 U.S. App. LEXIS 18496 (6<sup>th</sup> Cir. 2005); *Charter Township of Van Buren v Garter Belt, Inc.*, 258 Mich. App. 594 (2003) (following *City of Erie v Pap's A.M.* 529 U.S. 277 (2000), *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991) and *California v LaRue*, 409 U.S. 109 (1972); *Gammoh v City of La Habra*, 395 F. 3d 1114 (9<sup>th</sup> Cir. 2005); *SOB, Inc. v County of Benton*, 317 F. 3d 856 (8<sup>th</sup> Cir. 2003); *G.M. Enterprises, Inc., v Town of St. Joseph*, 350 F. 3d 631 (7<sup>th</sup> Cir, 2003); *Heideman v South Salt Lake City*, 348 F. 3d 1182 (10<sup>th</sup> Cir. 2003); *In re Tennessee Public Indecency Statute*, 1999 U.S. App LEXIS 535 (6<sup>th</sup> Cir. 1999); *Currence v City of Cincinnati*, 2002 U.S. App. LEXIS 1258); *Jott, Inc., v Clinton Township*, 224 Mich. App. 513(1997); Michigan ex rel. *Wayne County Prosecutor v Dizzy Duck*, 449 Mich. 353 (1995); *Kev. Inc., v Kitsap County*, 793 F. 2d 1053 (9<sup>th</sup> Cir. 1986); *Hang On. Inc., v City of Arlington*, 65 F.3d 1248 (5<sup>th</sup> Cir. 1995); *Tily B. Inc., v City of Newport Beach*, 69 Cal. App 4<sup>th</sup> 1 (Cal. App. 1997); *Lady J. Lingerie, Inc., v City of Jacksonville*, 973 F. Supp. 1428(M.D. Fla. 1997); *City of Elko v Abed*, 2004 Minn. App. LEXIS 360 (Minn. App. 2004); *Center for Fair Public Policy v Maricopa County*, 336 F. 3d 1153 (9<sup>th</sup> Cir. 2003); *Richland Bookmart, Inc., v Nichols*, 137 F. 3d 435 (6<sup>th</sup> Cir, 1998); *Richland Bookmart, Inc., v Nichols*, 278 F. 3d 570 (6<sup>th</sup> Cir. 2002); *DiMa Corp. v Town of Hallie*, 185 F. 3d 823 (7<sup>th</sup> Cir. 1999); *Lady J. Lingerie, Inc., v City of Jacksonville* 176 F.3d 1358 (11<sup>th</sup> Cir. 1998); *Nat'l Amusements Inc., v Town of Dedham* 43 F. 3d 731 (1<sup>st</sup> Cir. 1995); *Mitchell v Comm'n on Adult Enter. Est. of the State of Delaware*, 10 F. 3d 123 (3d Cir. 1993); *Star Satellite, Inc., v City of Biloxi*, 779 F. 2d 1074 (5<sup>th</sup> Cir. 1986); *Heideman v South Salt Lake City*, 2006 U.S. App. LEXIS 2745 (10<sup>th</sup> Cir 2006); *Fantasyland Video, Inc., v San Diego County*, 373 F. Supp. 2d 1094 (S.D. Cal. 2005); *State ex rel. Nasal v BJS No. 2 Inc.*, 127 Ohio Misc. 2d 101 (Ohio Ct. Comm. Pleas 2003); *Baby*



*Dolls Topless Saloons, Inc., v City of Dallas*, 295 F. 3d 471\_2002 (5<sup>th</sup> Cir. 2002); *Z.J. Gifts D-2, L.L.C. v City of Aurora*, 136 F. 3d 683 (10<sup>th</sup> Cir. 1998); *World Wide Video of Washington, Inc., v City of Spokane*, 368 F. 3d 1186 (9<sup>th</sup> Cir. 2004); *Andy's Restaurant & Lounge, Inc., v City of Gary*, Case No. 2:01-CV-327 (N.D. Ind. 2005); Summaries of Key Reports Concerning the Negative Secondary Effects of Sexually Oriented Businesses; Rome, Georgia - 1996; San Diego, California - 2003; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; and numerous media reports in finding that:

(i) Sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of averse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(ii) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths, or cubicles for viewing films, videos or live performances.

(iii) Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

## (2) DEFINITIONS.

a. The terms in this chapter shall have the meanings ascribed to them in Section 26A-B of the Township Zoning Ordinance, unless otherwise indicated herein.

b. In addition, the following terms shall have the meanings ascribed to them as follows:

(i) "Employee" means a person who performs any service for any consideration on the premises of an sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said sexually oriented business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

(ii) "Nudity", "nude", or "state of nudity" means the knowing or intentional live display of human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this section, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(iii) "Operate or Cause to Operate" shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner or part owner of the business.

(iv) "Semi-nudity", "semi-nude", or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the tope of the areola and extending across the width of the breast at that point or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

(v) "Sexually Oriented Business" for purposes of this chapter shall mean any adult motion picture theater, adult bookstore, adult novelty store, adult video store, adult cabaret or semi-nude model studio as defined in Section \_\_\_\_\_ of the Township Zoning Ordinance.

(vi) "Patron" means a customer of the sexually oriented business or a person from the general public, not an "employee" of the business, who is on the premise to obtain, receive, or view the products, services, or performances offered by the business.

(vii) "Regularly" means recurring, attending, or functioning at fixed or uniform intervals.

### (3) UNLAWFUL ACTIVITIES

a. Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or city ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this chapter or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this chapter. It shall be a defense to a prosecution that the person prosecuted was powerless to prevent the violation.

b. No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

c. No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six (6) feet from all patrons and on a fixed stage at least eighteen (18) inches from the floor in a room of a least six hundred (600) square feet.

d. A sexually oriented business which exhibits on the premises, through any mechanical or electronic image producing device, a film, video cassette, digital video disk, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements: The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room, but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be direct line of sight from the operator's station. It is the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view are specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

e. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given one hundred eighty (180) days from the effective date of this ordinance to comply with the stage and building requirements of this section. During said one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six (6) feet from all patrons.

f. No employee who regularly appears within view of patrons in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

g. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any day.

#### (4) SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LIABILITY

This ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this ordinance. Notwithstanding anything to the contrary, for the purposes of finding a violation of this ordinance, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this ordinance only if an officer, director, or general partner, or a person who managed supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(5) PENALTY: EQUITABLE REMEDIES.

a. Any person, business, or entity violating or refusing to comply with any provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period of not to exceed ninety (90) days, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises, building, dwelling, or other structure in which a sexually oriented business, as defined in Section 25 of the Township Zoning Ordinance, is repeatedly operated or maintained in violation of the provisions of this chapter shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the Township of Mentor in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

b. Notwithstanding subsection (1) hereof, the Township may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this chapter.

(6) SEVERABILITY.

This ordinance and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

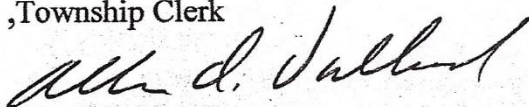
Carried by a roll call vote:

Yeas: 4

Nays: 0

I hereby certify that the foregoing is a true transcript of the action of the Township Board of the Township of Mentor, Michigan, in public session held on the 19<sup>th</sup> day of January, 2009.

,Township Clerk



## ORDINANCE NO. 27

AN ORDINANCE TO ADMINISTER, REGULATE, AND PROVIDE FOR CONNECTION TO AND USE OF THE WATER SYSTEM, INSTALLATION OF SERVICE CONNECTIONS, RATES AND CHARGES FOR WATER SERVICES, CROSS CONNECTION CONTROL, AND PENALTIES FOR VIOLATION THEREOF IN THE TOWNSHIP OF MENTOR OF OSCODA COUNTY, MICHIGAN.

### THE TOWNSHIP OF MENTOR ORDAINS:

#### ARTICLE I

##### Short Title

Section 101. Short Title. This Ordinance shall be known as the "Water Connection, Use and Rate Ordinance" and may be cited as such.

#### ARTICLE II

##### Definitions

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

Section 200. "Authority" means Big Cr  ek/Mentor Utility Authority.

Section 201. "Approved" means approved by the Big Creek/Mentor Utility Authority.

Section 202. "Commercial Customer" means a Customer whose Premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters and governmental buildings.

Section 203. "Customer" means the Person who owns any Premises which are connected to the Water System.

Section 204. "Inspection Fee" means the amount charged to cover all cost for inspection requested by customer.

Section 205. "Inspector" means a person authorized by the Authority to inspect connection of Service Lines to Service Connections.

Section 206. "Meter" means an instrument for measuring the rate of flow of Public Water.

Section 207. "Miscellaneous Customer Fee" means an amount charged to Customers for miscellaneous services and related administrative costs associated with the Water System.

Section 208. "Operation, Maintenance and Replacement Costs" means all costs, direct or indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include an amount for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

Section 209. "Person" means any individual, firm, company, association, society, corporation or group.

Section 210. "Plumbing System" includes the water supply and distribution pipes, plumbing fixtures and traps, soil water and vent pipes, Service Line, including their respective connections, devices and appurtenances and water-treating or water-using equipment, all as located within the property lines of the Premises.

Section 211. "Potable" refers to water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards and to the regulations of the Michigan Department of Public Health.

Section 212. "Premises" means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable item in the name of the taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

Section 213. "Public Water" is water provided by the Water System

Section 214. "Ready to Serve Fee" is monthly charge levied on Customers based upon Maintenance and Replacement Costs.

Section 215. "Service Connection" means the corporation cock, service lateral, and curb stop that conveys Public Water from the Authority mains to the property line.

Section 216. "Service District" shall mean the Big Creek/Mentor Utility Authority Water System which is attached hereto as Appendix I.

Section 217. "Service Line" means a pipe connected to the Service Connection and extending from said connection into the Premises supplied with Public Water.

Section 218. "Water Supply Rates and Charges" shall include the Connection Charge, Inspection Fee, Readiness to Serve Fee and Miscellaneous Customer Fee.

Section 219. "Water System" or "System" means all facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, Meters, Service Connections and all other facilities used or useful in the pumping, treatment, and distribution of Public Water and which in the aggregate constitute the Big Creek/Mentor Water Supply System.

### ARTICLE III

#### Operation and Maintenance

Section 300. Ownership; Operation and Maintenance of System. The Water System is owned by the Big Creek/Mentor Utility Authority. The operation, maintenance, alteration, repair and management of the Water System shall be under the supervision and control of the Authority. The Authority may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as the Authority deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 301 Maintenance and Repair of Service Line. The owner of a Premises is responsible for

the maintenance and repair of the Plumbing System and Service Line located on said Premises.

Section 302. Public Water. Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected to, directly or indirectly, the Water System.

Section 303. Right to Restrict Use of Public Water. The Authority may, by resolution, regulate, limit or prohibit the use of Public Water for any purpose. Such regulation shall restrict less essential water use (e.g. lawn sprinkling and irrigation) to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting.

Section 304. Abatement of Public Nuisance. This Ordinance shall not be construed to limit the power of the Authority to order the immediate and complete abatement of a public nuisance or menace to the public health.

Section 305. Water Available Within Service District. Subject to the terms and conditions of the Contract, Public Water shall only be made available from the Water System to properties located within the Service District.

## ARTICLE IV

### Use of Public Water

Section 401. Mandatory Connection. As a matter of public health, the owners of all Premises in the Public Water System which are used for human occupancy, employment, recreation or other purposes, which require the use of potable water and which abut any right-of-way, easement, highway, street or public way in which there is now or hereafter located a public water main that is not more than 200 feet from the nearest point of a structure used for said purposes, are hereby required to connect said Premises to the Water System in accordance with this Ordinance.

Section 402. Connection Deadline. As a matter of public health, all connections to the Public Water System required hereunder, shall be completed no later than sixty (60) months after the date of official notice by the Authority to make said connections. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Water System shall be liable for a civil penalty equal in amount to the Connection Water Fee and Commodity Fee that would have accrued based upon reasonably expected water usage and been payable had the connection been made when and as required. In addition, the Authority reserves the right to file an appropriate action in a court of applicable jurisdiction to seek injunctive or other appropriate relief to compel such connections.

Section 402. Private Water Wells. No new water wells may be drilled on Premises to which Public Water is available within the meaning of Section 401. Existing water wells on Premises connected to public water must be abandoned.

## ARTICLE V

### Connection Procedures

Section 501. Permit. Service connections shall be installed only at the Customer's expense by the Authority or by an Approved contractor and only after approval of the permit application by the Authority. Prior to the installation of a new Service Connection or construction in the public right-of-way by an Approved contractor, a surety bond shall be filed with the Authority and its authorized representatives for any loss resulting from said installation or construction. Provision of such surety bond shall in no way limit liability for damage to the System or other public or private property.

Section 502. Application for Permit; Payment of Fees. Prior to the connection of a Service Line

to a Service Connection, a Prospective Customer must file a permit application on a form to be supplied by the Authority. The application must be accompanied by payment in full of the Connection Charge, Inspection Fee and such other charges or deposits required by this Ordinance.

Section 503. Installation of Service Line. All Service Lines shall be installed in an approved manner at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code.

Section 504. Specifications. All Service Connections and Service Lines shall be of Type "K" copper. All underground fittings and connections shall be Approved. No Service Connection or Service Line of less than one (1) inch diameter will be permitted.

Section 505. Minimum Depth. All Service Connections and Service Lines must be laid on solid ground not less than six (6) feet below finished grade. The installation must be inspected by the County Plumbing Inspector or its authorized representative.

Section 506. No Obstruction of System Components. No Person shall obstruct or interfere in any way with any Service Connection or other appurtenance of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 507. Repair and Thawing of Service Lines. Service Lines shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Authority. The expense of repairing or thawing the Service Line, if frozen, shall be borne by the Customer. The Service Line, as repaired or thawed, shall not be covered until inspected and approved by the Authority or its authorized representative.

Section 508. Discontinuation of Service. The Authority may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 509. No Multiple Connections. A single Service Connection shall not serve more than one (1) Premises even though the ownership of the adjacent Premises may be the same; provided, however, that in the event a single Premises has two or more freestanding buildings to be served by the System, each building shall have a separate Service Connection and Meter.

Section 510. Excavation. All excavation for Service Connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority at the Customer's expense.

## ARTICLE VI

### Meters

Section 601. Use and Installation of Meters. The Public Water used by each Customer shall be metered. The Authority will furnish and install an ordinary domestic meter. For larger meters, the Authority will furnish and install only the meter and readout, and the Customer must furnish the meter horn and valve. The Meter will be tested and maintained by the Authority at the Customer's expense and shall remain the property of and under control of the Authority.

Section 602. Size; Specification. Meters for ordinary domestic service shall be of a 5/8 inch x 3/4 inch size. The Meter shall contain remote readouts. A separate valve the same size as the Service Line shall be installed on the Service Line on both sides of the Meter. Where application for a large service is made; determination as to meter size shall be made by the Authority. Larger sizes may be required for an



Industrial Customer, a Commercial Customer, or multiple dwelling use.

Section 603. Accessible Location. Meters shall be set in a accessible location and in a manner approved by the Authority. Where due to unusual circumstances it is necessary to place the Meter in a pit, such pit shall be installed in accordance with Authority standards at the expense of the Customer.

Section 604. Access to Meter. The Authority shall have the right to shut off the Public Water to any Customer if access is not available to the Meter. Qualified employees of the Authority shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 605. Damages to Meter. Any damages to a Meter resulting from carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid for by the Customer as a Miscellaneous Customer Fee upon presentation of the bill therefor.

Section 606. Failure of Meter. If any Meter shall fail to register properly, the Authority shall estimate the consumption of Public Water and bill accordingly.

Section 607. Accuracy of Meter. A Meter shall be considered accurate if when tested it registers neither 2% more than nor 2% less than the actual quantity of Public Water passing through it. If a Meter registers in excess of 2% more than the actual quantity of Public Water passing through it, it shall be considered "fast" to that extent. If a Meter registers in excess of 2% less than the actual quantity of Public Water passing through it, it shall be considered "slow" to that extent.

Section 608. Corrected Billings. If a Meter has been tested and is determined to register "fast" the Authority shall credit the Customer with a sum equal to the percentage "fast" multiplied by the amount of the Commodity Fee incurred by said Customer within the six (6) months prior to the test. If a Meter so tested is determined to register "slow" the Authority may collect from the Customer a sum equal to the percentage found "slow" multiplied by the amount of the Commodity Fee incurred by the Customer within the six (6) months prior to the test.

Section 609. Meter Testing. A Water Customer may request that a Meter be tested for accuracy. If the Meter is found accurate within American Waterworks Association Standards, a charge established time to by the Authority, shall be made to the Customer. If the Meter is found to be inaccurate within acceptance tolerances, the Meter shall be repaired or a new Meter shall be installed at no charge to the Customer either for the test or for the Meter replacement.

## ARTICLE VII

### Water Clean-Out

Section 701. Water Clean-Out. No person other than an authorized representative of the Authority shall turn on or turn off, or use, or interfere in any way any water hydrant. No person shall place any building material or any other obstruction within fifteen (15) feet of any water hydrant. No person owning property immediately adjoining a water hydrant shall permit any obstruction within fifteen (15) feet of any water hydrant.

## ARTICLE VIII

### Water Main Extensions

Section 801. Requirements for Extension. Extension of or changes in the Water System may be initiated by the Authority or by written request, including petitions, from property owners. The Authority may grant the petition, in its discretion, and prescribe the terms and conditions upon which the petition will

be granted and may require the written acceptance of such terms and conditions by the petitioners. As a condition of granting the petition, the petitioners must pay, in addition to all other charges imposed on new connections under this ordinance, a fee to cover the actual cost (or proportion of cost) of extending the water main along the entire frontage of the Premises, from property line to property line, improving the transmission and supply system, or making other changes necessary to accommodate the extension and new connection. The specifications for materials and construction shall be approved by the Authority.

## ARTICLE IX

### System Use

Section 901. Authorized Representatives. No Person other than an authorized representative of the Authority shall turn on or off any Service Connection without the written permission of the Authority.

Section 902. Prohibited Activities. It shall be unlawful for any Person to do any of the following:

- (a) Damage or destroy any portion of the Water System;
- (b) To do anything which will in any way contaminate the Water System;
- or
- (c) To connect any pipe to the Water System or take or run Public Water from the lines of the System without complying with all the provisions of the Ordinance.

Section 903. Authority Right to Stop Services; Emergencies. The Authority may stop service to any Customer at any time for any reason, including repairs to the System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Authority shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. The Authority shall not be responsible or liable for damage or any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water for any reason, including the shutting off of such supply by the Authority, nor shall the Authority be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 904. Leaking Service Line. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Authority may condemn or discontinue the service to the Premises and require that the same be repaired or replaced at the expense of the Customer.

Section 905. No Tampering; Liability. No Person, except an authorized representative of the Authority in the preference of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Authority and shall be responsible for any damage caused by escaping water.

Section 906. "Abandonment of Wells". All Premises connected to public Water System shall have all existing wells abandoned. No new wells to be drilled on land served by Public Water System. All violations are subject to penalty and fine.

## ARTICLE X

### CROSS CONNECTION

Section 1001. Cross Connection. No cross connection will be allowed to the Public Water System.

Section 1001. Discontinuation of Service Due to Cross Connection. The Authority is hereby authorized to discontinue water service after reasonable notice to any Premises where a Cross Connection

exists. The Authority may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such Premises shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge.

Section 1002. Health Hazard. The Authority shall immediately stop water service to any Customer discovered to have a Cross Connection which creates an imminent Health Hazard. Water service shall not be restored until the violation is permanently corrected.

## ARTICLE XI

### Water Supply Rates and Charges

Section 1101. The Water. The System shall be operated and maintained on a public Utility basis in Accordance with applicable Federal Regulations. All Premises that are connected to the System shall pay user charges beginning on the date of connection to the System. User charges will be established by the Authority for the purpose of recovering the cost of operation, maintenance and replacement of the System.

Section 1102. Ready to Serve Fee. Customers shall pay a Ready to Serve Fee based on the size of the meter application to the Premises, to be paid quarterly at the rate established by resolution of the Authority.

Section 1103. Billing and Collection. Bills for user charges will be rendered quarterly and will be payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall be deemed delinquent and shall bear a penalty equal to 5% of the amount due plus .5% per month of the amount due, commencing on the date the bill becomes delinquent.

No fee service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(a) Any returned check will be charged a standard returned check fee as established by banking community.

Section 1104. Authority Remedies. If Water Supply Rates and Charges are not paid on or before the due date, the Authority, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue the services provided by the Water System by disconnecting the Service Line from the Service Connection or by turning off the curb stop, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the Authority for shutting off and turning on the service, shall be paid to the Authority; (ii) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including time price differential, penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 1105 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall actions taken by the Authority to collect unpaid Water Supply Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 1105 below.

Section 1105. Lien; Assessment of Delinquent Rates and Charges on Tax Roll. The Water Supply Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Water Supply Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Authority shall certify annually all delinquent Water Supply Rates and Charges and time price differential thereon, together with an additional amount equal to 5% of the aggregate amount delinquent, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Water Supply Rates and Charges, time price differential, interest and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premises.

Section 1106. Leased Premises. Property owner is responsible for all Water Supply Rates and Charges to the Public Water System.

Section 1107. Cause for Disconnection. Applications for connection permits may be cancelled or denied and/or water service disconnected by the Authority for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Water Supply Rates and Charges.
- (c) Improper or imperfect connection and/or failure to keep Service Lines in suitable state of repair.
- (d) Damage to any part of the Water System.
- (e) Existence of a Cross Connection.

Section 1108. Turning on Following Disconnection; Security Deposit. If the water service supplied to a Customer has been discontinued for nonpayment of Water Supply Rates and Charges, service shall not be reestablished until all delinquent Water Supply Rates and Charges, including time price differential, interest and penalties, and the turn-on charge has been paid. The Authority reserves the right as a condition to reconnect said service to request that a nominal sum of one hundred (\$100.00) dollars per dwelling unit be placed on deposit with the Authority for the purpose of establishing or maintaining any Customer's credit. Upon the failure of the Customer to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Authority against the unpaid balance, including time price differential, interest and penalties. Upon notification by the Authority the Customer shall immediately make sufficient payment to the Authority to cover the amount of the security deposit so advanced. Upon failure of the Customer to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Section 1104 and 1105 of this Article shall be applicable with respect to the unpaid Water Supply Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Authority without interest and shall be returned at the Customer's request upon continued timely payments by the Customer of all Water Supply Rates and Charges as and when due for a minimum of four (4) successive quarterly billing periods.

Section 1109. On and Off Charges. Request for Water System to be turned on or off at the curb, removal / replacement of Meter will be an additional charge, at a rate to be determined by the Authority.

## **ARTICLE XII**

### **Revenues**

Section 1201. Estimated Rates; Sufficiency. The rates hereby fixed are established as sufficient to provide for Operation, Maintenance and Replacement Costs of the Water System and are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on this audit, rates for water services shall be reviewed annually and revised as necessary to meet Water System expenses.

## **ARTICLE XIII**

### **Powers of Authority**

Section 1301. Authority and Representative. Duly authorized employees or representatives of the Authority, bearing proper credentials and identification, shall be permitted to enter upon all Premises at all reasonable hours served by the System for the purpose of meter reading, inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance.

Section 1302. Inspection of Plumbing System. Duly authorized employees or representatives of the Authority, bearing proper credentials and identification, shall be permitted to enter upon all Premises

served by the System for the purpose of determining the presence of Cross Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Authority all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 1303. Customer Safety Rules. While performing the duties in Section 1301 and 1302 above, the duly authorized employees or representatives of the Authority shall observe all reasonable safety rules applicable to the Premises established by the Customer.

Section 1304. Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Authority shall consider appeals with respect to matters concerning the Water System and determine, in particular cases, whether any deviation from strict enforcement, will violate the intent of the Ordinance or jeopardize the public health or safety.

## ARTICLE XIV

### Penalties

Section 1401. Destruction of System. No unauthorized Person shall maliciously, willing, or negligently break, damage, destroy, uncover, deface, tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Service Line to any Service Connection.

Section 1402. Notice of Violation. Except for those violations named in Section 1401 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1403. Civil Infraction. Any violation of Section 1401 and 906, or any violation beyond the time limit provided for in 1402, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "Subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

Section 1404. Nuisance. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Authority in the furtherance of the public health is hereby empowered to make all necessary repairs or may enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Authority for the costs and expenses incurred by the Authority in making such repairs or taking such action.

Section 1405. Liability for Ordinance Violations. Any Person violating any of the provisions of this Ordinance shall become liable to the Authority and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Authority by reason of such violation.

Section 1406. Remedies Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

## ARTICLE XV

### Validity

Section 1501. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1502. State or Federal Law. If any provision or applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall prevail.

## ARTICLE XVI

### Publication and Effective Date

Section 1601. Publication. This ordinance or a summary thereof shall be published in The Oscoda County Herald, a newspaper of general circulation in the Township of Mentor qualified under State law to publish legal notices, within 30 days after its adoption, and shall be recorded in the County Records of Ordinances and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section 1602. Effective Date. This Ordinance shall become effective, following publication, thirty (30) days after its adoption.

## ARTICLE XVII

### Amendment

Section 1701. Amendments. Subject to the terms and conditions of the Contract, the Authority specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges, or rates herein provided.

Section 1702. Review of Water Supply Rates and Charges. The Authority shall, as often as shall be necessary, and at least annually beginning in the Authorities fiscal year ending March 31, review all Water Supply Rates and Charges and increase or decrease such Water Supply Rates and Charges, so that such Water Supply Rates and Charges shall be adequate for expenses they are intended to defray, plus reasonable amounts for contingencies and reserves.

# Ordinance 28

## Big Creek-Mentor Public Water & Sewer Ordinance

An ordinance to regulate and control the construction, installation, extension, service connection, and operation of public water and sewer mains and public water and sewer service within the Township of Big Creek, to prescribe procedures for securing such public water or sewer service and the rates and charges for the same and to provide penalties for the violation of such ordinance regulations.

**The Township of Big Creek, Oscoda County, Michigan Ordains:**

### Section 1: Title

This ordinance shall be known and hereafter cited as the Big Creek-Mentor Utility Authority Public Water and Sewer Service Ordinance.

### Section 2: Definitions

- 1.1 R.E.U.- Residential Equivalency Unit: Term used to equate the approximate number of residences a commercial customers water usage will compare too.
- 1.2 Commercial User: Shall mean any user of the system other than a residential user, or buildings used primarily as a domicile.
- 1.3 Consumer: The person, or legal entity, served by or using water supplied by the Authority.
- 1.4 Cross Connection: Shall mean a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants could possibly flow back into the water distribution system because of a reversal of flow.
- 1.5 Curb Box: A box or metal housing which encloses, protects and provides access to the curb stop.
- 1.6 Curb Stop: A valve for insertion in the service pipes, in size of three-fourths inch (3/4") to two inches (2") in diameter, inclusive, at or near the curb line.
- 1.7 Authority: Shall refer to the Big Creek-Mentor Utility Authority, a Michigan Municipal Corporation.
- 1.8 Authority Board: Shall mean the governing body of the Big Creek-Mentor Utility Authority.
- 1.9 Inspector: The Oscoda County plumbing inspector.
- 1.10 Lot: Shall mean a parcel of land occupied or intended to be occupied by a main building. A lot may or may not be specifically designated as such on public records.
- 1.11 Meter Pit: Any approved box or vault for the housing of a water meter.
- 1.12 Permit tee: A consumer or his agent receiving a permit from the Authority allowing a connection to be made to the water or sewer system.
- 1.13 Person: Shall mean any individual, firm, partnership, association, public or Private Corporation or public agency or instrumentality or any other entity receiving water and/or sewer service.
- 1.14 Premises: Shall mean each lot or parcel of land or building having any connection to the water and/or sewer system.
- 1.15 System: Shall mean the Public Water and/or sewer system.

- 1.16 Tap: The drilling and threading of an opening in a main for insertion of a corporation stop.
- 1.17 Water Connection: Shall mean the part of the Water Distribution System connecting the water main to a point terminating at a meter or meter pit or vault.

### Section 3: Procedure

#### A. Application-

Any person, firm or corporation desiring public water or sewer service shall file an application therefore with the Big Creek-Mentor Utility Authority Board, containing the name and address of the applicant; a description of the land or premise to be serviced; the nature of the use anticipated for the water and the nature and/or type of waste to be discharged; the size of the water service connection pipes desired; the distance, if known, that the property is located from any existing public water or sewer main; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay in advance for the necessary water and/or sewer main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years, together with interest and the administrative costs. Such application may take the form of a petition if several different persons are jointly interested in a particular project.

#### B. Special Assessment District-

In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed water or sewer main, special assessment proceedings shall be instituted under Michigan Public Act 188 of 1954, as amended, (MSA Section 5.2770(51), etc.), to accomplish the requested project and if successful, the necessary system will be installed by the township following the completion of such proceedings and the obtaining of the necessary funds therefore.

#### C. Cash Deposit-

1. In the event an applicant desires to deposit with the township the total cost of the necessary project to furnish the requested water or sewer service, as determined the township board, the applicant may do so under a contract with the township, whereby the utility authority will supervise and/or construct the installation, in accordance with the design standards of the Big Creek-Mentor Utility Authority.

2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from connection charges collected by the utility authority from those connecting to the water or sewer main, who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a period of seven years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The amount of the connection charge shall be



in the discretion of the Big Creek-Mentor Utility Authority Board but should approximate the amount a connector would have paid on a benefit assessment basis, had his property been included in a water or sewer special assessment district created for the purpose of financing the project. The term "connection charge" as used in this ordinance pertains to a charge for the privilege of connecting premises to a water or sewer main and does not pertain to the construction cost of such connection.

3. The amount of refund, if any, to an applicant, per connection charge collected by the utility authority shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total refund shall never be greater than the total cost of the project charged to the applicant.

4. No service connection nor main extension shall be allowed until the full charge has been paid to the Big Creek-Mentor Utility Authority in such an amount as is determined for each project by the utility authority board and the plumbing to be connected has been fully inspected and approved by the Oscoda County Building Department as in compliance with the building codes of the county. Such charges may be adjusted from time to time by the utility authority board to reflect changes in construction costs and to maintain a uniform charge between different current projects and special assessment districts. The Big Creek-Mentor Utility Authority reserves the right to install any required service connection or main extension, to subcontract the same to any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the utility authority.

5. Any contract with an applicant shall contain, in addition to the foregoing the following:

- a. A description of the district within which extensions or connections may be made to the system, entitling the applicant to a refund of a portion of their initial project cost.
- b. A map disclosing the design of the system and the location of the mains, valves, fittings and all other accessories thereto which are to be installed.
- c. A description of the area if any, within which no connection charges are to be made by the utility authority and no refunds are to be made by the applicant.
- d. The amount and condition of any performance bond which shall be required in the event the installation is to be made by any one other than the utility authority, said performance bond shall be 150% of the total cost of the installation, All work shall be performed in a proper and workman like manner in accordance with the plans and specifications of the utility authority. The contractor shall provide satisfactory evidence of the fact the project is free of present and future liens of contractors, subcontractors and material men prior to the release of any performance bond which shall not be released prior to the expiration of 90 days from the final completion of work or supply of materials.

- e. The amount and condition of any public liability and property damage insurance which shall be required to insure the townships and utility authority in the event the installation is to be made any one other than the utility authority, which shall be not less than \$300,000 and \$500,000 respectively.
- f. The amount, if any, to be paid to the utility authority for administrative, legal and engineering cost or for the value of the availability of the water or sewer to which the property of the applicant is to be connected.

#### Section 4 Regulations

- A. Sewer and water rates-  
No free public sewer and water service shall be allowed and all those properties connected to a public water or sewer system shall be subject to the payment of such water and/or sewer rates and charges as shall be determined by the utility authority board.
- B. Termination of service-  
The utility authority shall have the right to terminate any water or sewer service to any premises within the utility authority when any delinquency exists with respect to any sewer or water payments due under this ordinance or otherwise, or where any premises does not comply with all the plumbing codes of the county and with any and all restrictions and limitations on the use of the particular water or sewer service imposed by the utility authority board.
- C. Lien Rights-  
All delinquent rates and charges for water and/or sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as construction liens for non-payment, or after six months' delinquency, may be certified to the supervisor and assessing officer of the township annually, on or before March 1<sup>st</sup> of each year and entered by him upon the next tax roll against the property served, for collection in the same manner as the collection of taxes.
- D. Turn On-  
No person other than an authorized employee of the utility authority shall turn on or off any water service to any public or private premises at the curb box connection of said premises to the water main.
- E. Water Meters-  
All premises connected to a public water system shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water and/or sewer charges.
- F. Surplus Funds-  
Any surplus funds collected from water or sewer service or from capitol improvements or extensions thereto shall be deposited into a water and sewer improvement revolving fund of the Big Creek-Mentor Utility Authority for use in further extending, improving, repairing, relocating and/or financing the public

water and/or sewer systems of the authority and/or repaying Big Creek and Mentor Townships for funds provided to the authority for operation and start up.

G. Unreasonable burden of sewage-

In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the public primary or secondary treatment plants treating such sewage above that imposed by the average sewage entering such treatment plants the township shall have the option to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby; to require the customer to pre treat such sewage in such manner as the township may order before the same enters the public system; and to terminate sewer service to any premises which fails to comply with the foregoing.

H. Time Element-

Any premises within 200 feet of a public sewer main requiring sewage disposal service, shall be connected to the abutting sewer system within three years following the installation of said system or at such earlier time as the private sewage disposal system serving the premises requires replacement, a new field, new dry well, or new septic tank. Waste water and sewage disposal facilities in all buildings hereafter constructed shall be connected to the public sewer system if sewer mains are located in the abutting street at the boundaries of the site at the time of construction. New plats and subdivisions shall be developed with public water and/or sewer mains at the time of street construction if public water and/or sewer service is available at or near the boundaries of the plat or subdivision. The township board shall have the right to determine whether the service is sufficiently near to require such public service main installation.

I. Cross Connections-

No cross connections between any private water system and the township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private system.

J. Water Service Connections-

1. General: where in the determination of the BCMUA board, public water service is reasonably available to a particular building in which water service is required, no new private wells shall be drilled to provide such water supply and such buildings shall be connected to the public water system, either at the time of construction, when the existing private well, if any, requires re-drilling, or at any time, in the determination of the District #2 Health Department, a health hazard exists or is fairly imminent from the existing water supply.
2. Size and Installation: All water service connections from the public transmission main to the required water meter shall not be less than 1 inch in size and shall be installed by the BCMUA which public highways exist and/or are disturbed by the construction and shall be installed at the expense of the property owner, computed to the center of the abutting highway. All such water service connections required by any customer to

- be in excess of 1 inch in size shall be installed and furnished by said authority at the full expense of the customer requiring the same.
3. Under-Road Connections: In all residential subdivision developments hereafter commenced or extended where, in the determination of the township board, public water service is reasonably available and therefore required, one service connection of not less than 1 inch in size shall be installed under the abutting right of way to the center of each lot or building site fronting on the opposite side of such right of way and terminating in the right of way, not more than seven feet from the property line.
  4. Use of flush hydrants: No flush hydrant shall be used for any purpose other than fire protection without the prior approval of the utility authority.
- K. Plans and permits- No public water or sewer main construction shall be commenced until all plans and specifications therefore have been submitted to and approved by the utility authority and all required state, county and municipal permits have been obtained.
- L. District health department certificate- No public water mains shall be made or become operational until the water flowing there from has been certified as safe and free of any harmful contamination by the district health department and a written certificate attesting thereto is on file with the utility authority.
- M. Preliminary deposit- All applications for public water or sewer service other than by petition for a special assessment district, requiring preliminary engineering analysis, review, and plans, shall be accompanied by a cash deposit with the authority in such amount as shall be determined by the utility authority board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.
- N. Printed regulations- The utility authority board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for both public water and sewer service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the township.
- O. Utility Board- The Big Creek-Mentor Utility Authority will have authority to decide all questions which might arise in the interpretation, enforcement, and application of the within ordinance and to grant variances from the requirements thereof where, in its opinion, the health, safety, and general welfare of the township would not be thereby impaired and the spirit and purposes of the within ordinance would continue to be served.

#### **SECTION 5: PENALTY**

Any violation of the provisions of this ordinance shall constitute a misdemeanor, punishable by a fine of up to \$100 and/or imprisonment in the county jail for up to 90 days. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to the right of termination of public water and/or sewer service to a violator and the right to obtain injunctive relief in a court of law:

**SECTION 6 SAVING CLAUSE:** In any section, paragraph, clause or provision of this ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this ordinance, which shall remain in full force and effect.

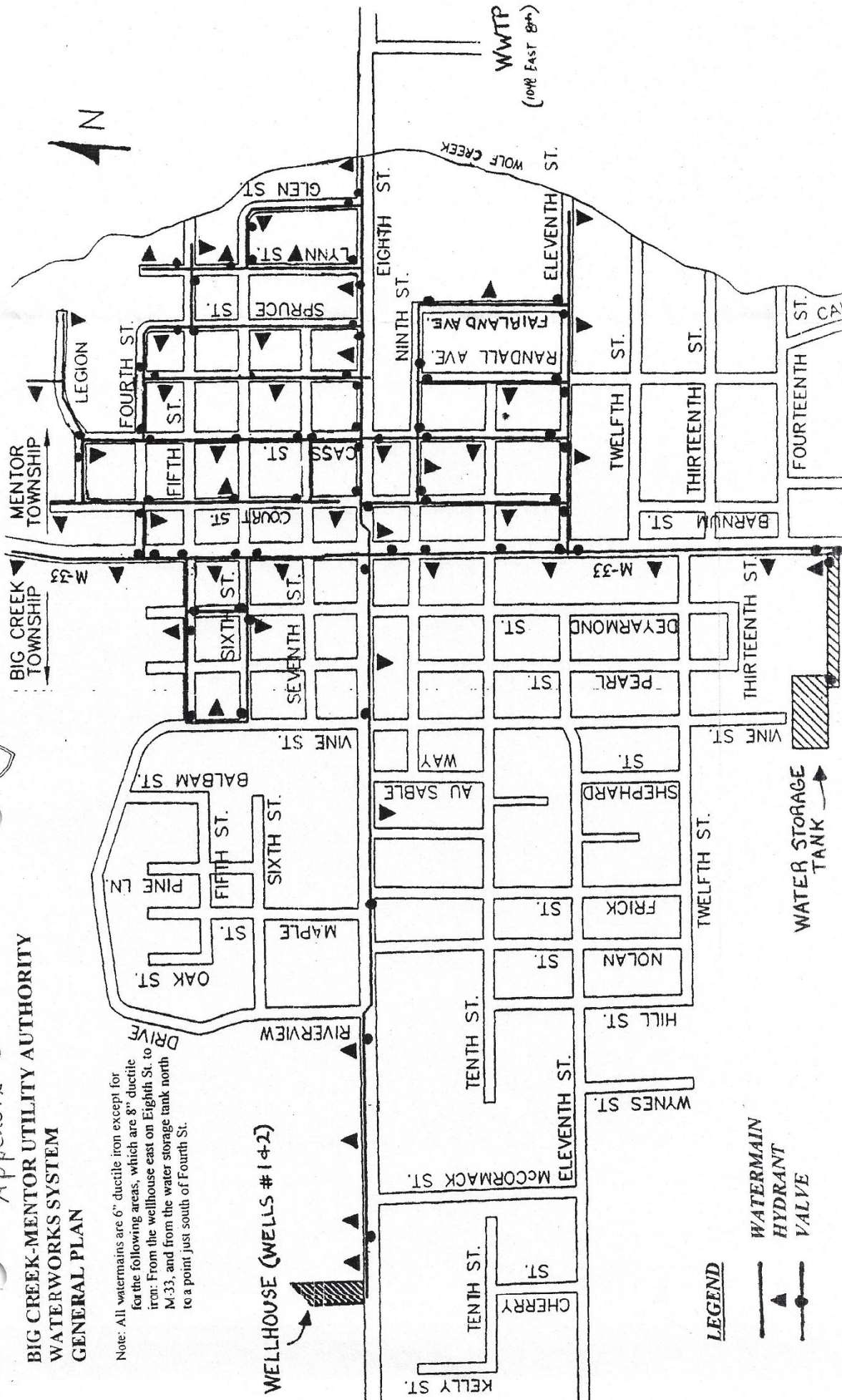
**SECTION 7 EFFECTIVE DATE:** This ordinance shall take immediate effect. All ordinances in conflict are hereby repealed.

Appendix I

**BIG CREEK-MENTOR UTILITY AUTHORITY  
WATERWORKS SYSTEM  
GENERAL PLAN**

Note: All watermains are 6" ductile iron except for the following areas, which are 8" ductile iron: From the wellhouse east on Eighth St. to M-33, and from the water storage tank north to a point just south of Fourth St.

**WELLHOUSE (WELLS # 1 & 2)**



**LEGEND**

- WATERMAIN
- ▲ HYDRANT
- VALVE

### **Section 3: Appointments and Terms**

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership 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.

One member of the township board shall be appointed to the planning commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township is eligible to be a member of the planning commission.

### **Section 4: Removal**

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

### **Section 5: Conflict of Interest**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

(a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as (*see note below*);

***MCL 211.28:*** *A spouse, mother, father, sister, brother, son, or daughter, including an adopted child.*

(b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

(c) The planning commission member owns or has a financial interest in neighboring property;

For the purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request

(d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

#### **Section 6: Compensation**

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

#### **Section 7: Officers and Committees**

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

#### **Section 8: Bylaws, Meetings and Records**

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

#### **Section 9: Annual Report**

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

#### **Section 10: Authority to Make Master Plan**

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.



**Section 11: Zoning Powers**

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the MENTOR Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

**Section 12: Capital Improvements Program**

***Planning commission adopts capital improvements plans:***

To further the desirable future development of the Township under the master plan, the Planning Commission, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

**Section 13: Severability**

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

**Section 14: Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the MENTOR Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

**Section 15: Effective Date**

This ordinance shall take effect on the date of its publication.

**CERTIFICATE**

The undersigned, as the duly elected and acting clerk of the township, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on \_\_\_\_\_, and that copies of the ordinance were transmitted and published as directed.

\_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Township Supervisor

**ORDINANCE # 29**  
**MENTOR TOWNSHIP - OSCODA COUNTY**

**Ordinance to Confirm the Establishment of a  
Planning Commission with Zoning Authority**

**Preamble**

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

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN, ORDAINS:

**Section 1: Scope, Purpose and Intent**

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the MENTOR Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the MENTOR Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

**Section 2: Establishment**

The township board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the MENTOR Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq. The MENTOR Township Planning Commission shall have 5 members. Members of the MENTOR Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

TOWNSHIP OF MENTOR  
OSCODA COUNTY, MICHIGAN

RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES AUTHORIZED BY PA 281 OF 2016

RESOLUTION NO. 2017 -2

DATED: November 20th, 2017

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..."; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Mentor Township, Oscoda County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. Mentor Township, Oscoda County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a "marihuana facility shall not operate in the Township"; and
3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety

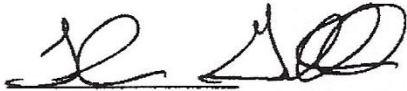
compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and
6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member Hoffman, supported by Board member Trim at a regular meeting of the Mentor Township Board on November 20<sup>th</sup>, 2017. The members of the Township Board voted b Roll Call as follows:

Hoffman, Yea  
Kerschenheiter, Yea  
Trim, Yea  
Galbraith, Yea  
Wyckoff, Yea

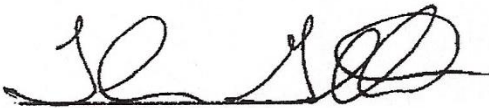
The TOWNSHIP SUPERVISOR Wyckoff declared the RESOLUTION duly adopted.



Thomas Galbraith, Mentor Township Clerk

#### CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Mentor Township Board held on November 20<sup>th</sup>, 2017 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.



Thomas Galbraith, Clerk

Township of Mentor, Oscoda County, Michigan

MENTOR TOWNSHIP  
November 20, 2017  
REGULAR MONTHLY MEETING  
7:00 p.m.

The regular monthly meeting of the Board of Mentor Township, was called to order by Supervisor Wyckoff , 7:00 p.m. at the Mentor Township Hall. Roll call of Officers: Supervisor Wyckoff, Clerk Galbraith, Treasurer Trim, Trustee Hoffman, Trustee Kerschenheiter Present

Trim/Hoffman: Motion to approve the minutes for the October 16, 2017 Regular Meeting **Approved.**

Financial report – Submitted by Treasurer Trim

Assessor report – Entering new construction – Assessor Monk reported

Zoning report – 49 permits for the year, No complaints, – Zoning Administrator Hoffman reported

Fire report – No Fire Runs – December 13<sup>th</sup>, 2017 McKinley will host the Firemen's association meeting. Reported on reinstatement of Ron Riedel to the active roster. Fire Chief Scott Lawrence reported

Kerschenheiter/Hoffman : Motion to reinstatement of Ron Riedel to the active roster for the McKinley Fire Department, with a 120 day probation. **Approved.**

Discussion on new fire policy for McKinley Fire Department

Discussion on the cost of New Turn out gear for the Tri Town Fire department

Discussion on TOPLINE electric fixing the streetscape lights on Main street

Discussion on Bids for tree removal and stump removal at Mentor Township Cemetery

Hoffman/ Trim: Motion to adopt Resolution 2017-2 , Resolution Regarding Medical Marihuana Facilities Authorized By PA 128 of 2016. Roll Call Vote Wyckoff Yes, Galbraith Yes, Trim Yes, Hoffman Yes. Kerschenheiter Yes. **Approved.**

BOARD OF REVIEW MEETING December 12<sup>th</sup>, 2017

Hoffman/Trim: Motion to pay township bills, as presented on vouchers # 15239 -15276 **Approved.**

Trim/ Kerschenheiter: Motion to adjourn at 7:45 p.m. **Approved.**

**Thomas Galbraith, Mentor Township Clerk**

## What's allowed—and what's not—for individuals?

The new law allows an individual who is at least 21 years old to possess, use, consume, purchase, transport or process up to 2.5 ounces of marijuana. Of this, no more than 15 grams can be in the form of marijuana concentrate. A person may also give this amount free to another individual who is at least 21 years old. As long as it's within a person's home, up to 12 marijuana plants at one time may be cultivated for personal use. Up to 10 ounces of marijuana, plus any marijuana produced by the plants, may be kept at home, as long as amounts over 2.5 ounces are stored securely.

Recreational marijuana will be regulated similarly to alcohol—the substance is banned for those under 21, it cannot not be consumed on school property, and operating any type of vehicle while under its influence is illegal. It also cannot be consumed or smoked in a public place, except for areas designated for marijuana use that aren't accessible to people under 21.

Marijuana plants cannot be grown if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids, or are outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area. (Note: This is not a complete list of unlawful activities for individuals involving recreational marijuana).

## What about recreational marijuana establishments?

"Recreational marijuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marijuana use. LARA must develop rules to implement the act within a year of the Dec. 6 effective date. No recreational marijuana establishment will be lawfully licensed in a township in the meantime.

Townships may ban or limit any marijuana facilities from their jurisdictions, and also regulate hours, locations and other key aspects of the businesses. **However, unless a township passes an ordinance opting out**, the state will issue a license to qualified marijuana facilities seeking to locate there.

There is no legal advantage or disadvantage to adopting an ordinance now compared to waiting to see how LARA implements the new licensing program. Note that a regulatory ordinance a township adopts to allow, limit or prohibit recreational marijuana establishments will still be subject to potential referendum (petition to place it on a ballot at an election to be approved or disapproved) at any time in the future.

Township boards should work with their township attorney for specific guidance on the pros and cons of different approaches to recreational marijuana establishments. And a township that is considering amending its zoning ordinance regarding recreational marijuana establishments

should work directly with its township attorney for guidance on how and when to do so.

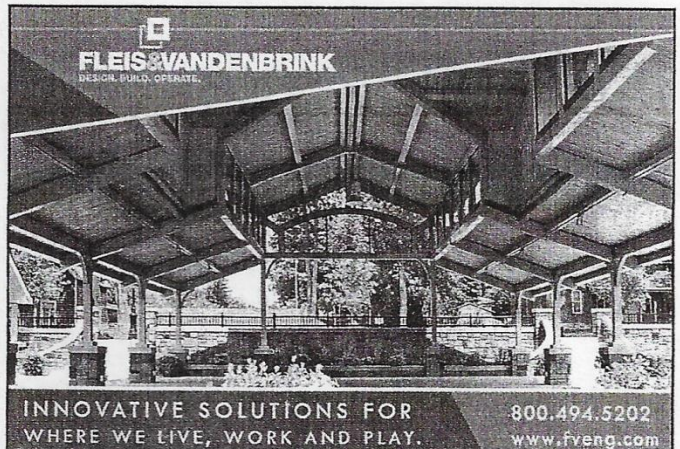
MTA does not advise townships to take a specific approach to recreational marijuana establishments; that is a local authority policy decision that each township board may make based on your community's interests and needs. MTA is not currently providing an ordinance to permit recreational marijuana establishments because LARA has up to a year to adopt rules to spell out the state licensing process and things could change in that time, and we anticipate there will be variations between municipalities. Townships can look at the sample ordinance to "opt in" to medical marijuana facilities, available from MTA, to see a basic model of a permitting ordinance that your township could adapt, working with your township attorney, to permit recreational marijuana facilities.

## Additional resources available

To help township boards consider their options under the new law, MTA has developed an informational packet, *Townships & Marijuana Regulation after Proposal 1 of 2018*, available on "Marihuana-Marijuana" webpage the members-only section of [www.michigantownships.org](http://www.michigantownships.org) (after logging in, access via the "Index of Topics" under the "Answer Center" tab). The packet includes the text of the proposal and MTA's Sample Ordinance to Prohibit Recreational Marihuana Establishments, along with additional information on both recreational and medical marijuana.

In addition, the 2019 Annual Educational Conference will include an educational session on "Medical vs. Recreational Marihuana: Clearing the Air," taught by MTA Legal Counsel David Revore, with the firm Bauckham, Sparks, Thall, Seeber & Kaufman, PC. Check out the Conference registration brochure in this issue of *Township Focus* for additional information. MTA-member officials may also contact MTA's Member Information Services Department at (517) 321-6467 with questions.

We will continue to keep members updated as this issue evolves.



**TOWNSHIP OF MENTOR  
COUNTY OF OSCODA, STATE OF MICHIGAN**

**ORDINANCE NO. 2019-1**

**ADOPTED: May 20, 2019**

**EFFECTIVE: June 20, 2019**

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS  
ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Township of Mentor pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE TOWNSHIP OF MENTOR**

**OSCODA COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
TITLE**

This ordinance shall be known as and may be cited as the Mentor Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II  
DEFINITIONS**

A. "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs.

B. "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

C. "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

D. "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer

marihuana to marihuana establishments.

E. "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

F. "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

G. "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

### **SECTION III** **NO MARIHUANA ESTABLISHMENTS**

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

### **SECTION IV.** **VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance.

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

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

### **SECTION V** **SEVERABILITY**

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



**SECTION VI**  
**REPEAL**

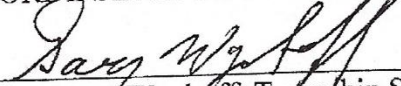
All ordinance or parts of ordinances in conflict herewith are hereby repealed.

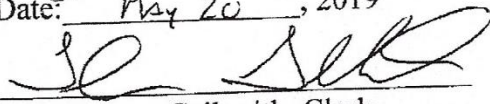
**SECTION VII**  
**EFFECTIVE DATE**

This ordinance shall take effect 30 days after the first publication of the ordinance, which publication shall occur within 30 days after the passage of the ordinance.

Ayes: 4  
Nays: 1  
Absent: 0

ORDINANCE DECLARED ADOPTED.

  
By: Gary Wyckoff, Township Supervisor  
Date: May 20, 2019

  
By: Thomas Galbraith, Clerk  
Date: May 20, 2019

TOWNSHIP OF MENTOR  
County OF OSCODA , STATE OF MICHIGAN

ORDINANCE NO 2019 -2

ADOPTED 5-20-2019

EFFECTIVE 7-12-2019

**Fire Run Cost Recovery Ordinance**

An ordinance to establish cost-recovery charges and exemptions for fire department and other emergency services under Public Act 33 of 1951, as amended (MCL 41.801, et seq.), and to provide methods for collecting those charges.

THE TOWNSHIP OF MENTOR, OSCODA COUNTY MICHIGAN, ORDAINS:

**Section 1: Purpose**

This ordinance is adopted to enable the Township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection and other emergency services provided by the Township. It is the further purpose of the ordinance to provide for full funding of the Township's fire protection and other emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Township.

**Section 2: Cost-Recovery Charges**

The following charges are due and payable to the Township from a recipient of any of the following listed fire protection and other emergency services from the Township:

Downed power line or other non-HAZMAT public utility hazard response  
\$ 200.00 for each truck responding and prevailing wage for each Firefighter

**Section 3: Time for Payment for Run**

All of the foregoing charges are due and payable within 30 days from the date the service is rendered and, in default of payment, are collectible through proceedings in district court or in any court of competent jurisdiction as a matured debt.

**Section 4: Exemptions**

The following properties and services are exempt from the foregoing charges:

- A. False alarms
- B. Calls involving Township buildings, grounds and/or property
- C. Fire or other emergency service performed outside the jurisdiction of the Township, unless the township and the other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.

**Section 5: Collection of Charges**

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

**Section 6: Non-Exclusive Charge**

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

**Section 7: Multiple Property Protection**

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

**Section 8: Severability**

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

**Section 9: Effective Date**

This ordinance shall take effect 30 days after the first publication of the ordinance, which publication shall occur 30 days after the passage of the ordinance. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

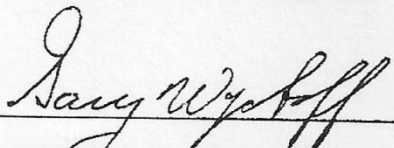
YES: GARY WYCKOFF, THOMAS GALBRAITH, JOAN TRIM, GEORGE KERSCHENHEITER, ROBERT HOFFMAN

NO: None


Thomas Galbraith, Clerk

TOWNSHIP OF MENTOR  
Adopted by the board 5-20-2019  
Publication Date 6-12-2019  
Effective Date 7-12-2019

ORDINANCE DECLARED ADOPTED



By: Gary Wyckoff, Township Supervisor



By: Thomas Galbraith, Township Clerk