

**MARION TOWNSHIP PLANNING COMMISSION**  
**AGENDA**

REGULAR MEETING  
June 27, 2017  
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR:            *June 27, 2017 Regular Meeting*

APPROVAL OF MINUTES FROM:        *April 25, 2017 Regular Meeting*

CALL TO THE PUBLIC:

OLD BUSINESS:

- 1) Nuisance/Noise Ordinance Review – requested by Township Board*
- 2) Update Master Plan – Chapter Two – Demographics*

NEW BUSINESS:

CALL TO THE PUBLIC:

ADJOURNMENT:

DRAFT

Approved by: \_\_\_\_\_  
Larry Grunn, Chair

**MARION TOWNSHIP  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 25, 2017  
7:30 P.M.**

**MEMBERS PRESENT:** LARRY GRUNN, CHAIR  
BOB HANVEY  
BRUCE POWELSON, VICE CHAIR  
CHERYL RANGE, SECRETARY  
CLAIRE STEVENS

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR

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**CALL TO ORDER**

Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the agenda as submitted. Bruce Powelson seconded. **Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves.

**CALL TO THE PUBLIC**

Larry Grunn opened the call to the public.

No response.

Larry Grunn closed the call to the public.

**APPROVAL OF MINUTES**

**February 28, 2017 Public Hearing & Regular Meeting**

Claire Stevens asked that a comment she made be clarified. Cheryl Range motioned to approve the February 25, 2017 minutes as amended. Bruce Powelson seconded. **Motion Carried 5-0.**

# DRAFT

## **OLD BUSINESS**

### **Livingston County Department of Planning – Informal discussion**

Sylvia Kennedy-Carrasco and Rob Stanford attended the meeting tonight to introduce themselves to the Marion Township Planning Commission members and give an overview of the Livingston County Department of Planning.

Rob Stanford talked about his co-workers and the number of years they have been working for County Planning. He summarized a current project to update the County Master Plan and how it will differ from previous Master Plans. This Master Plan will put the local municipalities in the driver's seat regarding issues such as transportation and development focusing on best management practices and place making. They hope it will be a resource for communities. The Livingston County Department of Planning staff take others opinions seriously and appreciates input from Planning Commission members and Board of Trustees. The first three draft chapters are complete and ready to submit to the Livingston County Planning Commission for review and comment.

Rob invited all to attend the Livingston County Planning Commission meetings. They meet on the third Wednesday of every month, start time is 6:30. The meeting are held in the Board Chambers on the second floor of the Administration Building next to the historic court house.

Sylvia Kennedy-Carrasco told the Planning Commission members she is a resident of Marion Township and summarized her sixteen year history with the Livingston County Department of Planning. She thanked the Planning Commission members for their service to Marion Township and thanked the audience members for participating in township governance.

## **NEW BUSINESS**

### **Review of Special Use Permit # 01-17 – Section 17.33 Agricultural Tourism - Witkowski – 3111 Pinckney Road**

Larry Grunn asked John Enos to summarize his review letter.

John Enos noted that Marion Township adopted Agricultural Tourism language in July of 2016. Agricultural Tourism proposals are submitted under Special Use Permits and subject to Site Plan Review requirements. Agricultural Tourism is allowed in the Rural Residential district. There are multiple types of agricultural tourism, one example is a winery.

The applicant's submittal called out many activities. The Site Plan submitted is lacking information that helps the Planning Commission to make a recommendation. A site plan is an important document that will show future Marion Township Officials and employees what was approved and allowed on the property.

John asked the applicant and Planning Commission members to consider the event building as a key issue. This building is already in place. The Zoning Ordinance clearly states that the applicant shall show the relationship of the agri-business use to the primary agricultural use on the site and the final decision as to the use being agri-based shall be made by the Board of Trustees, unless protected by the Michigan Right to Farm Act, as amended. The Board of Trustees will determine if the event building is directly related to the agricultural use of the site. He doesn't want the applicant to spend time and money when the Board of Trustees may not think the event building is related to the agricultural use of the site.

John is recommending the Planning Commission make a recommendation to the Board of Trustees to interpret the event building in relationship to the agricultural use.

Bob Hanvey asked Rob Stanford to define the concept of placemaking for the Planning Commission members.

Rob said the concept is to identify a use in the community that is unique, that the community can highlight. An example is the Town Square in downtown Howell that is used by different agencies and groups.

## DRAFT

Bob added, to create a place people want to live work and play.

Bob Hanvey feels this applicant has provided proof of agricultural tourism use as incidental to the farm. He asked if the other Planning Commission members agree. Bruce Powelson said he did. The other Planning Commission members didn't respond.

John Enos asked will this use be in line with Marion Township's Master Plan in relationship to rural character. John thinks this discussion and decision is not a job for the Planning Commission, it is for the Board of Trustees.

Larry Grunn asked if this is being reviewed tonight as a preliminary site plan. Carlisle/Wortman's review letter has multiple outstanding issues.

Sally Witkowski gave the Planning Commission members a brochure they will use to market the use of the property. They have modified the scope of the project. The arena is for her daughter, she uses it to teach children. They will remove the riding arena from the site plan. She feels what they want to do is more of a Home Occupation Class II, more aligned to their project. They are just having people to the property. The only comment from the Livingston County Drain Commission is to show the 80' easement that runs through the property. They are more than willing to comply with the requirements of the Howell Area Fire Authority and Livingston County Department of Environmental Health. They will work on lighting. She pointed out that the Planning Commission can pass this project with conditions.

Bob Hanvey asked if soils maps are necessary.

John Enos said this is a requirement in the Zoning Ordinance.

Bob Hanvey told Sally Witkowski that some of the requirements she doesn't think are necessary are in fact necessary.

John Enos said that the agricultural use of the site such as u-pick orchards, and the cattle, are permitted by right. What this comes down to is the event building. Let the Board of Trustees make that decision.

Bob Hanvey said a vital part is taking people around the farm, all 350 acres. Remember, the event building is their home.

Cheryl Range thought the soils map requirement was related to the Howell Area Fire Authority ability to maneuver the heavy equipment around the site. She asked the applicant how they plan to move visitors, specifically a wedding party around the site. Will they use golf carts? She cannot picture bridal parties and their guests moving around a farm in high heels and fancy dresses.

Jim Witkowski answered, the bridal party is taken around the farm on a hay wagon pulled by a tractor at rehearsal.

John Enos reiterated, if the Board of Trustees approves of the event barn the Planning Commission will have a handle on the review.

John Enos asked if the majority of the food served in the event barn will come from the site.

Jim Witkowski answered, for now just the beef, later on they'll transition into growing vegetables in a greenhouse.

Bob Hanvey motioned to recommend preliminary approval of the Special Use Permit # 01-17, for Agricultural Tourism submitted by AJR Group and Cornerstone. The recommendation is based on information submitted with the application which clearly shows the relationship of the requested uses as incidental to and supportive of the principal agricultural use of property. Bruce Powelson seconded. Roll Call; Claire Stevens, yes; Cheryl Range, no; Larry Grunn, yes; Bob Hanvey, yes; Bruce Bowleson, yes. **Motion Carried 4-1.**

DRAFT

**Nuisance/Noise Ordinance Review – requested by Township Board**

The Board of Trustees has asked the Planning Commission to review the materials submitted by Greg Durbin, Trustee.

Cheryl Range is in favor of adopting the language submitted from Michigan Compiled Laws.

Bob noted that Marion Township will have to make financial arrangements with the Livingston County Sheriff Department and Michigan State Police. This could be done on a case by case basis and Marion Township would pay an hourly rate.

John Enos suggested this be a General Ordinance and Marion Township should keep the text simple and vague.

Bob Hanvey said the Board of Trustees may consider implementing a civil infraction bureau.

Claire Stevens is struggling with the need. She would like to hear of instance in Marion Township where this would have worked. Specific to the noise ordinance.

It was suggested to keep violations regulated by other agencies out of the Marion Township ordinance to simplify.

No action was taken on this agenda item.

**CALL TO THE PUBLIC**

Larry Grunn opened the call to the public.

Greg Durbin, Trustee, summarized the paperwork he submitted and did not want the Planning Commission members mislead. What he submitted was just a sample for other jurisdictions. His intent wasn't to adopt the language he submitted. He offered to help the Zoning Administrator to research and compile language.

Larry Grunn closed the call to the public.

**ADJOURNMENT**

Cheryl Range motioned to adjourn the meeting at 8:38 p.m. Claire Stevens seconded. **Motion Carried 5-0.**

## MEMO

TO: Planning Commission Members  
FROM: Annette  
DATE: June 21, 2017  
SUBJECT: Proposed amendment to General Ordinance

Attached is language that was sent in your April 25, 2017 package. No changes have been made to the materials. Bob Harvey will give an update at the meeting.

## WWTP OPERATIONS/LIFE STATION COMMUNICATIONS

Tammy Beal said that, according to Bob Hanvey, there is no new information on this agenda item.

Phil Westmoreland said he talked with a mechanical contractor who feels he can get the ozone generator working properly. Les Andersen motioned to approve funding for the mechanical contractor and the engineer, not to exceed one day. Greg Durbin seconded. Roll call vote: Lowe, Durbin, Beal, Lloyd, Stokes, Andersen—all yes. **Motion carried 6-0.**

## CRYSTALWOOD

A map and construction estimate for the three sections of roads within the development is included in the packet. Phil Westmoreland said his recommendation would be to wait until it's closer to completion. Dan Lowe said he thought they were going to take the road completely out and reconstruct. Mr. Westmoreland will re-estimate based on that information.

## ROADS

Les Andersen motioned to approve the project agreement for Jewell Road as amended and authorize the clerk and/or supervisor to sign the agreement. Duane Stokes seconded. Roll call vote: Stokes, Beal, Andersen, Lowe, Lloyd, Durbin—all yes. **Motion carried 6-0.**

Tammy Beal reported that the LCRC will begin work on D-19 from north of Coon Lake Road to Oak Bark on June 15, weather permitting.

## NEW ELECTION EQUIPMENT

Les Andersen motioned to adopt a resolution authorizing the clerk to sign the grant agreement with the Michigan Department of State for the purchase of new voting equipment utilizing Federal HAVA and State appropriated funding, and to purchase an additional machine and the necessary peripherals for approximately \$6,000. Scott Lloyd seconded. Roll call vote: Lowe, Durbin, Lloyd, Stokes, Andersen, Beal—all yes. **Resolution passed 6-0.**

## RECYCLING

Due to the cost of the service, the board agreed to take no action and the pilot project will discontinue on June 23, 2017. Tammy Beal said that Bob Hanvey is still discussing a special assessment with the Drain Commissioner's office.

## NUISANCE/NOISE ORDINANCE

Tammy Beal said she talked with the undersheriff and he said the township needs a nuisance ordinance. Greg Durbin said he met with a deputy who said the owner of the property needs to send a letter to the sheriff's department and the state police requesting enforcement. Ms. Beal will contact Manny Kianicky of S.R. Jacobson and ask him to write a letter and to also ask for gates and better signage.

Mike Goral is looking into what can be done about "jake" braking; an ordinance will need to be written.

## FILLMORE PARK RESOLUTION

Les Andersen motioned to adopt a resolution authorizing the supervisor and clerk to sign the participating agreement and pay \$3,000 to the county in match assistance for funding of Fillmore County Park, as presented. Greg Durbin seconded. Roll call vote: Lowe, Lloyd, Beal, Durbin, Andersen, Stokes—all yes. **Resolution passed 6-0.**

## NUISANCE/NOISE ORDINANCE

Greg Durbin said the township needs an ordinance in place for nuisance situations. He provided the board members with some information he had gathered that could be used to create a nuisance ordinance.

Bob Hanvey passed out the verbiage from the existing state law, which seems to cover these types of situations.

Dan Lowe said the township also needs to have something prohibiting engine braking. Les Andersen motioned to have the Planning Commission reviews these items. Duane Stokes seconded. **Motion carried.**



## **Zoning and police power ordinances are not the same, and should not be mixed together**

**There are three types of ordinances local government might adopt. Important to focus on the difference between police power ordinances and zoning ordinances.**

Posted on June 19, 2014 by Kurt H. Schindler, Michigan State University Extension

An ordinance is a law adopted by a township, village, city or county. There are different types of ordinances that a local government might adopt, and the process and procedures to adopt each are very different. There are generally three types of ordinances:

- Police power ordinance (sometimes just called “an ordinance”)
- Zoning ordinance
- Budget or appropriations ordinance (also known by other names) (might also include personnel rules, or addressing for 9-1-1.)

In Michigan, local governments do not have authority to do anything unless the state legislature delegates that authority. General police power ordinance authority is extended to Michigan’s municipalities (township, village and city). But counties have very limited –almost no – police power ordinance authority. All governments have the ability to adopt ordinances dealing with internal affairs, such as adopting the annual budget. That ordinance would include the budget amounts for that government, and may also include the rules and policies for management of the budget through the coming year.

A zoning ordinance can be adopted by a township, village, city or county. The authority from the state for zoning comes from the Michigan Zoning Enabling Act (MZEA). Often, Michigan State University Extension educators are explaining the difference between a zoning ordinance and a police power ordinance.

There is a difference. Knowing which is which is very important. It is important not to go too far in mixing elements of each together. This is because the process to create and adopt a zoning ordinance (hearings, notices, based on a plan, appeals, nonconformities and much more) is designed to place many legal due process and property rights protections on zoning. This is because zoning regulates the use of land, and as a nation we value private property rights. So when government regulates land use, there are many more hoops through which the regulators need to jump. Police power ordinances do not have as rigorous of a process. As a result, if a government in fact regulates land use, but adopts the ordinance as though it is, and calls it a “police power ordinance” courts are not likely to uphold it. So, then, what is the difference between police power and zoning ordinances?

First, a zoning ordinance must be based on a master plan. That master plan has to be adopted pursuant to the Michigan Planning Enabling Act. Police power ordinances do not have such a requirement. The process of adopting a master plan also has those same safeguards: a process that involves public involvement, hearings, notices and much more. (See the article “Consider

government planning at two levels: internal plans and plans for the entire community” to learn the difference between master plans and local government’s internal plans.)

Local government has the authority to adopt police power ordinances regulating the public health, safety and general welfare of persons and property. For example a “township board of a township may, at a regular or special meeting by a majority of the members elect of the township board, adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to fire protection, licensing or use of bicycles, traffic and parking of vehicles . . . .” (MCL 41.181).

A police power ordinance does not regulate the “**use of land,**” rather; it regulates an “**activity.**” Examples of “activity” include, among others, motor vehicle regulations, parking, health code, food safety, boats and marinas, blight, noise and junk. But in these examples, the ordinances should not regulate where activities are located.

A zoning ordinance, on the other hand, regulates “**use of land.**” It might also regulate “activity,” but if an ordinance has regulation of land use, then it must be adopted as, and called, a zoning ordinance.

The Michigan Supreme Court said, in *Square Lake Condo Ass’n v Bloomfield Twp*, 437 Mich 310 (1991), a zoning ordinance is defined as an ordinance which regulates the use of land and buildings according to districts, areas, or locations. The question whether or not a particular ordinance is a zoning ordinance **may be determined by a consideration of the substance of its provisions and terms, and its relation to the general plan of zoning in the city.** Examples of “land use” regulation include, among other, setbacks, parcel size, maximum structure height, building form and principal and accessory use of the land or use within buildings allowed within particular locations.

Courts have also recognized that “use of land” and “activities” of persons or business entities are neither absolute nor mutually exclusive. That means there will be grey areas in between the two types of ordinances. For example in one court case:

“Launching and docking boats on inland lakes are “activities,” and the number of boats that can be launched or docked is very much akin to a parking regulation on a residential street. It follows that since township parking regulations on residential streets are within the scope of a township’s regulatory police power, *Belanger v Chesterfield Twp, supra* at 541 [96 Mich App 539, 541; 293 NW2d 622 (1980)], a township regulation of docking and launching boats on its inland lake is within the same scope of regulatory police power.” (Brackets added)

Another aspect of zoning is the requirement that the regulation can never be retroactive. Existing land uses and activities must be allowed to continue. Those are called “nonconforming” uses, buildings or “parcels.” See MSU Extension articles:

- Understanding nonconformity: Are you ‘grandfathered’ in?
- Zoning decisions travel with the land and are not temporary
- Zoning runs with the land, except when it doesn’t

Police power ordinances, however, can be retroactive. Everyone, not just those doing new construction, may have to comply with the regulations in a police power ordinance. If the regulation of activity is in a zoning ordinance, then that regulation cannot be retroactive, as no regulations within a zoning ordinance can be retroactive. But the regulation of land use cannot be in a police power ordinance.

Further, in *Miller v Fabius Twp Bd*, 366 Mich 250 (1962) the court ruled a township cannot adopt a police power ordinance that conflicts with a county zoning ordinance. If that takes place, the county zoning ordinance has precedence. With any city, village, township or county ordinance, the MZEA reads the zoning “ordinance adopted under this act shall be controlling in the case of any inconsistencies between the ordinance and an ordinance adopted under any other law” (MCL 125.3210). However, in the case of a township, it has the option to adopt its own zoning ordinance, and if it does so then the township has divested the county of the power to zone (MCL 125.3209). The MZEA reads “. . . a township that has enacted a zoning ordinance under this act is not subject to an ordinance, rule, regulation adopted by a county under this act.”

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## TOWNSHIP ORDINANCES (EXCERPT)

Act 246 of 1945

### 41.181 Adoption of ordinances by township board.

Sec. 1. (1) The township board of a township, at a regular or special meeting by a majority of the members elect of the township board, may adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to, ordinances concerning fire protection, licensing or use of bicycles, traffic, parking of vehicles, sidewalk maintenance and repairs, the licensing of business establishments, the licensing and regulating of public amusements, and the regulation or prohibition of public nudity, and may provide sanctions for the violation of the ordinances.

The township shall enforce the ordinances and may employ and establish a police department with full power to enforce township ordinances and state laws.

If state laws are to be enforced, a township shall have a law enforcement unit or may by resolution appropriate funds and call upon the sheriff of the county in which the township is located, the department of state police, or another law enforcement agency to provide special police protection for the township.

The sheriff, department of state police, or other local law enforcement agency shall, if called upon, provide special police protection for the township and enforce local township ordinances to the extent that township funds are appropriated for the enforcement.

Special township deputies appointed by the sheriff shall be under the jurisdiction of and solely responsible to the sheriff. Ordinances regulating traffic and parking of vehicles and bicycles shall not contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(2) Ordinances enacted may apply to streets, roads, highways, or portions of the township determined by the township board or may be limited to specified platted lands within the township, and with respect to these lands shall be valid and enforceable whether the roads and streets have been dedicated to public use or not.

Township boards of townships enacting ordinances under this section may accept contributions from duly constituted representatives of the platted lands benefited by the ordinances to defray administrative and enforcement costs incident to the enactment of ordinances.

(3) A township may adopt a provision of any state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, by reference in an adopting ordinance, which statute shall be clearly identified in the adopting ordinance.

Except as otherwise provided in this subsection, a township shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days.

A township may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

- (a) Community service for not more than 360 hours.
- (b) Imprisonment for not more than 180 days.
- (c) A fine of not less than \$200.00 or more than \$700.00.

(4) As used in this section, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (a) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (b) Material as defined in section 2 of 1984 PA 343, MCL 752.362.
- (c) Sexually explicit visual material as defined in section 3 of 1978 PA 33, MCL 722.673.

History:

1945, Act 246, Eff. Sept. 6, 1945; CL 1948, 41.181;

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Am. 1952, Act 224, Eff. Sept. 18, 1952;

Am. 1953, Act 87, Eff. Oct. 2, 1953;

Am. 1955, 1st Ex. Sess., Act 5, Imd. Eff. Nov. 10, 1955;

Am. 1959, Act 55, Imd. Eff. June 2, 1959;

Am. 1961, Act 18, Eff. Sept. 8, 1961;

Am. 1963, Act 39, Eff. Sept. 6, 1963;

Am. 1968, Act 300, Imd. Eff. July 1, 1968;

Am. 1969, Act 17, Imd. Eff. June 5, 1969;

Am. 1974, Act 375, Imd. Eff. Dec. 23, 1974;

Am. 1978, Act 590, Imd. Eff. Jan. 4, 1979;

Am. 1989, Act 78, Imd. Eff. June 20, 1989;

Am. 1991, Act 177, Eff. Mar. 30, 1992;

Am. 1994, Act 14, Eff. May 1, 1994;

Am. 1994, Act 315, Imd. Eff. July 21, 1994;

Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999;

Am. 1999, Act 257, Eff. Dec. 29, 1999;

Am. 2012, Act 9, Imd. Eff. Feb. 15, 2012.

Rendered Friday, March 17, 2017

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Michigan Compiled Laws Complete Through PA 563 of 2016

Legislative Council, State of Michigan

Courtesy of [www.legislature.mi.gov](http://www.legislature.mi.gov)

(9) This section does not prohibit the lawful killing or use of an animal for scientific research pursuant to any of the following or a rule promulgated pursuant to any of the following:

(a) Act No. 224 of the Public Acts of 1969, being sections 287.381 to 287.395 of the Michigan Compiled Laws.

(b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the Michigan Compiled Laws.

- A subject could be charged with animal cruelty when he threw firecrackers into a barn that subsequently caught on fire and 19 horses were killed. Animal cruelty is a general intent crime. *People v Fennell*, 260 Mich. App. 261 (2004).

#### POLICE ANIMAL - MCL 750.50c

(1) As used in this section:

(a) "Dog handler" means a peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.

(b) "Physical harm" means any injury to a dog's or horse's physical condition.

(c) "Police dog" means a dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

(d) "Police horse" means a horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work.

(e) "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.

(2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse.

(3) A person shall not intentionally cause physical harm to a police dog or police horse.

(4) A person shall not intentionally harass or interfere with a police dog or police horse lawfully performing its duties.

(5) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.

(6) Except as provided in subsection (7), a person who violates subsection (3) or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(7) A person who violates subsection (3) or (4) while committing a crime is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

#### DISORDERLY PERSON

#### DISORDERLY PERSON - MCL 750.167 (90 day misdemeanor)

Includes any of the following:

- A person with sufficient ability who refuses or neglects to support his or her family.
- A common prostitute.
- A window peeper.
- At night the defendant left the sidewalk, proceeded to a lighted residence and stood six feet away. He then looked into the window where the shade was raised. *City of Grand Rapids v Williams*, 112 Mich. 247. (1897).
- A person involved in illegal occupation or business.
- A person intoxicated in a public place, and either
  - Endangers directly the safety of another person or of property, or
  - Acts in a manner that causes a public disturbance.

### Article III: Definitions

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

**Mobile Home Park:** A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Modular (Pre-Manufactured) Dwelling:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term motel shall include buildings designated as auto courts, tourist courts, motor courts, hotel, or similar operations that are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Municipal Sewage Treatment Facility:** A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

**Municipal Water Supply:** A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

**Nonconforming Building (Nonconforming Structure):** A building, or portion thereof, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or of a parcel of land, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the regulations of the zoning district in which it is situated.

**Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

- ❑ The public disturbance provision of the disorderly statute requires a finding that an accused, while intoxicated, directly endangered the safety of another person or another person's property. People v Gagnon, 129 Mich. App. 678. (1983).
- ❑ Because the noise came from defendant's hotel room, he was not in a public place when he created the disturbance. Thus, his conduct did not fall within the definition of disorderly person. People v Favreau, 252 Mich. App. 32 (2003).
- A person engaged in indecent or obscene conduct in a public place.
  - Three convictions of this section require sex offender registration.
- A vagrant.
  - ❑ Someone who is idle and is unwilling to work although he is able to. The constitutionality of this portion is questionable because the statute punishes a status and not an action. Papachristou v City of Jacksonville, 92 S. Ct. 839. Even early Michigan case law recognized that an arrest without a warrant for this violation should be rare since the offense generally will not involve a danger to public or private security where an immediate arrest is needed. In re May, 41 Mich. 299. (1879).
- A person begging in a public place.
- Loitering in house of ill fame or prostitution.
  - ❑ To establish this charge, it must be proven that the house was kept as a place for prostitution and that the person found loitering had no lawful purpose to be there. People v Cox, 107 Mich. 435. (1895).
- Loitering in a place where an illegal occupation or business is being conducted.
- Soliciting legal services or services of sureties at police station, hospital or court building.
- Jostling or roughly crowding people in a public place.
  - ❑ This provision was aimed at pickpockets and those assisting them in a crowded area. People v O'Keefe, 218 Mich. 1. (1922).

### DISTURBING THE PEACE

#### DISTURBING THE PEACE - MCL 750.170 (90 day misdemeanor)

Any person who shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, shall be guilty of a misdemeanor.

Suspect did make or excite a disturbance at one of the following:

- A business.
- An election place.
- A street, lane, alley, highway, public grounds or park.
- A public building.
- A public meeting where citizens were peaceably and lawfully assembled.
  - ❑ In order to justify a conviction under this section, there must be a disturbance or contention. Two individuals merely jostling others at a bus stop did not fall under this section. Disturbance means an interruption of peace and quiet, a violation of public order, or an interference with a person's lawful pursuit of his or her occupation or rights. Contention is actual or threatened violence. People v Weinberg, 6 Mich. App. 345. (1967).



## ARTICLE I. - IN GENERAL

### Sec. 9.1. - Nuisance defined and prohibited.

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency, interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this chapter. No person shall commit, create or maintain any nuisance.

**Cross reference**— Definitions and rules of construction, § 1.7.

### Sec. 9.2. - Abatement.

Any action taken by the city to abate any nuisance shall not affect the right of the city to institute proceedings against the person committing, creating or maintaining any nuisance for violation of this Code, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the city to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation, restrained and enjoined.

### Sec. 9.3. - Nuisances per se.

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of any pond, pool of water or vessel holding stagnant water so as to provide a breeding place for mosquitos or otherwise to endanger the public health or safety;
- (2) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or leaving is in the opinion of the health officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person, firm or corporation of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever;
- (3) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds of, or depositing or permitting to be deposited any refuse, foul or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas;
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- (5) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;
- (6) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this Code, or statutes of the state;
- (7) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer, and which are so situated so as to endanger the safety of the public;
- (8) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract the public;

- (9) The owning, driving or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall, or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires or other parts onto the street, alley, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the city administrator to be in the public interest, he may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by such person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with such violation;

(Ord. No. 1138, § 2, 4-23-84; Ord. No. 1458, § 2, 11-13-00)

**Cross reference**— Burying garbage likely to attract rats or other animals, prohibited, § 2.9; discharge of polluted waters prohibited, § 2.103; safety requirements for street excavations, § 4.31 et seq.; soil removal and landfill excavations regulated, § 5.261; interference with surface water drainage during soil stripping operations prohibited, § 5.262; restoring proper drainage to landfill sites required, § 5.263; peddlers generally, § 7.51 et seq.; transient merchants generally, § 7.71 et seq.; regulation of controlled substances, § 9.391 et seq.

Secs. 9.4—9.9. - Reserved.

## ARTICLE II. - NOISE CONTROL<sup>[2]</sup>

Footnotes:

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**Cross reference**— Peddlers creating noise to attract attention prohibited, § 7.59; auctioneers not to create excessive noise, § 7.184; permitting noise or music to emit from dance halls prohibited, § 7.228; harboring noisy dogs, § 9.69.

### Sec. 9.10. - Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

### Sec. 9.11. - Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person;
- (2) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7:00 a.m. and 6:00 p.m., unless a permit be first obtained from the city department of building and safety engineering;

- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is noncommercial in character and when so used shall be subject to the following restrictions:
- (a) The only sounds permitted are music or human speech;
  - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;
  - (c) Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic;
  - (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches;
  - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility;
  - (f) No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification;
  - (g) The restrictions hereinabove contained in subparagraphs (a) to (f) inclusive shall not apply to the use of church bells and school bells;
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom;
- (5) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (6) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise;
- (7) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner;
- (8) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- (9) *Radio and musical instruments.* The playing of any radio, television set, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- (10) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- (11) *Whistle or siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

- (12) *Motor vehicles—Sound systems.* The operating or permitting the operation of a radio, tape player, disc player or other sound system, machine or device in or on a moving or parked motor vehicle so as to produce sound that is louder than is necessary for hearing by the person or persons who are in the motor vehicle or which offends the peace and quiet of persons of ordinary sensibilities in the vicinity thereof.

(Ord. No. 933, § 1, 4-11-77; Ord. No. 1308, § 1, 8-27-90)

Sec. 9.12. - Exceptions.

None of the terms or prohibitions of section 9.11 shall apply to or be enforced against:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.352 Molesting and disturbing persons in pursuit of occupation, vocation or avocation.**

Sec. 352.

Any person or persons who shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any person, in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to and from such occupation, vocation or avocation, or who shall aid or abet in any such unlawful acts, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 297, Eff. Oct. 11, 1947 ;-- CL 1948, 750.352

**Former Law:** See section 1 of Act 163 of 1867, being CL 1871, § 7690; How., § 9273; CL 1897, § 11343; CL 1915, § 15010; and CL 1929, § 8612.

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# Demographic Profile

## Chapter Two

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## Demographic Profile

Marion Township is located south of the City of Howell, the county seat of Livingston County. The approximately 36 square mile Township is centrally located in the county with the I-96 transportation corridor at its northern boundary. The Township's location makes it an ideal place for residents who wish to easily commute to the Detroit, Ann Arbor, Jackson or Lansing job markets. The Township is a blend of urban land use near the City of Howell and more rural and agricultural land use in the southern portion of the community.

### Population

The Township's population remained relatively stable for decades until more rapid population growth occurred after 1960. For nearly 100 years between 1870 (when Marion Township's population reached just over 1,000 persons) and 1960, the decennial census recorded a Township population of between approximately 1,000 and 2,000 persons.

<b>HISTORICAL POPULATION PROFILE</b>									
<b>1870</b>	<b>1880</b>	<b>1890</b>	<b>1900</b>	<b>1910</b>	<b>1920</b>	<b>1930</b>	<b>1940</b>	<b>1950</b>	<b>1960</b>
1111	1255	1146	1018	940	1071	1315	1396	1572	1740

Source: U.S. Bureau of the Census

Between the 1960 and 1970 censuses, the Township population finally exceeded 2,000 persons. The population has since risen to a 2010 Census population of 9,996. The percentage population growth was most dramatic between 1970 and 1980, mirroring the most dramatic period of growth for the county as a whole.

***Marion Township's percent population  
Change was most dramatic between  
1970 and 1980***

<b>PERCENT POPULATION CHANGE</b>								
<b>1970 Census</b>	<b>% change 1970 - 1980</b>	<b>1980 Census</b>	<b>% change 1980 - 1990</b>	<b>1990 Census</b>	<b>% change 1990 - 2000</b>	<b>2000 Census</b>	<b>% change 2000 - 2010</b>	<b>2010 Census</b>
2668	43.9%	4754	3.33%	4918	27%	6757	32%	9,996

Source: U.S. Bureau of the Census

Compared with the surrounding communities of Howell Township, the City of Howell, Iosco Township, Putnam Township, the Village of Pinckney and Genoa Township, Marion Township had the highest population gain between the 2000 and 2010 Censuses. Marion Township gained 3,239 new residents during this time period. Marion Township's 32% population increase between 2000 and 2010 was higher than the county's growth rate of 15% during this decade.

<b>2000 - 2010 POPULATION COMPARISON</b>				
<b>Community</b>	<b>2000 Population</b>	<b>2010 Population</b>	<b>Numerical Change 2000 - 2010</b>	<b>% Change 2000 - 2010</b>
<b><i>Marion Township</i></b>	<b><i>6,757</i></b>	<b><i>9,996</i></b>	<b><i>3,239</i></b>	<b><i>32%</i></b>
Howell Township	5,697	6,702	1,005	15%
City of Howell	9,232	9,489	257	2.7%
Iosco Township	3,039	3,801	762	20%
Putnam Township	5,359	5,821	462	7.9%
Village of Pinckney	2,141	2,427	286	12%
Genoa Township	15,901	19,821	3,920	19.2%

Source: Southeast Michigan Council of Governments

***Between 2020 and 2040, Marion Township's largest period of growth is forecasted to be between the years 2025 and 2030***

The Southeast Michigan Council of Governments (SEMCOG) estimates that Marion Township's December 2014 population was 10,403, a numerical change of 407 persons in approximately a four year time period. In the long term, SEMCOG forecasts that Marion Township's population will grow to 11,359 by 2030 and 12,339 by 2040. This reflects a 2010 to 2040 population gain of 2,343 persons for a percent change of 19%. The largest period of growth was between the years 2000 and 2010, when Marion Township is gained 3,239 new residents for a percent population change of 32%. For each five year period thereafter, SEMCOG forecasts that the Township will gain progressively less population with a smaller percent population change.

<b>MARION TOWNSHIP POPULATION FORECAST</b>								
<b>2020</b>	<b>Pop. Gain 2020 - 2025</b>	<b>2025</b>	<b>Pop. Gain 2025 - 2030</b>	<b>2030</b>	<b>Pop. Gain 2030 - 2035</b>	<b>2035</b>	<b>Pop. Gain 2035 - 2040</b>	<b>2040</b>
10,083	352	10,435	924	11,359	562	11,921	418	12,339

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast

Compared to the surrounding six communities mentioned above, Marion Township is expected to gain significantly more population between 2010 and 2040 than all surrounding communities except Howell and Putnam Townships. Howell Township is expected to gain 5,164 new residents (2,821 more than Marion Township) for a percent population change of 43.5%. Genoa Township is expected to gain 3,240 new residents (10,722 more than Marion Township) for a percent population change of 14%.





terms of total housing units, the surrounding communities of Genoa Township and the City of Howell have the top two total number of housing units, while Marion Township has the third largest stock of housing units.

HOUSING UNIT COMPARISON								
Community	Total Housing Units				Vacant Housing Units		Seasonal Housing Units	
	2000	2010	Change		2000	2010	2000	2010
			#	%				
<b><i>Marion Township</i></b>	<b><i>2,388</i></b>	<b><i>3,676</i></b>	<b><i>1,288</i></b>	<b><i>35.03%</i></b>	<b><i>117</i></b>	<b><i>177</i></b>	<b><i>51</i></b>	<b><i>68</i></b>
Howell Township	1,993	2,716	723	26.6 %	91	185	9	16
City of Howell	4,088	4,551	463	10.17 %	231	523	23	36
Iosco Township	964	1,352	388	28.69%	43	74	22	5
Putnam Township	2,116	2,452	336	13.7 %	221	286	160	178
Village of Pinckney	778	927	149	16.07%	47	58	4	2
Genoa Township	6,346	8,418	2,072	24.6%	507	611	231	201

Source: Southeast Michigan Council of Governments

According to a March 2004 Planned and Proposed residential development list that is compiled by the Livingston County Department of Planning with the assistance of the twenty local units of government, Marion Township has the largest number of planned and proposed residential developments in Livingston County with 37 developments. Hamburg and Hartland Townships have the second most planned and proposed developments with a total of 19 each. In March 2004, Marion Township had 31 developments under construction and another 6 developments proposed in the site plan review process. The 37 planned and proposed residential developments are expected to yield 4,654 new housing units. None of the planned and proposed residential developments in Marion Township are for rental housing. Interestingly, Marion Township has the fifth lowest number of rental units in Livingston County. The 189 rental units recorded in the 2010 Census comprise 5.14% of all housing units in the Township.

***Marion Township has the largest number of planned and proposed residential developments in the county***

The recent 2008-2009 national and local economic down turn have had a negative impact on the housing market. Approximately 124 dwelling units included in Marion Township approved site plans have been abandoned and will not be developed.

There are also not many vacant housing units in Marion Township. The 177 vacant units recorded in the 2010 Census comprise only 4.8% of the Township's total housing units. This is low in comparison to most other Livingston County municipalities; the vacancy rate in Livingston County ranges from a low of 6.25% in Handy Township to a high of 7.25% in Genoa Township. Among the six immediately surrounding communities, the City of Howell, Putnam Township and Howell Township all have greater

numbers of vacant units.

With four major lakes in Marion Township that consist of 50 acres or more of open water (Cedar, Coon, Triangle and Pleasant), seasonal housing units are high in comparison to most other Livingston County municipalities. In the 2010 Census, 68 seasonal units were recorded in Marion Township, which comprises 2% of all housing units. Throughout the county the number of seasonal housing units range from a low of 2 in the Village of Pinckney to 474 in Hamburg Township. The surrounding communities of Putnam and Genoa Townships have significantly more seasonal housing units than Marion Township.

**Households**

*More than ¾ of Marion Township's total households are family households headed by a married couple*

Marion Township has gained 1,288 households since 2000 (a 54.07% change). This numerical change is greater than all surrounding communities except Genoa Township which gained 1,968 new households in this same time period. The Township's 3,499 households contain an average of 2.85 persons. This is at the high end of the Livingston County spectrum which ranges from an average household size of 2.97 to 2.25.

HOUSEHOLD COMPARISON								
Community	Total Households		2010 Census Family Households		2010 Census Non Family Households		Avg. Household Size	Avg. Family Size
	2000	2010	#	%	#	%		
<b>Marion Township</b>	<b>2,271</b>	<b>3,499</b>	<b>2,872</b>	<b>82%</b>	<b>627</b>	<b>17.9%</b>	<b>2.85</b>	<b>3.14</b>
Howell Township	1,902	2,531	1,838	72.6%	693	27.4%	2.59	3.02
City of Howell	3,857	4,028	2,237	55.5%	1,791	44.5%	2.25	2.97
Iosco Township	921	1,278	1,075	84.1%	203	15.9%	2.97	3.21
Putnam Township	1,895	3,035	2319	76.4%	716	23.6%	2.71	3.09
Village of Pinckney	731	869	648	74.6%	221	25.4%	2.78	3.25
Genoa Township	5,839	7,807	5,647	72.3%	2,160	27.7%	2.54	2.98

Source: Southeast Michigan Council of Governments

Like all Livingston County townships, Marion Township households are predominantly composed of families (82.1%) with a lesser number of households consisting of a non-family composition (17.9%). More than 3/4 of Marion Township's total households are family households headed by a married couple (71.7%). A lesser number of family households are headed by a female (6.3%) or a male parent (4.1%). The average family size in Marion Township is 3.14 persons. Non-family households consisting of a householder living alone make up more than 14.2% of all non-family households. The Southeast Michigan Council of Governments (SEMCOG) forecasts that from 2010 to 2040 ten of the sixteen townships in Livingston County will experience a doubling of their number of households.

Marion Township recorded 3,499 households in the 2010 Census and is forecasted to have 5,558 households in the year 2040. This forecast reflects a gain of 1,071 new households; a 30.6% percent increase over the 30 year time span. SEMCOG forecasts that most of these households will be gained between 2000 and 2005 (861 households). For the following fifteen years to 2020, the gain in households is expected to be in the high 500's during each five year period. Thereafter, the change in households is expected to be less, with 406 new households forecasted between 2020 and 2025 and 278 new households between 2025 and 2035.

MARION TOWNSHIP HOUSEHOLD FORECAST											
Household Type	2010	Change 2010 - 2015	2015	Change 2010 - 2015	2015	Change 2015 - 2020	2020	Change 2020 - 2025	2025	Change 2025 - 2035	2035
Households With Children	1,359	126	1,519	116	1,635	124	1,759	81	1,840	-124	1,716
Households Without Children	1,739	468	2,207	454	2,661	454	3,115	325	3,440	-243	3,197
Total Households	3,132	594	3,726	570	4,296	578	4,874	406	5,280	-367	4,913

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast

SEMCOG forecasts that Livingston County will experience substantial growth in both households with children and households without children. This is contrary to the region which is expected to experience a decline in the number of households with children. Between 2000 - 2030 Marion Township is expected to gain 863 new households with children and a more dramatic 2,425 households without children. Growth is expected in both Marion Township households with children and households without children for each five year period, however, the gain is expected to be less each five years.

***Between the year 2000 and the year 2030 Marion Township is expected to more than double its number of households***

**Housing Value**

Census 2010 figures show that among all eighty-three counties in Michigan, Livingston County has the second highest median housing value for owner-occupied housing units (\$224,400). Marion Township's median housing value of \$186,600 is the same as the county's median value. Six communities in Livingston County have a median housing value greater than Marion Township, ten communities are the same and four communities have a median housing value less than the Township.

***The value of most Marion Township homes fall in the \$200,000 to \$249,999 category***

The value of most Marion Township homes range from \$150,000 to \$499,999 with the largest number of homes in the \$200,000 to \$249,999 category. Compared to neighboring communities, Marion Township's median housing value of \$224,400 is average, with the exception of Genoa Township's median housing value that tops \$499,999. The change in these values over the last 10 years has

been dramatic. Marion Township's median housing value changed by \$87,700 for a percent change of 88.7%. In comparison, only Iosco and Genoa Townships had a greater numeric change in value. Iosco Township and the Village of Pinckney more than doubled their median housing value over the 10 year period.

According to the Livingston County Planning Department's housing sale price database which is updated twice a year, the southeast quadrant of Livingston County has long maintained the highest median housing sale price in the county, followed by the northeast quadrant and then the central portion of Livingston County which includes Marion Township. As of year-end 2002, the median housing sale price for central Livingston had exceeded the \$200,000 mark. The median value was \$202,343, a change of \$15,743 or 8.4% since the 2010 Census.

COMPARISON OF MEDIAN HOUSING VALUES				
Community	Median Value of Owner Occupied Units			
	2000	2010	# Change	% Change
Marion Township	\$258,346	224,400	-33,946	-13.1 %
Howell Township	\$215,860	170,800	-45,060	-20.9 %
City of Howell	\$168,096	154,500	-13,596	-8.1 %
Iosco Township	\$163,894	197,200	-33,306	-14.4 %
Putnam Township	\$249,506	240,900	-8,606	-3.4 %
Village of Pinckney	\$197,784	147,400	-23,384	-11.8 %
Genoa Township	\$270,353	225,500	-44,853	-16.6 %

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast

### Income

Livingston County has the highest 1999 median household income in the state (\$67,400), and is second only to Oakland County for the highest 1999 median family income (\$75,284). Marion Township's median values of \$72,378 (house hold) and \$76,112 (family) are in the upper half of Livingston County community values. Compared with surrounding communities, Marion

***Most Marion Township households have an income range of \$50,000 to \$74,999***

Township has the highest 1999 household median income and the Township's 1999 family median income is second only to Genoa Township. Over the last ten years, Marion Township's household median income has increased by \$19,705 or 37.4%. Most Marion Township households have an income between \$50,000 and \$149,999, with the bulk of households in the \$50,000 - \$74,999 range.

MEDIAN INCOME COMPARISON				
Community	Median Income 2000	Median Income 2010	Household Change	
	Household	Household	#	%
<b>Marion Township</b>	<b>\$72,378</b>	<b>\$84,636</b>	<b>\$12,258</b>	<b>14.4%</b>
Howell Township	\$63,784	\$70,081	\$6,297	8.9%
City of Howell	\$43,958	\$43,094	- \$864	-1.9%
Iosco Township	\$63,808	\$67,610	\$3,802	5.6%
Putnam Township	\$61,388	\$66,125	\$4,737	7.16%
Village of Pinckney	\$58,077	\$68,036	\$9,959	14.63%
Genoa Township	\$71,398	\$67,548	- \$3,850	- 5.4%

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast

### Occupations

According to the 2010 Census, Marion Township has an employed civilian population aged 16 and over, consisting of 4,811 workers. Most of these workers (84%) are private wage and salary workers (2,964) with government workers comprising the second largest class of workers in the Township (8% or 297 workers) and self-employed workers in their own unincorporated business comprising the third largest class of workers in the Township (7% or 234 workers).

As recorded in the 2000 Census, the dominant occupation category in Marion Township is *management, professional, and related occupations*. Over 1,000 or 31.2% of the 3,522 workers claim this as their occupation. *Sales and office occupations* is the second largest occupation category with 940 workers or 26.7% of the employed civilian population aged 16 and over. The third largest occupation category in the Township is *production, transportation, and material moving occupations*. This occupational category has 679 workers or 19.3% of workers. The occupational category with the least number of Marion Township workers, is *farming, fishing and forestry occupations*. Only 6 workers are recorded in this occupational category.

<b>MARION TOWNSHIP OCCUPATIONS</b>		
<b>Occupation</b>	<b>Number</b>	<b>Percent</b>
<b>Management, professional, and related occupations</b>	1,887	31.2%
<b>Service occupations</b>	558	10.2%
<b>Sales and office occupations</b>	1,449	36%
<b>Farming, fishing, and forestry occupations</b>	11	0.2%
<b>Construction, extraction, and maintenance occupations</b>	224	12.5%
<b>Production, transportation, and material moving occupations</b>	604	19.3%

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast

### **Education**

Marion Township is part of the Howell Public School District. Geographically, this school district contains more land than any other school district in Livingston County. Marion Township has one of the school district's facilities, Parker High School. Parker High School closed after one year. The school district could not afford to maintain the facility. The 2000 Census recorded 2,017 Marion Township residents age 3 years and older that are enrolled in school. The majority of these students (42.5%) are enrolled in elementary school grades 1 through 8. The second largest percent of students (27%) are enrolled in high school grades 9 through 12 and the third largest percent of students are enrolled in college or graduate school (14%).

Marion Township consists of a highly educated population age 25 years and older. 94.1% of this adult population group has graduated from high school or obtained a higher degree level. Marion Township's educational attainment level is higher than Livingston County's 91.4% high school graduate or higher attainment, and higher than that achieved by surrounding communities. The Village of Pinckney has the next highest percent of persons that have graduated from high school or obtained a higher degree level. Marion Township does not have as large a percent of population 25 years and over that have obtained a bachelor's degree or higher. 23.2% of this adult population group in Marion Township has obtained a bachelor's degree or higher as compared to 28.2% in Livingston County, 23.6% in the City of Howell and 32.8% in Genoa Township.

***Marion Township contains a greater percentage of high school graduates or higher, than the percentage for the County and many surrounding communities***

<b>EDUCATIONAL ATTAINMENT COMPARISON</b>							
<b>Population 25 years and over</b>							
<b>Community</b>	<b>Population 25 years and over</b>	<b>9<sup>th</sup> - 12<sup>th</sup> grade no diploma</b>	<b>High school graduate</b>	<b>Some College, No Degree</b>	<b>% Associate Degree</b>	<b>% Bachelor Degree</b>	<b>% Graduate Professional Degree</b>
<b><i>Marion Township</i></b>	<b><i>6,668</i></b>	<b><i>4.8%</i></b>	<b><i>29%</i></b>	<b><i>30.5%</i></b>	<b><i>11.5%</i></b>	<b><i>18%</i></b>	<b><i>6.3%</i></b>
Howell Township	4,639	6%	30%	30%	11%	18%	5%
City of Howell	6,920	9%	30%	27%	12%	17%	5%
Iosco Township	1,334	10%	40%	25%	5%	17%	3%
Putnam Township	4,063	12%	28%	32%	7%	14%	7%
Village of Pinckney	1,512	5%	30%	27%	10%	21%	7%
Genoa Township	13,629	5%	27%	24%	10%	22%	12%

Source: Southeast Michigan Council of Governments 2035 Regional Development Forecast