

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, April 25, 2019
7:30 p.m.

Call to Order
Pledge of Allegiance
Members Present/Members Absent
Call to the Public

- 1) Approval of Agenda
- 2) Consent Agenda
 - a. Approval of April 11, 2019 Regular Meeting Minutes
 - b. April 9, 2019 Special Meeting Minutes
 - c. April 17, 2019 MHOG Agenda/Minutes
 - d. April 17, 2019 HAFA Agenda/Minutes
 - e. Quarterly Investment Report
- 3) Howell City Sewer Plant Improvements
- 4) Investment Policy Revision
- 5) Fire Prevention Code
- 6) Crystalwood Estates Roads Special Assessment
- 7) HomeTown Village Phase III Purchase Agreement
- 8) Landscape Nursery Operations

Correspondence and Updates

April 30, 2019 MTA Livingston-Medical Marihuana

Call to the Public
Adjournment

Next Board Packet will be ready after 3pm on Thursday, May 2, 2019

Request for Zoning Administrator, **Dave Hamann**, to be present at
the Board of Trustee meeting on 4-25-2019

Date

Requested by Robraut Hamney

Signature

DRAFT

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 11, 2019

MEMBERS PRESENT: Les Andersen, Tammy Beal, Duane Stokes, Scott Lloyd, Greg Durbin, Dan Lowe, and Bob Hanvey

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 pm.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Item #9—LCRC Update was added to the agenda. Les Andersen motioned to approve the agenda as amended. Duane Stokes seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Greg Durbin seconded. **Motion carried.**

HOWELL CITY SEWER PLANT IMPROVEMENTS

Bob Hanvey asked the board members whether the issues with the REUs and capacity allocation should be resolved prior to settling on an agreement for cost sharing for improvements with the City of Howell. Scott Lloyd said the plant improvements need to be done; the sewer contract needs to be clarified to reference maximum gallons per day, not maximum number of REUs. Bob Hanvey will make a list of issues and determine which need to be resolved prior to finalizing an agreement on cost sharing. The board members discussed whether to have the full board and council meet to resolve the issues or non-quorum committees. Scott Lloyd, Dan Lowe and Bob Hanvey agreed to be a committee and have Bob Hanvey schedule the meeting with the city.

Dan Lowe would like to wait before making a decision on the Jack Lansing Properties REU transfers.

PINGREE ROAD LIGHTING COMPLAINT UPDATE

Bob Hanvey said that Cheryl Range from the Planning Commission is working on language for a nuisance ordinance and will present at the next PC meeting. This would be a general ordinance and current situations would not be grandfathered. Phil Westmoreland said he has a light meter; it measures in foot candles and might

not be useful for this situation. Greg Durbin said that light meters aren't used for enforcement. Mr. Durbin said he's had several conversations with Mr. and Mrs. Felkins and he would like to ask Ms. Godfrey if she could have the timer shut the lights off at midnight.

HAWTHORNE DRIVE COMPLAINT UPDATE

Bob Hanvey passed out a chain of emails regarding this situation. It's his understanding that Mr. Mason is going to close down his business. Wendy Busick asked if the township has informed the state that Mr. Mason is in violation of the zoning ordinance and the permission that the township gave previously should be rescinded. Mr. Hanvey said he will have the zoning administrator inform the state and will copy Mrs. Busick on the correspondence.

CRYSTALWOOD ESTATES ROADS SPECIAL ASSESSMENT

An email from Jodie Tedesco from the LCRC was passed out that provides a list of outstanding issues that need to be addressed before the roads can be accepted for public maintenance. Dan Lowe suggested giving Rick Elkow a copy of the list

Mr. Lowe talked with the LCRC weighmaster about the vector truck using the Peavy Road bridge to access Marion Creek; the weighmaster said he issued a warning. The board members also discussed the requirements for bridge maintenance on Peavy Road; Mr. Lowe will follow-up with the LCRC.

HOMETOWN VILLAGE PHASE III PURCHASE AGREEMENT

A draft purchase agreement was included in the packet. After discussion, Les Andersen motioned to allow the supervisor to have a realtor look at the property and estimate a value for the property without sewer & water included. Greg Durbin seconded. **Motion carried.**

LACASA DENIM & DIAMONDS 2019

Les Andersen motioned to approve the 2019 Denim & Diamonds event at the Bearden ranch if all of the requirements of the normal Special Event permit process are met. Scott Lloyd seconded. **Motion carried.**

LCRC UPDATE

Phil Westmoreland will get more information on non-primary road cost sharing. The road sign issues need to be discussed with Mike Goryl.

CORRESPONDENCE & UPDATES

Bob Hanvey confirmed with the board members that May 20 or May 22 would be acceptable for a joint meeting with the Planning Commission to discuss home occupation ordinance; there were no objections.

The Fillmore County Park groundbreaking ceremony is April 30 at 5:30 pm

The Livingston County chapter of MTA is hosting a presentation on recreational marijuana on April 30, 7 pm, at the Brighton Chamber of Commerce.

The Livingston County Health Department's Environmental Health newsletter is included in the packet.

The monthly update from the Livingston County Commissioners is included in the packet.

CALL TO THE PUBLIC

Tim Ryan, 459 E. Davis Rd., asked what's going to be done about Howell Landscaping. Bob Hanvey said the owner is coming to the Planning Commission with his proposal for the nursery business. Dan Lowe asked how he's operating right now. Mr. Hanvey referred him to a confidential letter from the attorney.

ADJOURNMENT

Tammy Beal motioned to adjourn at 9:09 pm. Les Andersen seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

MHOG Water Authority Meeting

April 17, 2019

5:00 PM at Oceola Township Hall

AGENDA

- 1. Approval of the Minutes of March 20, 2019**
- 2. Call to Public**
- 3. Reports**
 - **Staff Reports: Greg Tatara**
 - **Treasurer (Robin Hunt)**
 - **Engineer (Gary Markstrom)**
 - **CPA (Ken Palka)**
- 4. New Business**
 - **Correspondence**
- 5. Old Business**
- 6. Adjournment**

MHOG Water Authority Meeting

MINUTES

The Marion, Howell, Oceola, Genoa Water Authority met on March 20, 2019 at 5:00 PM at the Oceola Township Hall. Members present were Bamber, Coddington, Rogers, Hanvey, Schuhmacher, Hunt, Lowe and Counts.

The meeting was called to order by Chairman Hanvey.

A motion was made by Rogers to approve the minutes of the February 20, 2019 meeting. The motion was seconded by Schuhmacher and carried.

A call to the public was held.

A motion was made by Bamber to authorize Amendment No. 262 to the Engineer Agreement for \$44,000 for Design Phase Engineering of a WTP Storage Building. The motion was seconded by Rogers and carried.

A motion was made by Rogers to authorize not to exceed \$13,000.00 for Kennedy Ind. To rebuild a water pump. The motion was seconded by Hunt and carried.

A motion was made by Schuhmacher to update the construction manual as proposed by Director Tataara. The motion was seconded by Counts and carried.

A motion was made by Schuhmacher to amend the Engineering Contract with Tetra Tech, Amendment No. 261, to perform Study Phase Services with a budget of \$19,500.00 as proposed in the Tetra Tech letter dated March 5, 2019. The motion was supported by Coddington and carried.

A motion was made by Hunt to authorize the replacement of two 3" Pratt Valve Bodies at a cost of \$5,939.20 by Peerless Midwest Inc. The motion was seconded by Counts and carried.

A motion was made by Schuhmacher to approve expenditures of \$137,378.65 from the M.H.O.G. Operating Fund represented by checks numbered 7974 thru 8000 and for direct deposit debits 450 thru 457. The motion was seconded by Coddington and carried.

A motion was made by Hunt to approve an expenditure of \$1,697.50 from the M.H.O.G. Capital Reserve Improvement Fund represented by check number 1123. The motion was seconded by Coddington and carried.

A motion was made by Counts to adjourn. The motion was seconded by Schuhmacher and carried.

William J. Bamber, Secretary

HOWELL AREA FIRE AUTHORITY MEETING
Oceola Township Hall
1577 N. Latson Rd. – Howell, MI
April 17, 2019 – 6:00 PM

Authority Board
Members and Other
Officials:

Bill Bamber
Oceola Township
Chairman

Mike Coddington
Howell Township
Vice Chairman

Mark Fosdick
Cohoctah Township
Secretary

Robert Hanvey
Marion Township
Member

Nick Proctor
City of Howell
Treasurer

Andy Pless
Fire Chief

Laura Walker
Asst. Sec/Treasurer

1. Meeting called to order at 6:00 pm.
2. Pledge of Allegiance (all stand)
3. Approve minutes of the regular meeting of March 20, 2019
4. Call to Public (items not on agenda)
5. Discussion/Approval: To adopt the 2019-2020 Howell Area Fire Authority Budget
6. Fire Code Update from Fire Marshal
7. Chief's Comments:
 - a. Open House scheduled for Sunday, May 19, 2019 at the main station.
8. Approve payment of bills and payroll in the amount of \$134,225.86
9. New Business
10. Old Business
 - a. Progress of renovation at the main station
11. Adjourn

WELCOME!

Visitors are invited to attend all meetings of the Howell Area Fire Authority Board.
If you wish to address the Board you will be recognized by the Chairman.

HOWELL AREA FIRE AUTHORITY

March 20, 2019 – 6:00 pm

Oceola Township Hall – 1577 N. Latson Rd. Howell, MI 48843

Present: Chairman Bill Bamber, Vice Chairman Mike Coddington, Secretary Mark Fosdick, Treasurer Nick Proctor, Member Bob Hanvey, Fire Chief Andy Pless, Asst. Sec/Treas. Laura Walker, Attorney Kevin Gentry

Chairman Bill Bamber called the meeting to order at 6:00 pm

Approve the minutes of the regular meeting of February 20, 2019: MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to approve the minutes of the regular meeting of February 20, 2019. MOTION CARRIED UNANIMOUSLY.

Call to Public: No Response

Discussion/Approval: Resolution 02-19 Cadet Program: MOTION by Mr. Fosdick, SUPPORT by Mr. Coddington to continue offering the Cadet Program. MOTION CARRIED UNANIMOUSLY.

Discussion/Approval: Purchase turnout gear \$21,000: MOTION by Mr. Hanvey, SUPPORT by Mr. Coddington to purchase turnout gear in the amount of \$21,000. MOTION CARRIED UNANIMOUSLY.

Discussion/Approval: Purchase of Cascade compressor \$24,421.35: MOTION by Mr. Hanvey, SUPPORT by Mr. Proctor to purchase Cascade compressor in the amount of \$24,421.35. MOTION CARRIED UNANIMOUSLY.

Discussion/Approval: Howell Area Fire Authority proposed 2019-2020 budget and send to Townships and City for Board approval: MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to send proposed 2019-2020 budget to Townships and City for approval.

Approve Payment of Bills and Payroll: MOTION by Mr. Fosdick, SUPPORT by Mr. Proctor to authorize payment of bills and payroll in the amount of \$137,050.12. MOTION CARRIED UNANIMOUSLY.

Adjourn: MOTION by Mr. Proctor, SUPPORT by Mr. Fosdick to adjourn the meeting at 6:19pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted: _____
Laura Walker, Asst. Secretary/Treasurer

Approved By: _____
Mark Fosdick, Secretary

MONTHLY UPDATE TO THE BOARD

TO: HOWELL AREA FIRE AUTHORITY BOARD OF DIRECTORS
FROM: ANDREW PLESS, FIRE CHIEF
SUBJECT: MONTHLY HAFD REPORT FOR MARCH, 2019
DATE: APRIL 10, 2019

During the month of March, the HAFD responded to a total of 112 calls for service. There were 138 calls in March of 2018. The total year-to-date runs for 2019 was 336. Last year's total at the end of March was 341.

Some of the more significant events for the month included:

On March 1st Howell Firefighters from the Marion and Main Stations responded automatic aid to a reported garage on fire spreading to the house in the 500 block of Kern Rd. in Handy Township. On arrival firefighters found a well involved fire spreading to the second floor and attic of the home. Howell Firefighters brought the fire under control fairly quickly and kept it from spreading to the rest of the home. The garage and attic were a total loss however due to their efforts firefighters saved much of the residents personal belongings in the home.

On March 2nd Howell firefighters along with automatic aid from Brighton Fire responded to a reported structure fire in the 2900 block of Jewell Rd. in Marion Township. On arrival firefighters found the upper deck and hot tub on fire. The fire was quickly brought under control and there was no damage to the home itself. Cause of the fire was due to discarding ashes from the fireplace into a plastic tote on the deck.

On March 6th Howell Firefighters responded to a reported structure fire in the 5300 block of Green Rd in Oceola Township. On arrival found a large barn completely involved in fire. Mutual Aid from Hartland was requested and they assisted with a tanker shuttle and extinguishment of the fire. Cause of the fire was determined to be from an unsecured heat lamp being used to keep piglets warm.

Engine 24 had warranty repairs made to the tank to stop water from flowing into the hose bed and Tanker 22 had a pump transmission rebuild do to a seal being frozen during tanker operations in the extreme cold weather.

The Chief attended several Board meetings during the month during the budget process. Several boards congratulated the Department and its members on bringing our ISO rating down from a 5/10 to a 3/5 rating.

Training for the month of February consisted of Ice Water Rescue classroom and practical, CPR make up day, and Firefighter survival with SCBA.

The next meeting of the Howell Area Fire Authority Board is scheduled for Wednesday April 17th, 2019 at 6:00 pm.

HOWELL AREA FIRE DEPARTMENT FIRE MARSHAL DIVISION

1211 W. Grand River

Howell, MI 48843

517-546-0560

FAX: 517-546-6011

firemarshal@howellfire.net

DATE: April 10, 2019
TO: Chief Pless
Fire Authority Board
FROM: Jamil Czubenko, Battalion Chief/Fire Marshal
REF: March 2019 Month End

The month of March 2019 was busy in the Fire Marshal Division.

The FMD also participated in emergency responses and department training throughout the month.

Planning has continued for the 2019 Livingston Home Show, scheduled for April 5-7 and the 2019 Michigan Challenge Balloonfest, scheduled for June 28-30. We will have a Fire Prevention booth at the Home Show again this year. Special events continue to come in for review for the City and the townships.

Several Food Truck/Trailer events are being planned throughout our jurisdiction, where the FMD will be performing fire safety inspections. This is our third year for Mobile Food Vendors (MFV) to apply to the HAFD and then be inspected for compliance.

The FMD has been involved with buyers and sellers of property for vacant property and existing buildings throughout our jurisdiction. A few proposals for projects have been submitted for review and comment.

To date 170 kids and 500 adults have made public education contact with the HAFD, totaling approximately 20 personnel hours.

The HAFD visited 4 homes and installed a total of 5 smoke detectors and 1 CO/Smoke detectors. To date, 54 working smoke detectors plus the 22 smokes and 6 CO/Smoke detectors we've installed.

22 new inspections and 4 re-inspections were completed. 33 plan reviews, consultations and fire safety tests were also completed.

April 2019 brings us more planning for future projects and various fire prevention events.

STATION RESPONSES
March 2019

STA. 20 - Main Station		STA. 22 - Oceola Twp.	
Oceola Twp.	2	Oceola Twp.	18
Cohoctah Twp.	1	Cohoctah Twp.	0
Howell Twp.	22	Howell Twp.	2
Marion Twp.	15	Marion Twp.	1
City of Howell	37	City of Howell	1
Mutual Aid	5	Mutual Aid	5
TOTAL:	82	TOTAL:	27
STA. 23 - Marion Twp.		STA. 24 - Cohoctah Twp.	
Oceola Twp.	1	Oceola Twp.	2
Cohoctah Twp.	0	Cohoctah Twp.	3
Howell Twp.	2	Howell Twp.	7
Marion Twp.	9	Marion Twp.	1
City of Howell	0	City of Howell	0
Mutual Aid	4	Mutual Aid	2
TOTAL:	16	TOTAL:	15

Information technology

Incident List by Alarm Date/Time

**Alarm Date Between {03/01/2019} And {03/31/2019}
and Township = "MTP"**

Incident-Exp#	Alm Date	Alm Time	Location	Incident Type
19-0000225-000	03/01/2019	00:35:23	2074 PINEBROOK MEADOW CT	622 No Incident found on arrival
19-0000227-000	03/01/2019	05:03:50	1023 SPIREA	311 Medical assist, assist EMS c
19-0000228-000	03/01/2019	05:48:46	1023 SPIREA	554 Assist invalid
19-0000239-000	03/03/2019	00:17:48	2881 NORTON RD	611 Dispatched & cancelled en ro
19-0000240-000	03/03/2019	02:50:48	MASON RD & HARMON RD	322 Motor vehicle accident with
19-0000241-000	03/03/2019	08:30:23	2992 JEWELL RD	111 Building fire
19-0000252-000	03/05/2019	21:18:38	132 CRYSTAL WOOD CIR	311 Medical assist, assist EMS c
19-0000274-000	03/12/2019	21:52:40	1950 PEAVY RD	240 Explosion (no fire), Other
19-0000275-000	03/13/2019	17:52:32	3550 CEDAR LAKE RD	311 Medical assist, assist EMS c
19-0000277-000	03/14/2019	01:40:31	4845 CEDAR LAKE RD	321 EMS call, excluding vehicle
19-0000285-000	03/16/2019	13:13:51	312 NEWBERRY LN	745 Alarm system activation, no
19-0000286-000	03/16/2019	17:17:26	1405 TRACILEE DR	600 Good intent call, Other
19-0000301-000	03/21/2019	11:56:45	2730 BLACK EAGLE RDG	311 Medical assist, assist EMS c
19-0000302-000	03/21/2019	12:35:40	1111 ELK RUN	311 Medical assist, assist EMS c
19-0000304-000	03/22/2019	08:15:43	177 PENOBSCOT DR	311 Medical assist, assist EMS c
19-0000307-000	03/22/2019	23:58:54	2853 DUTCHER RD	600 Good intent call, Other
19-0000309-000	03/24/2019	01:18:45	1096 ROCKY KNOLL LN	611 Dispatched & cancelled en ro
19-0000314-000	03/25/2019	22:47:22	2432 NORTON RD	324 Motor Vehicle Accident with
19-0000317-000	03/27/2019	13:16:39	W I96 & PINCKNEY RD	600 Good intent call, Other
19-0000324-000	03/28/2019	12:29:23	3635 MASON RD	143 Grass fire
19-0000327-000	03/28/2019	22:14:36	2889 HIGH MEADOWS DR	631 Authorized controlled burnin
19-0000331-000	03/30/2019	15:46:53	W I96 & PINCKNEY RD	600 Good intent call, Other

Total Incident Count 22

INVESTMENT INTEREST EARNED REPORT FY2019

GENERAL FUND	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Matures	EARN YTD	BALANCE YTD
#003 FNBH Sav #599	\$ 67.57	\$ 67.59	\$ 65.42	\$ 67.61	\$ 65.44	\$ 67.64	\$ 67.66	\$ 61.12	\$ 67.68	10/16/2019	\$ 597.73	\$ 318,830.76
The State Bank #737				\$ 3,608.12			\$ 5,058.79			12/26/2019	\$ 8,666.91	\$ 240,956.23
Flagstar Bank #054	\$ 121.34	\$ 125.53	\$ 125.67	\$ 121.75	\$ 125.96	\$ 122.03	\$ 126.23	\$ 126.39	\$ 757.28	5/9/2019	\$ 1,899.64	\$ 124,395.00
PNC Bank #148	\$ 2.13	\$ 2.14	\$ 2.06	\$ 2.14	\$ 2.06	\$ 2.14	\$ 2.13	\$ 1.93	\$ 2.13		\$ 18.86	\$ 50,263.63
FNBH Land Acq#342	\$ 20.19	\$ 20.19	\$ 19.55	\$ 70.69	\$ 84.08	\$ 101.07	\$ 101.10	\$ 91.36	\$ 101.19		\$ 609.42	\$ 238,336.78
Key Bank #700	\$ 211.23	\$ 215.45	\$ 748.62	\$ 3,870.31	\$ 277.54	\$ 899.32	\$ 5,355.91	\$ 280.80	\$ 1,042.56		\$ 12,901.74	\$ 1,083,249.19
Monthly Totals												

WATER FUND

#003			\$ 1,821.53						\$ 2,297.62	9/11/2019	\$ 4,119.15	\$ 199,894.81
CIBC CD #321												
Monthly Totals			\$ 1,821.53						\$ 2,297.62		\$ 4,119.15	\$ 199,894.81

SEWER FUND

#002 TCF #072					\$ 2,729.32		\$ 1,662.23		\$ 1,369.76	12/11/2019	\$ 4,391.55	\$ 253,610.01
Chemical Bank #707					\$ 2,747.35					9/20/2019	\$ 4,117.11	\$ 53,876.48
Monthly Totals					\$ 2,729.32		\$ 1,662.23		\$ 1,369.76		\$ 8,508.66	\$ 507,486.49
Old National Bank #8030										10/21/2019		\$ 200,000.00

Grand Total \$ 211.23 \$ 215.45 \$ 2,570.15 \$ 3,870.31 \$ 3,006.86 \$ 3,646.67 \$ 5,355.91 \$ 1,943.03 \$ 4,709.94

July to June Total	\$
1st Qtr (Jul-Sept)	25,529.55
2nd Qtr (Oct-Dec)	2,996.83
3rd Qtr (Jan-Mar)	10,523.84
4th Qtr (Mar-Jun)	12,008.88

\$ 25,529.55

TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN

INVESTMENT POLICY
October 11, 2012

1. PURPOSE

It is the policy of the Township of Marion to invest public funds in a manner that will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state statutes and local ordinances governing the investment of public funds.

2. SCOPE

This investment policy applies to the investment activities of the Township of Marion except for its employee pension funds and its employee deferred compensation funds which are organized and administered separately. These funds are accounted for in the annual financial report and include the following funds:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Water and Sewer Funds
- Trust and Agency Funds
- Debit Service Funds
- Any new fund created by the governing body, unless specifically excepted by the governing body

This investment policy applies to all transactions involving the financial assets and related activity of all the foregoing funds.

3. OBJECTIVES

Funds of the Township of Marion will be invested in accordance with Michigan Public Act 20 of the Public Acts of 1943, as amended, and in accordance with the following objectives in order of priority:

- 3.1 Safety of Capital—Safety of principal is the foremost objective of the Township of Marion. Each investment transaction shall seek to first ensure that capital losses are avoided whether they be from defaults or erosion of market value.
- 3.2 Diversification—Assets shall be diversified to eliminate the risk of loss resulting from over concentration in a specific maturity, individual financial institution(s) or a specific class of securities. Diversification strategies shall be determined and revised by the Marion Township Treasurer from time to

time to meet diversification objectives (to reduce overall portfolio risks while attaining market average rates or return.)

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll, debt service), as well as considering sizable blocks of anticipated revenue (taxes, state revenue sharing payments.)

3.3 Liquidity—The Marion Township investment portfolio will remain sufficiently liquid to enable the township to meet all operating requirements that might be reasonably anticipated.

3.4 Return on Investment—The investment portfolio of the Township of Marion shall be designed in a manner to attain a rate of return throughout budgetary and economic cycles consistent with the township investment risk constraints and cash flow requirements.

4. DELEGATION OF AUTHORITY

The treasurer is designated as investment officer of the Township of Marion and is responsible for investment decisions and activities. The treasurer shall develop and maintain administrative procedures for the operation of the investment program, consistent with the investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in investment transactions except as provided under the terms of this policy and the administrative procedures established by the Marion Township treasurer. The Marion Township treasurer shall also establish a system of controls to regulate the activities of subordinate officials and shall be responsible for all transactions undertaken.

5. AUTHORIZED INSTRUMENTS

In accordance with Michigan Public Act 20 of the Public Acts of 1943, as amended, and MCL 129.12, Depositories for Public Moneys, the surplus funds of the Township of Marion may be invested as follows:

- a. Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- b. Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, as defined in MCL 129.16, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
- c. Certificate of Deposit Account Registry Service (CDARS) comprised of a network of participating banks. When an amount greater than the federally (FDIC) insured limit of \$250,000 is deposited with a participating bank, that

amount is broken into smaller amounts less than \$250,000 and placed in CDs issued by other banks in the network.

- d. Commercial paper rated at the time of purchase within the budget classification established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- e. Repurchase agreements consisting of instruments listed in subdivision a above. Repurchase agreements shall be negotiated only with dealers or financial institutions with which the Township of Marion has negotiated a Master Repurchase Agreement. Repurchase Agreements must be signed with the bank or dealer and must contain provisions comparable to those outlines in the Public Security Association's model Master Repurchase Agreement.
- f. Bankers' acceptances of United States banks.
- g. Mutual funds registered under the investment company act of 1940, maintain a \$1 per share net asset value, and the authority to purchase only investment vehicles that are legal for direct investment by a public corporation.

6. SAFEKEEPING AND CUSTODY

All securities purchased by the Township of Marion under this action shall be properly designated as an asset of the township and held in safekeeping. No withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Treasurer as authorized herein, or by their respective designees.

Transactions in negotiable instruments that have a value exceeding SIPC insurance protection, and other insurance protections as may be applicable, with any one dealer will be required to be settled on a Delivery vs. Payment basis. A Trust Receipt from the contra-party and proof of SIPC and other insurance will be required when the transaction is covered by insurance. Non-negotiable, non-collateralized Certificates of Deposit, as is the law in the State of Michigan, shall be evidenced by a safekeeping receipt from the issuing bank.

7. PRUDENCE

The standard of prudence to be applied by the investment officer shall be the "prudent person" rule, which states: "Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probably safety of their capital as well as the probable income to be derived." The prudent person rule shall be applied in the context of managing the overall portfolio. Investment officers acting in accordance with written procedures and exercising due diligence shall be

relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the chief executive in a timely fashion and appropriate action is taken to control adverse developments.

8. REPORTS

The Treasurer shall provide quarterly a written report to the governing body concerning the investment of funds **in compliance with Public Act 213.**

9. EFFECTIVE DATE

This policy shall become effective **on April 26, 2019,** the day following adoption by the Marion Township Board of Trustees.

~~Section 8 Reports was amended 2/24/2011 by Marion Township Board to be in compliance with Act 213.~~

CERTIFICATION

I hereby certify that I have received the Investment Policy of the Township of Marion, Livingston County, Michigan and have personally read the Investment Policy and agree with the terms of the Investment Policy regarding the buying or selling of securities.

We also pledge to exercise due diligence in informing you of all foreseeable risks associated with financial transactions conducted with our firm.

Institution

Address

City/State/Zip

Authorized Official & Title

Signature

Date

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MEMO

From: Bob Hanvey
To: Marion Township Board
Subject: Fire Prevention Code
Date: April 25, 2019

Attached for your review, comment, and action is the ordinance that suggests modifications to the 2018 edition of the International Fire Code for Marion Township. This ordinance applies mainly to commercial properties and some aspects of residential developments.

The attached ordinance is an update to the ordinance we previously approved that modified the 2012 edition. The Howell Area Fire Authority would like all member municipalities to use the same ordinance.

TOWNSHIP OF MARION
FIRE PREVENTION CODE

An Ordinance of the Township of Marion adopting the 2018 edition of the International Fire Code, promulgated the International Code Council, Inc. ("Fire Prevention Code"), regulating and governing the safe-guarding of the life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Township of Marion; providing for the issuance of permits and collection of fees therefor; to prescribe minimum requirements necessary to establish a reasonable level of fire safety and property protection from hazards created by fire and explosion; to provide for penalties for violations thereof; and to repeal all other ordinances and parts of ordinances in conflicts therewith.

The Township of Marion does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file at the Howell Area Fire Authority's main fire station, 1211 W. Grand River, Howell, MI 48843, and one copy is available at the township clerk's office, being marked and designated as the International Fire Code, 2018 edition, including Appendices A, B, C, D, E, F, G, H, I, J and N, as published by the International Code Council, be and is hereby adopted as the Fire Prevention Code of the Township of Marion, Livingston County, Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the township clerk's office as hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2 That the following sections of the adopted International Fire Code, 2018 edition, are hereby added, amended, or deleted:

Section 101.1 Title. These regulations shall be known as the *Fire Code* of the Township of Marion, hereinafter referred to as "this code" or "the Fire Prevention Code".

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions, which establish the higher standard for the promotion of the safety and welfare of the public and the protection of the public, or as otherwise determined by the State of Michigan law, must apply.

Section 103.1 General. The Howell Area Fire Department is responsible for fire prevention, inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within the Howell Area Fire Authority jurisdiction. The department of fire prevention is established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and the codes and standards referenced in Chapter 80 of this code.

Section 104.11.4 Unlawful Boarding or Tampering with Fire Department Emergency Equipment. A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, or to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

Section 104.11.5 Damage / Injury to Fire Department Equipment / Personnel. It is unlawful for any person to (a) damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; and (b) injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

Section 105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.25. Where reference is made to this section for permits elsewhere in this code and there are no provisions for issuing said permits by the department of fire prevention, the code official is authorized to waive the particular permit requirement.

Section 105.6 Required Operational Permits. The code official is authorized to issue operational permits for the operations set forth in Section 105.6.1 through **105.6.50**. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

Section 105.6.20 Hazardous Materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20. An operational permit, once issued, shall remain valid until revoked or until occupancy for which the permit was issued shall change ownership. Upon any change of ownership, a new operational permit for the occupancy shall be required to store, transport or site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20. Notwithstanding the fact that no additional permit need be issued, nor any further fee charged, for a change in the operation or manner of storage, transportation, dispensing, use or handling of the permitted hazardous substance, nor for any change in the type of hazardous substance being so used, any such change from the conditions of the original permit shall create a duty on the permit holder to advise the fire marshal or his designee of such changes forthwith. Failure to comply with this notification mandate may be cause for revocation of an operational permit where the circumstances surrounding such permit have been changed without notice to the fire marshal.

Exception: (1) Nothing in this subsection shall apply to a farm or farm operation as defined in Section 202 of this Code and MCL 086.140, that being the Michigan Right To Farm Act, 1981, PA 93, as amended.

(2) Nothing in this subsection shall apply to one or two family dwelling occupancies.

Section 105.6.20.1 Required amounts for reporting. Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in Table 105.6.20.

Section 105.6.20.2 Permit Fees. The following fees shall be applied to the maximum quantity of each form of hazardous materials:

<i>Quantity & Form</i>	<i>Fee</i>
0-1,000 lbs.; 0-100 cu. Ft.; 0-330 gal.	\$100
1,000-20,000 lbs.; 101-6,000 cu. Ft; 331-990 gal.	\$250
20,001+ lbs.; 6,001+ cu. Ft.; 991+ gal.	\$500.

Section 105.7.1.1 Installations. Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to by the fire suppression system. A qualified installer who is properly licensed and/or certified to perform such work as determined by the code official must perform all work. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

Section 105.7.1.2 Permit fees. Permit fees cover initial plan review and two inspections.

Sprinkler Systems:

<i>Riser(s) & Sprinkler Heads</i>	<i>Fee</i>
1-20 heads	\$80.00
21-50 heads	\$90.00
51-100 heads	\$100.00
101-200 heads	\$120.00
201-300 heads	\$140.00
301-400 heads	\$160.00

401-500 heads	\$180.00
501-1000 heads	\$200.00
>1,001 heads	\$ 0.50 per head

Standpipes: \$45.00 per standpipe.

Fire pump: \$50.00

Dry or wet chemical fire suppression systems: \$90.00 per system. Each additional system in the same building reviewed at the same time is \$45.00. Alterations, additions, or modifications to each existing system are \$35.00.

Total flooding agent extinguishing systems: \$90.00 plus appropriate detection system fee.

Plan Reviews: the code official might require an outside third party. This review will be charged at the current fire safety consultants or plan reviewer's rates. These fees shall be paid prior to the issuance of the permit.

Section 105.7.7.1 Installations. Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. A qualified installer who is properly licensed and/or certified to perform such work as determined by the code official must perform all work. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

Section 105.7.7.2 Permit fees. Permit fees cover initial plan review and two inspections.

<i>Device</i>	<i>Fee</i>
Control Panel	\$20
First initiating or auxiliary control devices (smoke detector, heat detector, control switch, etc.)	\$10
Each additional initiating or aux control device	\$ 0.50 per device
First audio/visual indicating or communications device (horn, strobe, bell, etc.)	\$10
Each additional audio/visual indicating or communications device	\$0.50 per device

Plan Reviews: The code official might require an outside third party. This review will be charged at the current fire safety consultants or plan reviewer's rates. These fees shall be paid prior to issuance of the permit.

Section 105.7.26 Permit issuance. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

Section 106.6 Additional fees. The following fees may be charged for a re-inspection and shall apply to each inspector performing the re-inspection. These fees shall be paid in full prior to the re-inspection being performed.

1. \$30.00 per re-inspection during normal working hours.
2. \$75.00 per re-inspection during non-working hours.

Section 106.7 Cancellation fees. Handling cost of permits canceled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

Section 109.4 Board of appeals members. The board of appeals shall consist of the following:

Two (2) members of the Howell Area Fire Authority board.

Three (3) certified fire inspectors from a jurisdiction outside the jurisdiction.

No member of the appeals board shall have a conflict of interest with the issue being addressed.

Section 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be responsible for a municipal civil infraction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized by the Revised Judicature Act, MCL 600.101. *et seq.*, that being Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be a minimum of \$100.00 (one hundred dollars and no cents) and a maximum of \$500.00 (five hundred dollars and no cents), plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by the same person within a 24 month period and (ii) for which the person admits responsibility or is determined responsible. Unless otherwise provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(A) The fine for any offense which is a first repeat offense shall be a minimum of \$250.00 (two hundred fifty dollars and no cents) and a maximum of \$750.00 (seven hundred fifty dollars and no cents), plus costs.

(B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be a minimum of \$400.00 (four hundred dollars and no cents) and a maximum of \$900.00 (nine hundred dollars and no cents), plus costs.

Section 109.45 Prohibited parking; exception; bus-loading zone; violation as civil infraction. (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer, fire official/personnel or traffic-control device, in any of the following places:

- 1) Within 15 feet of a fire hydrant.
- 2) Within 20 feet of the driveway entrance to a fire station and within 75 feet of a fire station entrance on opposite side of street if properly marked by an official sign.
- 3) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.
- 4) Within 500 feet of an accident at which police officer, fire official/personnel is in attendance.
- 5) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.

- 6) In a place or in a manner that blocks or hampers the immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- 7) Within 500 feet of a fire at which fire apparatus is in attendance. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- 8) In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- 9) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

Section 110.5 Fee Schedule. For any violation of the parking requirements listed in Section 109.45 of this Code, the fine for such an offense shall be \$25.00 per violation if paid within ten (10) days of the violation, and, if not paid, within ten (10) days of said violation, shall be increased to \$50.00 per violation.

Section 110.5.1 Towing and Storage Costs. In addition to the above violation penalties, a person who violates this section shall be responsible for all vehicle towing and storage costs incurred if the Fire Chief and/or his/her designees, as defined in Section 109.4 (2) herein, determines that the vehicle parked in violation of section 109.4 must be towed to insure public safety and/or fire department access to a building or emergency scene.

Section 110.6 Application and allocation for fees, fines. Payment for any permit fees, violation fines shall be paid to the Howell Area Fire Authority.

Section 110.6-1 Issuing of tickets for violations. The Fire Chief and the chief's designee, who shall be the Deputy Fire Chief, Assistant Fire Chiefs, Fire Marshal, and fire inspectors assigned to the Fire Marshal's Division is authorized to issue tickets for violation of this code.

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of a minimum of "\$25.00 (twenty-five dollars and no cents)" or a maximum of "\$500.00 (five hundred dollars and no cents)".

Section 112.5 Collection of charges. The Howell Area Fire Authority may proceed in a court of appropriate jurisdiction to collect any monies remaining unpaid for services provided as a mature debt of the Howell Area Fire Authority and shall have any and all other remedies provided by law for the collection of all charges.

Section 114. False Alarms

Section 114.1 False alarms; inspections; orders to correct. (1) A fire, sprinkler, or water alarm system experiencing more than two false alarms within a thirty-day (30) period or four false alarms within the calendar year is deemed defective. Upon written notice to the owner or lessee of the alarm system by the Fire Chief and/or his/her designee, the owner or lessee shall have the system inspected by an alarm system contractor who shall, within fifteen days, file a written report to the fire chief and/or his/her designee of the result of his/her inspection, the probable cause of the false alarms and his/her recommendation for eliminating false alarms.

(2) Upon receipt of the report, the fire chief and/or his/her designee shall forward the same to the owner or lessee, ordering corrections, based upon recommendations contained in the report.

(3) The owner or lessee shall have three working days from the receipt of the order to make such corrections. Thereafter, to defray the cost of responding to false alarms, the owner or lessee of an alarm system shall pay to the fire authority the amount of the response as per the cost recovery fees for each false alarm received and responded to by the fire department during the calendar year in which the order to correct the system was issued. The amount due to the fire

authority shall be paid forthwith upon demand by the fire department and if not so paid, the fire authority and/or designee shall have the right, along with all of the other rights it may have, to impose a lien on the real and personal property of the owner or lessee and such lien shall be enforced in the same manner as are delinquent taxes.

Section 114.2 Misrepresented False Alarms. It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. The fire chief and/or his/her designee shall have the authority to issue fines as per the cost recovery ordinance to any person causing a fire alarm; if the person causing a false alarm is a minor the fines shall be the responsibility of the minor's legal supervisor.

Section 202 General Definitions. The following definitions shall be in addition to the definitions noted in the International Fire Code, 2018 edition.

"Code Official" The fire chief, fire marshal, fire inspector, code enforcement officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or duly authorized representative. The term "fire official" may be used interchangeably with "code official" in this code.

"False Alarm" Means the activation of an alarm of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his/her employee or agent. "False alarm" does not include the alarm caused by severe weather or other violent conditions beyond the control of the owner or lessee of an alarm system or his/her employee or agent.

"Farm" Means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, equipment, and other appurtenances used in the commercial production of farm products. MCL 286.472(a).

"Farm Operations" Means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. MCL 286.472(b).

"Fire Watch" A temporary measure intended to ensure continuous and systemic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlled fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the code official.

"Misrepresented False Alarm" The willful and knowing initiation or transmission of a signal, message or other notification of event of fire or the emergency when no danger exists.

"Water Capacity" The amount of water, in either pounds or gallons, at 60 deg. F (15.6 deg. C) required to fill a container full of water.

Section 307.1.2 Local Burning Ordinances Preserved. Nothing in this Code shall be construed as prohibiting a township or city served by the Howell Area Fire Authority from regulating matters of open burning by duly adopted local ordinance, whether or not such ordinance predates the adoption of this code. In the event of a conflict between this Code and the ordinance in force and adopted by the township or city wherein the location in question lies, the local ordinance shall be deemed to supersede this Code and control, for so long as it remains in force. Notwithstanding any superseding local ordinance, however, the Fire Chief, Fire Marshal, or fire code official shall retain the authorization under **Section 307.7** of this code to ban all open burning if conditions warrant.

Section 307.6 Fire Department Training. Open burning is allowed for the purpose of training fire fighters in fire fighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice.

Section 307.7 Banning Open Burning. The Fire Chief, Fire Marshal, or fire code official shall be authorized to issue a ban on all open burning if conditions are too hazardous in the opinion of the fire code official to allow the open burning, open flame, etc.

Section 312.2.1 Maintenance. It shall be the property owner's responsibility to provide and maintain this protection.

Section 507.5 Fire Hydrants systems. Fire hydrant systems shall comply with section 507.5.1 through 507.5.6 and shall be in accordance with Appendix C and Howell Area Fire Department stands and policies.

Section 507.5.4.1 Removal of Obstructions. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the local governing body from the responsible person and shall be collected as any other debt to the Howell Area Fire Authority.

Section 903.3.5.3 Required pressure margin. Due to unforeseeable and changing conditions within the water supply, the code official is authorized to require a pressure margin of up to 20 lbs. over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

Section 912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be within 100 feet of a hydrant and shall be approved by the code official.

Section 918. Fire Protection System Precautions.

Section 918.1 General. **Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures.**

Section 2301.1 Scope. Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities and repair garages shall be in accordance with this chapter and the International Fuel Gas Code, Michigan Building Code, Michigan Mechanical Code, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both public accessible and private operations.

Section 2306.1 General. Storage of flammable and combustible liquids shall be in accordance with Chapter 57 and Sections 2306.2 through 2306.6.3 and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent.

Section 2306.7.8 Gravity and pressure dispensing. Flammable and combustible liquids shall not be dispensed by gravity from tanks, drums, barrels, or similar containers. Flammable or combustible liquids shall not be dispensed by a device operating through pressure within a storage tank, drum or container. Approved pumps taking suction from the top of the container shall be utilized.

Exception:

1. Tanks, drums, barrels or similar containers used in farms or farm operations as defined within this code.
2. Tanks, drums, barrels or similar containers used at one or two family residential dwellings.

Section 5601.1.1 Explosive Materials Standards. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, and the Michigan Explosive Law 1970 PA 202, as amended, or its equivalent.

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless in compliance with the Michigan Fireworks Safety Act, being Act 256 of 2011, as amended by Act 65 of 2013, and as hereinafter, as amended, or its equivalent.

Section 5601.1.4 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of NFPA 1122, NFPA 1125, and NFPA 1127, and the Michigan Model Rocket Law 1965 PA 333, as amended (now MCL 259.781 et seq.), or its equivalent.

Section 5701.3 Referenced documents. The applicable requirements of Chapter 50, other chapters of this code, the Michigan Building Code, and the Michigan Mechanical Code pertaining to flammable liquids, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent shall apply.

Section 5701.4 Permits. Permits shall be required as set forth in Section 105.6 and 105.7, and the Michigan Fire Prevention Code 1941 PA 207, as amended (now MCL 29.1 et seq.), or its equivalent.

Section 5704.2.9 Above-ground tanks. Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Section 5704.2.9.1 through 5704.2.9.7.9, and the Michigan Above-ground Storage Tanks Rules, or their equivalent.

Exception:

1. Above-ground storage tanks used in farms or farm operations as defined within this code.
2. Above-ground storage tanks used at one or two family residential dwellings where the water capacity of said tank is less than 1,100 gallons.

Section 5704.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and sections 5704.2.11.1 through 5704.2.11.4.2, and the Michigan Underground Storage Tank Rules, or their equivalent.

Section 6101.2 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7 and the Michigan Fire Prevention Code 1941 PA 207, as amended (now MCL 29.1 et seq.), or its equivalent.

Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official.

Chapter-80 – Referenced Standards

This chapter shall also include the following:

State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:

- Michigan Fire Prevention Code 1941 PA 207
- Michigan Explosives Law 1970 PA 202
- Michigan Model Rocket Law 1965 PA 333
- Michigan Storage and Handling of Flammable and Combustible Liquids Rules

- Michigan Underground Storage Tank Rules.
- **Michigan Fireworks Safety Act 256 of 2011, as amended by Act 65 of 2013**

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Township of Marion hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That the Clerk of the Township of Marion is hereby ordered and directed to cause a notice to be published as required by law that this ordinance has been adopted and that three copies of same are available to the public for inspection during regular business hours at the Howell Area Fire Authority's main fire station, 1211 W. Grand River, Howell, MI 48843, and one copy is available at the township clerk's office during normal business hours. Said notice shall also contain the introductory paragraph of this ordinance which shall serve as its stated purpose.

Section 5. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty days after publication, until revised, amended, or repealed from and after the date of its final passage and adoption.

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Landscape Nursery Operations
Date: April 25, 2019

Attached are several documents relating to Landscape Nursery Operations for your review, comment, and action.

Letter from Carlisle Wortman describing what the ZBA did at the December 2018 meeting.

Memo from me to the Planning Commission with my concerns about the definitions.

Definition of "Landscaping" from somewhere on the internet.

Recommendation of next two steps for the Board of Trustees to take.

Excerpt from the Planning Commission meeting of February 26, 2019.



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Marion Township Planning Commission
FROM: John L. Enos, AICP, Township Planner
DATE: April 16, 2019
RE: Authority of the Zoning Board of Appeals

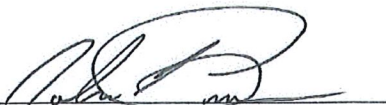
Following the recent discussions regarding the Zoning Board of Appeals (ZBA), I have spoken with Township Attorney Kehoe we have researched language as it pertains to the ZBA's power and authority to interpret local zoning ordinances. The questionable authority is whether or not the ZBA's interpretation of the ordinance is continual. **We do not believe that the ZBA changed the terms of the ordinance. Because they didn't take an existing term in the ordinance and effect a change of that term. It provided a definition when there was none. We don't see how that changed a term. It would have been different had there been a definition and the ZBA altered that.**

Below is language published in the Michigan Municipal League Zoning Board of Appeals Handbook, reiterating that following ZBA interpretation, that interpretation will thereafter be lasting for all cases going forward.

Interpretations

*"The ZBA is authorized to issue an official interpretation of the zoning ordinance. Interpretations may be related to either the text of the zoning ordinance or to the boundaries of the zoning map. Unlike legal opinions or recommendations of consultants, an interpretation by the ZBA establishes the meaning of the matter being interpreted and is **deemed to be the actual meaning of the ordinance from that point forward, unless the ZBA's interpretation is appealed to the courts.**"*

If you have any additional questions on the subject matter, please reach out.



CARLISLE/WORTMAN ASSOC., INC.
John L. Enos, AICP
Principal

cc: Mike Kehoe, Township Attorney

MEMO

To: Marion Township Planning Commission
From: Bob Hanvey
Subject: Landscape Nursery Operations & Contractors
Date: February 26, 2019

I have several concerns about the "Landscape" language proposed by the ZBA and Carlisle Wortman and/or the Township Attorney.

I think before we can start using this language we need to include performance standards for both uses.

Use of the term "landscape contractor" see definition of "landscaping" attached. In my experience, businesses that are, in practice, lawn mowing services, usually call themselves "landscapers" and they often operate on a contract basis. We currently have many of these businesses in the township and there is not enough property zoned LI to accommodate them.

I'm not sure why "landscape nursery operations" is not allowed in SR.

I think a strict reading of the definition of "Landscape Nursery Operations" does not require that "incidental or secondary items" be a minor part of the operation as long as the vegetation that is sold is primarily grown on site. As I read it, the area of the lot dedicated to non-vegetation items could be much larger than the vegetation area.

I don't know how a retail operation of any size can be consistent with the "residential character" of the neighborhood.

There is an overlap between the two uses. Someone who grows trees and shrubs, sells fertilizer, mulch, rocks, etc. could fit in either category.

I just ran out of time to get this in the packet.

landscaping

The activity of designing or improving gardens and the surroundings of buildings to make them attractive.

A landscaping business may be any size or perform any of a number of tasks to create and preserve residential lawns as well as commercial grounds.

A landscaping business can provide clients with lawn services to keep their yards groomed and can also plant flowers, trees and shrubs. Landscapers know how to plan flowerbeds and gardens to raise the value of a property. When a person hires a landscaper, he pays not only for manual labor but also for the landscaper's working knowledge of the plants and flowers that flourish in the area.

A landscaping business may do residential work on lawns or private work for commercial businesses. Public landscapers keep golf courses groomed and may also work in parks. Another type includes the county and city landscaping crews who mow the sides of the roads and are responsible for upkeep on flowerbeds.

A landscaping business may be as small as a teenager with a push mower who only mows lawns in his neighborhood. It may also be medium- to large-sized, depending on how much work the business performs. Professional landscaping businesses usually have zero-turn riding lawnmowers so they can perform duties quickly and move on to the next job. They also have professional weed trimmers, chainsaws, tillers and other high-quality tools that will last even with much usage. A large landscaping business may employ several crews consisting of a crew leader and several employees working under them all at one location.

Landscaping for residential applications includes mowing the lawn; weed trimming; planting flowers, shrubs and trees; and trimming hedges and trees. Landscaping businesses will often fertilize plants and grounds as well. This business also involves design of lighting, patios, decks and walkways. An expert landscaper can even create topiaries of animals from hedges and trees and mow golf courses at different heights to create the varying levels of grasses on the green and in the ruff.

It is beneficiary to homeowners to engage the expertise of a landscaper when they are planning new items in their yards. Some items survive better in certain types of soil and some thrive in different regions. A landscaping business will have firsthand knowledge of all the types of plants that are easy to mix together in one setting. For example, if you place a plant that needs little water next to one that requires a lot of water, then one will not survive due to over or under watering. Often, elderly homeowners are not able to take care of their lawns, and hiring a landscaping business keeps their yards healthy and pretty.

LANDSCAPE OPERATIONS IN MARION TOWNSHIP

Step #1

Amend RR Rural Residential District to allow “Landscape Nursery Operations” as interpreted by the Zoning Board of Appeals and as a Special Land Use within the Rural Residential District. See created definition below:

Landscape Nursery Operations: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage, wholesale sale, or retail sale, of live trees, shrubs and plants primarily but not exclusively grown onsite. Incidental or secondary items directly related to a nursery or greenhouse may also be sold, including but not limited to pots, decorations, mulch, stone, rocks, pavers, edging materials, etc. The area and amount of such structures, equipment, vehicle storage and other areas dedicated to the use shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

Step #2

Amend LI Light Industrial District to allow landscape contractors buildings, offices and yards as a use permitted by right. See definitions as suggested by the Township Attorney below:

Landscape Contractor’s Buildings, Offices and Yards: A space, building or structure, or combination thereof, used primarily for the storage of equipment, tools, vehicles, and materials used in or associated with a landscape contracting business.

Landscape Contractor/Contracting. The sale, storage or transportation of fertilizers, mulch, groundcovers, boulders, and similar products used for landscaping or gardening and could include the sale of live trees, shrubs or plants grown or not grown on the property.

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 26, 2019 / 7:30PM

2) LANDSCAPE NURSERY OPERATION REVIEW

John Enos said that Marion has a landscape operation definition and now we have to decide if it needs to be changed. The ZBA made this definition, so Dave has to follow this until told otherwise, so this needs to be incorporated to the zoning ordinance. John Enos stated that there is a difference between a "landscape operation" and a guy mowing grass for a living. That would fall under "home occupation". Bob Hanvey said that this definition doesn't say "secondary to growing". John thinks that it does say that.

John said that the Planning Commission needs to determine whether or not we want this as our definition. Should this definition be changed/modified or should we make it part of the ordinance. Dave Hamann said he thinks we should make this part of our Special Use process and that way, we have the ability to review it. John Enos completely agreed with Dave.

Tim Ryan, 459 East Davis Road, asked if a particular parcel is in a RR district and they build a pole barn on their parcel, but later they decide to split the parcel. The barn is now on a parcel without a house and is operating as a business. This is what happened with Eddies and now, it is actually more of a trucking company versus a landscaping operation.

John Enos said that a landscape nursery with or without a barn is not unusual. John said that we could look at over fifty different pieces of language, but they will all be similar to this one. John said that if the Planning Commission wants this as our definition, he recommends sending this language to the board for review. If the board wants us to change/modify anything, then we can do so at that time.

Jim Anderson made a motion to send this language along with the new definition to the Board of Trustees for review. Bruce Powelson seconded. **Motion carried.**