

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
LOWER LEVEL
Thursday, July 25, 2024
7:30 pm

THIS MEETING WILL BE HELD IN PERSON WITH ONLINE PARTICIPATION OPTIONS

Call to Order

Pledge of Allegiance

Members Present/Members Absent

Call to the Public

- 1) Approval of the Agenda
- 2) Consent Agenda
 - a. July 11, 2024 Regular Meeting Minutes
 - b. July 16, 2024 HAPRA Minutes/Agenda
 - c. July 17, 2024 HAFDA Minutes/Agenda

- 3) Mercier Complaint
- 4) Set the Dates for the Parker Drive SAD Meetings
- 5) Nuisance Ordinance
- 6) Green Cemetery Maintenance
- 7) General Township Maintenance

Correspondence and Updates

Call to the Public

Adjournment

Next Board Packet will be ready after **3 pm on Thursday, August 1, 2024.**

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
JULY 11, 2024

MEMBERS PRESENT: Scott Lloyd, Greg Durbin, Bob Hanvey, Tammy Beal, Les Andersen, and Sandy Donovan

MEMBERS ABSENT: Dan Lowe

OTHERS PRESENT: Attorney John Gormley

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Item 7.5—Maintenance was added to the agenda. Les Andersen motioned to approve the agenda as amended. Tammy Beal seconded. **Motion carried.**

CONSENT AGENDA

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

GALE SHOW CAUSE HEARING REVIEW

Diane Gale was present for this agenda item. She said she hadn't gotten any feedback from the township on the letter she wrote. She asked specifically what the complaint was about. Bob Hanvey said the complaint wasn't specific; Tammy Beal said the trailers and vehicles. Ms. Gale said they have five vehicles that they drive. Greg Durbin asked about the abandoned RV; Ms. Gale said they use it for storage. The board member asked if she could move it where it's not visible. Ms. Gale said that every one in the township should be held accountable and she feels targeted.

Scott Lloyd motioned to give Diane Gale thirty (30) days to move the RV. Sandy Donovan seconded. **Motion carried.**

MILLER SHOW CAUSE HEARING REVIEW

Dawn Miller was present for this agenda item. She said she's made a lot of progress. She's been in contact with Miechiels to pick up items, but a date hasn't been scheduled yet. Les Andersen motioned to allow thirty (30) days to have the items removed. Bob Hanvey seconded. **Motion carried.**

CRYSTAL WOOD TREES

Cathy Hulett from the Crystal Wood II HOA was present for this agenda item. She said the builder is no longer in business and the township has funds in escrow for the required trees. Bob Hanvey asked her to mark on the site plan where they would like the trees and the type of trees they would like. We will request the attorney to draft a document for Crystal Wood & Crystal Wood Estates HOAs to waive approval of the trees.

GENERAL FUND BUDGET AMENDMENTS

Les Andersen motioned to adopt a resolution to approve the proposed General Fund budget amendment for FY 7/1/24-6/30/25, as presented. Scott Lloyd seconded. Roll call vote: Andersen, Donovan, Beal, Durbin, Lloyd, Hanvey—all yes. **Resolution passed 6-0.**

PARK FUND BUDGET AMENDMENTS

Tammy Beal motioned to adopt a resolution to approve the proposed Park Fund budget amendment for FY 7/1/24-6/30/25, as presented. Sandy Donovan seconded. Roll call vote: Durbin, Donovan, Hanvey, Lloyd, Beal, Andersen—all yes. **Resolution passed 6-0.**

MAINTENANCE

Les Andersen motioned to approve having Wellman's remove dirt from the Triangle Lake Park playground area prior to installation of new wood fiber, not to exceed \$1,500. Tammy Beal seconded. Roll call vote: Beal, Andersen, Donovan, Durbin, Hanvey, Lloyd—all yes. **Motion carried 6-0.**

Les Andersen motioned to approve the purchase of a new hand-held microphone for \$1,562.62, as presented. Tammy Beal seconded. Roll call vote: Hanvey, Durbin, Beal, Lloyd, Donovan, Andersen—all yes. **Motion carried 6-0.**

ENFORCEMENT

The board members and the attorney discussed using a private investigator for some enforcement issues. They also discussed municipal civil infractions. Bob Hanvey will bring a sample ordinance to review at the next meeting.

CORRESPONDENCE & UPDATES

The Livingston County update is included in the packet.

Tammy Beal said the July 25, 2024 board meeting will be held in the lower level.

The Smith case has been assigned to an insurance attorney.

Les Andersen said the information on the HAPRA millage that was included with the tax bills was helpful.

CALL TO THE PUBLIC

Cathy LeBlanc, 2298 Pingree, asked for clarification on the home-based business and home occupation zoning ordinances.

Andy Herald, 1881 Cedar Lake Road, said that political signs do not belong in the road right-of-way.

ADJOURNMENT

Sandy Donovan motioned to adjourn at 8:28 pm. Greg Durbin seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

DRAFT

HOWELL recreation

Howell Area Parks & Recreation Authority
Regular Meeting
Oceola Community Center
Tuesday, July 16, 2024, 6:30 p.m.

Call to order

Pledge of Allegiance (all stand)

Call to the Public (for any items not on the agenda)

Approval- Consent Agenda

1. Regular Board Meeting Minutes dated Tuesday, June 18, 2024
2. Check Register Report Ending June 30, 2024
3. Bank Statements Ending June 30, 2024
4. Financial Reports Ending June 30, 2024

Approval- Regular Agenda

5. Discussion/Approval – 2Q Budget Amendments
6. Discussion- Millage Update
7. Staff Reports
 - a. Upcoming events & programs
 - i. Golf Outing and Melon Ball
 - ii. Melon Festival
 - b. Sponsorship & marketing updates
 - c. Maintenance
8. Directors Report
 - a. Staff Outing
9. Board Member Reports
 - i. City of Howell Board Rep:
 - ii. Oceola Township Board Rep:
 - iii. Marion Township Board Rep:
 - iv. Genoa Township Board Rep:
 - v. Howell Township Board Rep:
10. Old Business
11. New Business
12. Next Meeting: August 16, 2024 @ 6:30pm Oceola Community Center
13. Adjournment

HOWELL

recreation

Howell Area Parks & Recreation Authority
Oceola Community Center

Regular Board Meeting Minutes

June 18, 2024

Call to Order

Chair Diana Lowe called the meeting to order at 6:30 pm.

Attendance

Board Members: Chair Diana Lowe, Vice Chair Terry Philibeck, Secretary Nikolas Hertrich, Treasurer Tammy Beal, Trustee Sue Daus

HAPRA Staff: Director Tim Church, Jen Savage, Kyle Tokan, Andrew Wittbrodt, and Nikki Wattles

Public: Non Present

Call to the Public

None Present

Approval of Consent Agenda

Treasurer Tammy Beal made a motion to approve the consent agenda, supported by Vice Chair Terry Philibeck. **Motion carried 5 – 0.**

Approval of Regular Agenda

Vice Chair Terry Philibeck made a motion to approve the regular consent agenda, supported by Treasurer Tammy Beal. **Motion carried 5 – 0.**

Discussion/Approval – Millage Update

Director Church shared with the Board an update on the upcoming millage. In coordination with the mailing of absentee and permanent ballots, millage informational notices will be going out on June 26, 2024. Total number of mailings is approximately 10,600 with a cost of roughly \$6,500.00. A recent informational session was held at the Oceola Center. In attendance were Vote Yes (Ballot Committee), HAPRA Secretary Nikolas

Hertrich, Oceola Township Supervisor Dunleavy, and Oceola Township Treasurer Andrews, no members of the public were present. There will be one final informational session held on Thursday, June 20, 2024 with a focus on senior's interests. The Ballot Committee will have signs out soon and a social media account up and running in the near future.

Staff Reports

a. Upcoming Events & Programs:

Staff provided brief updates on their various programs which included the following. The Melon Fest volunteer signup sheet will be sent out soon, youth summer camps are in their 3rd week and going really well, and the teen events are filling up. Recently the Preschool Lead Teacher stepped down and that position has been posted with applications being sought. Renee Baumgart was able to secure a Parade Company Detroit Studio Tour this fall. Availability will be limited with the event occurring on November 14, 2024. Fall soccer registration opened on Wednesday, June 19th. This past spring there were 700 kids who participated and many of the spring coaches will be back. A good partnership has been established with Kona Ice, this fall \$700.00 will be going to the soccer program. The Pickles and Pints program has been a success, will be looking to continue the program again this fall. Andrew's second string art event was held and went great. The cornhole season is coming to a close with the tournament upcoming. The season went well and there is interest for it to continue.

i. July is Parks and Rec Month:

A proclamation from State Representatives Bezotte and Conlin declaring July as Parks and Recreation Month has been secured. Having representatives from both parties support this declaration shows that recreation is nonpartisan. In recognition of National Parks and Recreation Month there will be many events occurring such as a soccer sampler, a basketball sampler at the Oceola Center, and a hike at Fillmore Park. WHMI will be highlighting these events as they near. Towards the end of the month focus will transition from recreation to the Melon Festival.

b. Sponsorship & marketing updates: No updates to provide

c. Maintenance:

The new gate at the dog park should be operational by this Friday (June 22, 2024). With the new technology registration will be quicker and easier to manage.

Directors Report

a. Recreation Master Plan Update:

Master Planning is currently at the survey phase. To support the effort, at HAPRA events there will be a sandwich board providing information on the survey to gather more support.

b. Focus Days:

Staff will be able to utilize a new hybrid workplan. Focus days will allow individuals to work from home to focus on tasks. Parameters are in place and expectations are set to make this effort successful.

Board Member Reports

Secretary Nikolas Hertrich shared with the Board agenda items from the June 10th, 2024, Howell City Council Meeting which included approval of various civic events, recognition of Kat McButterfly, ordinance amendments, approval of a purchase agreement to acquire the MDOT property adjacent to the Depot, and the swearing in of Officer Michael Markley.

Vice Chair Terry Philibeck informed the Board that they have been experiencing HVAC issues at the Oceola Community Center. Kyle is working with a company from Brighton that will be able to address these issues and by evaluating the entire system they are anticipating being able to recognize a cost savings through efficiencies. The elevators are still glitchy but should be fixed soon with the installation of a new board. The side buttons on the drinking fountains keep breaking but will be fixed with an upgrade. Repairs are estimated to be completed in 6 to 8 weeks.

Treasurer Tammy Beal shared with the Board that materials for the walking path have been staged and the Marion Township Board approved the use of engineered wood to repair the existing play structure, and the purchase of two new benches and new security cameras.

Chair Diana Lowe shared that at during Genoa Townships most recent Board Meeting repairs needed to address the soccer field drainage issues were tabled. The only quote received was from Cooper's Turf Management LLC in the amount of \$60,000.00. Cameras will soon be added at the basketball courts that will be able to take pictures of license plates.

Howell Township Trustee Sue Daus did not have an update to provide.

Old Business

Chair Diana Lowe inquired about the status of the banner. Jen Savage responded that she is working on it. Secretary Hertrich asked about the proposed plan to have the Boards of the participating communities proclaim July as Parks and Recreation Month. Director Church plans on presenting Representative Bezotte's and Conlin's proclamation to the participating members Boards/Councils when received.

New Business

None

Next Meeting

Regularly Scheduled HAPRA Meeting - Tuesday, July 16, 2024, at 6:30 pm at Oceola Community Center.

HAPRA
Regular Meeting
June 18, 2024

Adjournment:

A motion to adjourn the meeting was made by Vice Chair Terry Philibeck and supported by Treasurer Tammy Beal at 6:58 pm. **Motion carried 5-0**

Approved

Date

Respectfully Submitted by: Nikolas Hertrich, Secretary

DRAFT

HOWELL AREA FIRE AUTHORITY

AGENDA

JULY 17, 2024 – 6 PM

BOARD MEMBERS

Mike Coddington, Howell Twp., Chairman
Sean Dunleavy, Oceola Twp., Vice Chairman
Mark Fosdick, Cohoctah Twp., Secretary
Robert Hanvey, Marion Twp., Treasurer

Bob Ellis, City of Howell, Member
Ron Hicks, Fire Chief
Barbara Souchick, Admin Asst
Kevin Gentry, Attorney

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.

Meeting called to order at 6:00 pm

Pledge of Allegiance

Approve the minutes of the regular meeting of June 19, 2024

Call to the public (items not on agenda)

Chief's Comments:

- Annual Audit w/ Pfeffer, Hanniford and Palka scheduled for September 3rd thru the 6th.
- Status of HAFD Accounting
- Full Time Firefighter hiring process is underway for the budgeted positions

Approve the payment of bills and payroll in the amount of \$248,834.94

New Business

Old Business

Adjourn

HOWELL AREA FIRE AUTHORITY

June 19, 2024 - 6:00 pm

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

Board Members Present: Chairman Mike Coddington, Vice Chairman Sean Dunleavy, Treasurer Bob Hanvey, Secretary Mark Fosdick, Member Bob Ellis, Deputy Chief Jamil Czubenko, Admin. Asst Barbara Souchick

Absent: Chief Ron Hicks, Attorney Kevin Gentry

Chairman Coddington called the meeting to order at 6:00 pm.

Approve the minutes of the regular meeting of May 15, 2024: MOTION by Mr. Dunleavy, SUPPORT by Mr. Ellis to approve the minutes of the regular meeting of May 15, 2024. MOTION CARRIED UNANIMOUSLY.

Call to Public: No Response

Resolution 04-24: MOTION by Mr. Fosdick, SUPPORT by Mr. Ellis to approve Howell Are Fire Authority Resolution #04-24 that seeks to adjust the 23/24 budget. MOTION CARRIED BY ROLL CALL VOTE. Mr. Coddington – Yes, Mr. Dunleavy – Yes, Mr. Ellis – Yes, Mr. Fosdick – yes, Mr. Hanvey – Yes.

Annual Election of Board Officers: MOTION by Mr. Hanvey, SUPPORT by Mr. Dunleavy to keep the same slate of officer positions. MOTION CARRIED UNANIMOUSLY.

Chief Comments: (Deputy Chief Jamil Czubenko is sitting in for absent Chief Ron Hicks) Upgrades to Station 22, the Oceola Township Station was discussed. It was agreed to form a committee to discuss/recommend needed upgrades and renovations to Station 22.

Approve Payment of Bills and Payroll: MOTION by Mr. Ellis, SUPPORT by Mr. Dunleavy to approve payment of bills and payroll in the amount of \$261,903.44 for period ending June 11, 2024. MOTION CARRIED UNANIMOUSLY.

Adjourn: MOTION by Mr. Ellis, SUPPORT by Mr. Fosdick to adjourn the meeting at 6:20 pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted: _____

Barbara Souchick, Admin. Assistant

Approved By: _____

Mark Fosdick, Secretary

Monthly Update to the Board

To: Howell Area Fire Authority Board of Directors

From: Jamil Czubenko, Deputy Chief/Fire Marshal

Subject: Monthly HAFD Report for June 2024

Date: July 9, 2024

During the month of July, the HAFD responded to a total of 160 calls for service. There were 167 calls in June of 2023. The total year-to-date runs for 2024 are 891. Last year's total at the end of June was 905.

Some of the more significant events for the month included:

On June 6, 2024, Howell Firefighters were dispatched to a reported structure fire at 440 E Washington St, St Joseph Catholic Church, in The City of Howell. Upon arrival, crews reported smoke in the worship area. Upon further investigation, it was determined to be a light ballast that had failed in an overhead light fixture. The light was disconnected from power and removed from the building.

On June 18, 2024, Howell Firefighters were dispatched to a reported structure fire at 801 W Coon Lake Rd in Marion Twp. Upon arrival, crews reported a working fire in a pole barn. Crews extinguished the fire that had started in a vehicle having maintenance done. The vehicle on fire was partially inside the barn and had caused a lot of heat damage to the interior of the structure. The weather that day was 87F and humid.

On June 25, 2024, Howell Firefighters were dispatched to a reported structure fire at 2512 Eason Dr in Cohoctah Township. Upon arrival, crews reported a working fire in a large shed, extending to an adjacent camper and the home. Crews extinguished the fire that was caused by a lightning strike that struck an adjacent tree.

On June 25, 2024, Howell Firefighters were dispatched to an extrication as the result of an injury accident, in front of 1009 N Latson Rd in Oceola Township. Upon arrival, crews reported 2 vehicles and a trailer involved. The occupants of the car were injured and required extrication. Crews completed the extrications and then assisted the LCSD with traffic control until all vehicles were removed.

On June 27, 2024, Howell Firefighters were dispatched to a reported structure fire at 321 Wetmore St in the City of Howell. Upon arrival, crews reported a working fire in the rear of a 2 story single family home. Crews extinguished the fire that may have been started by discarded smoking materials on the outside in the landscape mulch.

Training for the month of June continued from May with further firefighter safety and survival and a CO2 safety presentation by an outside vendor.

Next meeting of the Howell Area Fire Authority Board is scheduled for Wednesday August 21, 2024, at 6:00 pm.



Howell Area Fire Department Fire Marshal Division

1211 W Grand River Ave, Howell, MI 48843
office: 517-546-0560 fax: 517-546-6011
firemarshal@howellfire.net

DATE: July 9, 2024
TO: Chief Ron Hicks
Fire Authority Board
FROM: Jamil Czubenko, Deputy Chief/Fire Marshal
REF: 2nd Quarter 2024

The months of April, May and June 2024 were busy in the Fire Marshal Division (FMD).

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

The 39th Annual Balloonfest was June 28-30. The Fire Department was active throughout the event and had a presence at the Balloonfest this year. The Balloonfest was on the Howell High School Campus. We conducted fire safety inspections of all food vendors and the carnival before the start of the event. We were also involved with the Fireworks display for Friday night entertainment and the Saturday night attempt at a balloon glow. The FMD worked with the fireworks vendor before, during and after the show. The event was successful and went without incident.

Planning and meetings continue for the 64th Annual Howell Melon Festival, scheduled for August 15-18. Grand River will be shut down for the weekend and the Melon Run sounds like it's going to be another well attended event. Live music has been brought back to a center stage this year as well. The HAFD will be active throughout the event for many of the activities going on.

The FD continues to share our safety messages and keeping our customers informed. Our Facebook page has 5,654 current followers. Our Instagram currently has 974 followers where similar messages and images are shared to promote our department.

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.

Our Smoke Detector Program has been busy, where we have evaluated and/or installed new equipment. There were also 9 child safety seat inspections completed by our technician.

3rd Quarter 2024 brings us more planning for future projects and various fire prevention events.

Incidents by Response Zone-copy

Howell Area Fire Department
 Address: 1211 W Grand River Rd, Howell, MI, 48843

RESPONSE ZONE	PSAP CALL DATE/TIME	INCIDENT NUMBER	ADDRESS	ACTUAL INCIDENT TYPE FOUND	DISPATCHED INCIDENT TYPE
COHOCTAH TWP.	2024-06-16 21:27:19	HAFD-24-0816	10180 N ANTCLIFF RD	311 - Medical assist, assist EMS crew	SEIZUR- CONVULSIONS/SEIZURES
COHOCTAH TWP.	2024-06-19 10:42:48	HAFD-24-0830	6888 CHASE LAKE CT	6111	FALL-FALL
COHOCTAH TWP.	2024-06-20 22:24:28	HAFD-24-0837	6018 CRANDALL RD	611 - Dispatched & canceled en route	CITAF-CITIZEN ASSIST FIRE
COHOCTAH TWP.	2024-06-25 17:08:21	HAFD-24-0859	7304 Oak Grove Rd	322 - Motor vehicle accident with injuries	PIA-PERSONAL INJURY ACCIDENT
COHOCTAH TWP.	2024-06-26 15:35:26	HAFD-24-0866	6348 OAK GROVE RD	311 - Medical assist, assist EMS crew	UNCON- UNCONSCIOUS/FAINTING
COHOCTAH TWP.	2024-06-30 00:22:56	HAFD-24-0882	4255 W Allen Rd	600 - Good intent call, other	OUTFIR-OUTDOOR FIRE
MARION TWP.	2024-06-01 19:08:32	HAFD-24-0735	5556 HINCHEY RD	6111	PIA-PERSONAL INJURY ACCIDENT
MARION TWP.	2024-06-01 19:08:38	HAFD-24-0736	5566 HINCHEY RD	600 - Good intent call, other	PIA-PERSONAL INJURY ACCIDENT
MARION TWP.	2024-06-02 19:16:16	HAFD-24-0742	4105 Cedar Lake Rd	600 - Good intent call, other	ELHAZ-ELECTRICAL HAZARD
MARION TWP.	2024-06-02 22:07:27	HAFD-24-0746	3648 NORTON RD	551 - Assist police or other governmental agency	FULARR- CARDIAC/RESPIRATORY ARREST
MARION TWP.	2024-06-04 11:15:09	HAFD-24-0749	2353 SEXTON RD	311 - Medical assist, assist EMS crew	FULARR- CARDIAC/RESPIRATORY ARREST
MARION TWP.	2024-06-05 03:00:11	HAFD-24-0755	2499 DUTCHER RD	611 - Dispatched & canceled en route	TREEF-TREE DOWN FIRE
MARION TWP.	2024-06-07 13:34:04	HAFD-24-0766	4533 BENTLEY LAKE RD	551 - Assist police or other governmental agency	UNCON- UNCONSCIOUS/FAINTING

Incidents by Response Zone-copy

Howell Area Fire Department
Address: 1211 W Grand River Rd, Howell, MI, 48843

RESPONSE ZONE	PSAP CALL DATE/TIME	INCIDENT NUMBER	ADDRESS	ACTUAL INCIDENT TYPE FOUND	DISPATCHED INCIDENT TYPE
MARION TWP.	2024-06-09 13:45:29	HAFD-24-0771	4533 BENTLEY LAKE RD	6111	OVDSE- OVERDOSE/INGESTION
MARION TWP.	2024-06-10 17:24:10	HAFD-24-0779	5435 NORTON RD	551 - Assist police or other governmental agency	DIFBRE-BREATHING PROBLEM
MARION TWP.	2024-06-12 17:55:49	HAFD-24-0793	2163 SEXTON RD	551 - Assist police or other governmental agency	FULARR- CARDIAC/RESPIRATORY ARREST
MARION TWP.	2024-06-14 11:31:31	HAFD-24-0800	36 ABBY BROOK LN	311 - Medical assist. assist EMS crew	UNCON- UNCONSCIOUS/FAINTING
MARION TWP.	2024-06-15 19:56:40	HAFD-24-0807	2049 TRIANGLE LAKE RD	143 - Grass fire	GF-GRASS FIRE
MARION TWP.	2024-06-15 23:02:28	HAFD-24-0808	3038 COUNTY FARM RD	551 - Assist police or other governmental agency	UNCON- UNCONSCIOUS/FAINTING
MARION TWP.	2024-06-17 06:57:04	HAFD-24-0817	912 COUNTY FARM RD	551 - Assist police or other governmental agency	ELHAZ-ELECTRICAL HAZARD
MARION TWP.	2024-06-18 17:09:35	HAFD-24-0825	801 W COON LAKE RD	111 - Building fire	SFIRE-STRUCTURE FIRE
MARION TWP.	2024-06-19 11:54:29	HAFD-24-0831	2200 NORTON RD	444 - Power line down	ELHAZ-ELECTRICAL HAZARD
MARION TWP.	2024-06-21 12:24:01	HAFD-24-0839	4120 LAMBERT DR	600 - Good intent call. other	CITAF-CITIZEN ASSIST FIRE
MARION TWP.	2024-06-21 18:26:30	HAFD-24-0841	2973 RUBBINS RD	311 - Medical assist. assist EMS crew	FALL-FALL
MARION TWP.	2024-06-23 23:40:44	HAFD-24-0855	W of 5000 Jewell Rd	551 - Assist police or other governmental agency	VEHF-VEHICLE FIRE
MARION TWP.	2024-06-25 20:47:33	HAFD-24-0862	205 FRANCIS RD	551 - Assist police or other governmental agency	UNCON- UNCONSCIOUS/FAINTING
OCEOLA TWP.	2024-06-01 17:47:20	HAFD-24-0732	7060 E ALLEN RD	311 - Medical assist. assist EMS crew	FALL-FALL



AGENDA

MHOG Sewer and Water Authority Regular Meeting July 17th, 2024 5:00 PM

1. Call to Order*
2. Approval of Agenda
3. Approval of Minutes of June 19th, 2024 Meeting
4. Call to the Public*
5. System Improvement, Operation, and Maintenance
 - a. Capital Improvement – Transmission Mains
 - Verbal Update on Progress
 - b. New Development
 - Attachment 5a- New Development Summary for June 2024
 - c. Central Square Update
 - Attachment 5b – Meeting Notes from July 10, 2024 Integration Meeting
 - d. Interior Storage Improvements
 - Attachment 5c – Rehabilitation Progress Photographs
 - Attachment 5d – Modification of Intergovernmental Operations Contract for Use and Lease of Pole Buildings by Utility Department
 - e. New Emergency Number
 - Attachment 5e– Windstream Bill (3rd Party Phone Line to Port City)
 - Attachment 5f- New Phone Number
 - f. Safety Training
 - Attachment 5g– Third party refresher training conducted for all staff on June 18 and June 25, 2024
 - g. Consumer Confidence Certificate of Distribution
 - Attachment 5h– Certificate of Consumer Confidence Distribution submitted to EGLE June 24, 2024
 - h. Service Line Verification
 - Attachment 5i– Service Line Verification Final Table Example



AGENDA

MHOG Sewer and Water Authority Regular Meeting July 17th, 2024 5:00 PM

6. Deputy Director Report

- a. Attachment 6a - MHOG Water Treatment Plant Monthly Production
- b. Attachment 6b – MHOG Summer Daily Production
- c. Attachment 6c – MHOG Monthly Production by Pressure District
- d. Attachment 6d – Proposal from Nelson Tank and Engineering for 4MG Marion 2 Interior Pipe Painting and Repair
 - o *Request Approval of Proposal and Contract Agreement from Nelson Tank for \$11,140 for Bidding and Inspection of Marion 2 Interior Piping and Repair*
- e. Attachment 6e –Quote from UIS for Spare Radar
 - o *Request Approval of Quote from UIS for Endress and Hauser Levelflex wave radar for \$6,998.00*
- f. Attachment 6f - MISS DIG Monthly Utility Locating Report
- g. Attachment 6g– Non-Metered Water Loss Report for June 2024

7. CPA Report *

8. Treasurer's Report (*Distributed at Meeting*) *

- a. Checks for Disbursement

9. Correspondence *

10. New Business

11. Board Member Updates*

12. Adjournment

*= Noting Included in Board Packet



Minutes of the Regular Meeting June 19, 2024

The M.H.O.G. Sewer and Water Authority met at 5 pm in the Board Meeting Room of the Oceola Township Hall. Members present were Hanvey, Lowe, Coddington, Counts, Dunleavy, Henshaw, Rogers and Hunt. Also present were Greg Tatara, Alex Chimpouras, Ken Palka, and Shelby Byrne.

Dunleavy moved to approve the agenda as presented. Second by Counts, motion passes.

Rogers moved to approve the minutes from the May 15, 2024 as presented. Second by Counts, motion passes.

A call to the public was held, no response.

Hunt moved to approve the Tetra tech change order 281 for the Marion Cross Country Transmission Main for an amount not to exceed \$12,500. Second by Rogers, motion passes.

Hunt moved to approve the Tetra tech change order 282 for the Sanitorium Transmission Main: WTP to Booster Station for an amount not to exceed \$13,500. Second by Counts, motion passes.

Dunleavy moved to approve the Central Square upgrade for MHOG per the cost allocation (MHOG share \$9,565) for implementation in fall of 2024. Second by Rogers, motion passes.

Rogers moved for approval of the quote from WSP for Wellhead Protection Activities in the amount of \$20,660 to be paid from the 2025 FY budget. Second by Coddington, motion passes.

Counts moved to approve Operating checks PR 938 through 9955 totaling \$200,092.62. Second by Dunleavy, motion passes.

Dunleavy moved to adjourn. Second by Coddington, motion passes.

Robert J. Henshaw
Secretary

**Marion, Howell, Oceola & Genoa
Water & Sewer Systems Operations
For Water and Sewer Emergencies**

1-855-231-6692

**This line is manned 24 hours
by a live operator.**

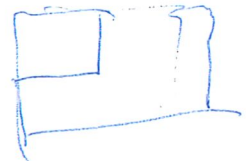


MARION TOWNSHIP LAND USE PERMIT APPLICATION

2877 W. COON LAKE ROAD, HOWELL, MI 48843

Phone: (517) 546-1588 Fax: (517) 546-6622

Email: za@mariontownship.com



Documents can be submitted via email or the drop-box in the lobby (additional information on submitting your application on the reverse side)

TOWNSHIP OF MARION, COUNTY OF LIVINGSTON

PERMIT NO. 29-24

Tax Code No.: 4710-18-100-002
Land Div.:
Water District:
Sewer District:
Individual Septic:
Individual Well:

DATE: 3-25-2024

FEE: 50

REINSPECT FEE:
(if applicable)
AMENDED:
(if applicable)

The undersigned makes application for a land use permit to construct:

BARN 36x48 NEW BARN TO REPLACE OLD

Address: 2320 PINGREE Lot No. Subdivision

Lot Size: 17+ ACRES Parcel in flood zone

Roof Pitch: 10-12 Min. 6" overhang on gable ends of roof? [X] Yes [] No

Ground Floor Living Space: No Second Floor Living Space: No

Tri/Quad Level Sq. Ft. of two lowest levels:

Structure Dimension: 36x48 Structure Height: 21

Current Zoning Classification:

Location: On the side of Street/Road Between and

Plot Plan Attached? [] Yes [] No (see attached requirements)

CONSTRUCTION MUST BE STARTED WITHIN SIX (6) MONTHS OR PERMIT IS VOID. OUTSIDE CONSTRUCTION MUST BE COMPLETED WITHIN TWO (2) YEARS OF ISSUE DATE OF THIS PERMIT. (Sec. 4.03, C-2)

I certify that all uses for which this application is made will conform with ordinances affecting Marion Township, Livingston County and the State of Michigan. By signing this application, permission is granted for an official representative of Marion Township to do onsite inspections. ** THIS IS A LAND USE PERMIT ONLY. BUILDING PERMITS AND OTHER NECESSARY PERMITS MUST BE OBTAINED FROM LIVINGSTON COUNTY

MARC F. MARENICA

[Signature]

Applicant Name (print)

Signature

2320 PINGREE HOWELL

810-772-1800

Address

Phone

MARCDAMENCA@GMAIL

Applicant is: [] Owner [] Contractor [] Renter

Email Address

INSPECTIONS:

- 1. Zoning Inspection Approved: [Signature]
2. Foundation Inspection by:
3. Sewer Inspection (if applicable):
** 4. Certification of Zoning Compliance Issued: [Signature]

Date: 3-25-2024

Date:

Date:

Date: 6-18-2024

MARION JANUARY 2024



Marion Township
3.25-2024
19

UNOFFICIAL
CERTIFICATE OF ADOPTION

MARION TOWNSHIP
2877 W. Coon Lake Road
Howell, MI 48843
(517) 546-1588

LAND USE AFFIDAVIT

Parcel Number:	<u>4710-18-100-002</u>
Name:	<u>MARC MERCIER</u>
Address:	<u>2320 PINGREE</u>
Use/Activity:	<u>AG BARN</u>

This affidavit is to verify understanding of the Marion Township zoning ordinance as it relates to structures and their use. The request for a Land use Permit is to construct a structure for **Agricultural Building Use only** as defined in the Marion Township Zoning Ordinance.

I, MARC MERCIER, certify that this structure is exclusively for agricultural use and will not be used for the safe keeping of commercial or non-agricultural materials and/or personal belongings and that this structure will not be used for retail trade.

MCM 3/25/24
Applicant's signature Date

Mailing Address: 2320 PINGREE
HOWELL, MI 48843

Phone Number: 810-772-1800

[Signature]
Zoning Department Reviewer

3-25-2024
Date

MARION TOWNSHIP
Complaint Form

Complaint No. 04-24

Date 7-10-24

OFFENDER

Name: MERCIER TRUST
Address: 2320 PINGREE RD
HOWELL MI 48843

REASON FOR COMPLAINT:

VIOLATION OF HOME BASED BUSINESS ORDINANCE
PROPERTY OWNER DOES NOT RESIDE ON PROPERTY; (COVER)

How long has the condition existed? Since approx. JAN 2024

Is complainant willing to testify in court? () Yes () No EWHY??

Name of complainant: KARL & CATHI LEBLANC

Address: 2298 PINGREE RD

Telephone: 517-404-0066 -KARL 517-404-0067 -CATHI

OFFICE USE ONLY

Received by: DH

Investigation completed by: VERIFIED BY CES ANDERSEN

Date of investigation: _____

Comments: VIOLATION SENT

BUSINESS BEING OPERATED IS SON OF PROPERTY OWNER
(DZ EXCAVATING) ↙

DWELLING IS OCCUPIED BY A RENTER

FUEL STATION HAS BEEN INSTALLED OUTSIDE LARGE BARN -
UNCLEAR IF IT WAS INSTALLED W/ ANY REQUIRED PERMITS
OR INSPECTIONS

PARKING AREA HAS BEEN ADDED ON N SIDE OF LARGE BARN

HEAVY EQUIPMENT COMES IN & OUT DAILY; IT IS TYPICALLY
STORED IN LARGE BARN OVERNIGHT.

MARION TOWNSHIP

NOTICE OF VIOLATION
2877 W. COON LAKE ROAD
HOWELL, MI 48843
(517) 546-1588

DATE: 7/10/2024

LOCATION OF VIOLATION: 2320 Pingree

NAME OF OWNER: Mercier Trust

TAX CODE NUMBER: 4710-18-100-002

PURSUANT TO SECTION 4.04 OF THE MARION TOWNSHIP ZONING ORDINANCE, YOU ARE HEREBY INFORMED THAT YOU ARE IN VIOLATION OF THE FOLLOWING PROVISIONS OF THE MARION TOWNSHIP ZONING ORDINANCE.

ARTICLE(S) AND/OR SECTION(S) IN VIOLATION:

- ◆ Section 17.32 home-based business

DATE OF REINSPECTION: 7/25/2024 _____

YOU ARE HEREBY ORDERED TO ABATE THE ABOVE VIOLATIONS ON OR BEFORE THE DATE OF THE REINSPECTION. IF THESE VIOLATIONS ARE NOT CORRECTED BY THE REINSPECTION DATE AND YOUR PROPERTY BROUGHT INTO COMPLIANCE THE VIOLATIONS WILL BE SENT TO THE TOWNSHIP BOARD FOR A "**SHOW CAUSE HEARING** ." PURSUANT TO SECTION 4.04, OF THE MARION TOWNSHIP ZONING ORDINANCE. COPIES OF THE ABOVE SECTIONS YOU ARE IN VIOLATION OF ARE ENCLOSED.

Dave Hamann
ZONING ADMINISTRATOR

Copy: File
/enclosure

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

Locational Requirements: Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.

Site Requirements:

- A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.
- C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.
- E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.
- G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.

- H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.
- J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows:

<u>Minimum Parcel Size</u>	<u>Maximum Number of Non-Resident Employees</u>
Up to 6 acres	1
6 acres and less than 10 acres	2
10 acres and less than 12 acres	3
12 or more acres	4

The Planning Commission may recommend or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises.

In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission may recommend or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.

- K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.
- L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.
- N. Home-based businesses are allowed signage. See Article XV Signage.
- O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am – 7pm. The Planning Commission may recommend or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of

nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the parcel, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.

- P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.

Performance Standards: Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

- A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following:
- 1) Owner's name, parcel identification (tax ID#) and address.
 - 2) An 11 x 17-inch color aerial photograph of the site area and surrounding areas showing overlaying property lines with contour lines and the proposed site layout with dimensions. (available at Livingston County GIS).
 - 3) Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business, subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines.
 - 4) Location of driveways, off-street parking areas & delivery and storage areas.
 - 5) Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties,
 - 6) The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.
- B. In addition to the information required in this section and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features:
- 1) A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - 2) The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including

vehicles owned or used by residents of the dwelling and employees of the home-based business.

- 3) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
- C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.
 - D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AND DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mercier Trust
2320 Pingree
Howell, MI 48843



9590 9402 5599 9274 1048 67

2. Article Number (Transfer from service label)

7019 1120 0000 8332 1334

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

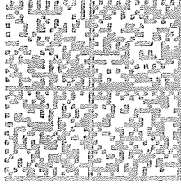
Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Marion Township
2877 W. Coon Lake Rd.
Howell, MI 48843
www.mariontownship.com

Mercier Trust
2320 Pingree
Howell, MI 48843



quadrant

FIRST-CLASS MAIL
IMI

\$000.64⁰

07/10/2024 ZIP 48843
043M31230810

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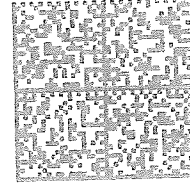
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mail. This form may be used for domestic and international mail.

From:

Dave Hamann, Zoning Admin.
Marion Township
2877 W. Coon Lake Rd.
Howell MI 48843

To:

Mercier Trust
2320 Pingree
Howell MI 48843



quadrant

CORRECTION
IMI

\$000.95⁰

07/10/2024 ZIP 48843
043M31230810

MARION TOWNSHIP RESOLUTION
TO SCHEDULE A PUBLIC HEARING FOR THE CREATION OF THE
PARKER DRIVE ROAD MAINTENANCE
SPECIAL ASSESSMENT DISTRICT

Resolution # 2024-XX
July 25, 2024

At a meeting of the Board of Trustees for the Township of Marion, Livingston County, Michigan, held at 2877 W. Coon Lake Road, Howell, Michigan 48843, on the 25th day of July 2024, at 7:30 p.m. Eastern Standard Time.

A Resolution was offered by _____ and supported by _____.

WHEREAS, the Township of Marion has received a request to create a Special Assessment District for PARKER DRIVE ROAD MAINTENANCE and

WHEREAS, Michigan Public Act 188 of 1954 requires a public hearing prior to creating a Special Assessment District, therefore;

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. To schedule a public hearing for the proposed creation of a Special Assessment District for PARKER DRIVE ROAD MAINTENANCE on August 8, 2024 at 7:30 pm.
2. BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.
3. BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Upon roll call vote the following voted "Yes":

The following voted "No:"

The supervisor declared the motion _____

MARION TOWNSHIP
COUNTY OF LIVINGSTON
STATE OF MICHIGAN

I, the undersigned, the duly qualified and acting clerk for the Township of Marion, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Trustees at a meeting held on the 25th day of July 2024, and further certify that the above Resolution was adopted at said meeting.

Tammy L. Beal, Marion Township Clerk

MARION TOWNSHIP RESOLUTION
TO SCHEDULE A PUBLIC HEARING FOR THE CREATION OF THE
PARKER DRIVE ROAD MAINTENANCE
SPECIAL ASSESSMENT DISTRICT ROLL

Resolution # 2024-XX
July 25, 2024

At a meeting of the Board of Trustees for the Township of Marion, Livingston County, Michigan, held at 2877 W. Coon Lake Road, Howell, Michigan 48843, on the 25th day of July 2024, at 7:30 p.m. Eastern Standard Time.

A Resolution was offered by _____ and supported by _____.

WHEREAS, the Township of Marion has received a request to create a Special Assessment District ROLL for PARKER DRIVE ROAD MAINTENANCE and

WHEREAS, Michigan Public Act 188 of 1954 requires a public hearing prior to approving a Special Assessment District ROLL, therefore;

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. To schedule a public hearing for the proposed creation of a Special Assessment District ROLL for PARKER DRIVE ROAD MAINTENANCE on August 8, 2024 at 7:30 pm.
2. BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.
3. BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Upon roll call vote the following voted "Yes":

The following voted "No:"

The supervisor declared the motion _____

MARION TOWNSHIP
COUNTY OF LIVINGSTON
STATE OF MICHIGAN

I, the undersigned, the duly qualified and acting clerk for the Township of Marion, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Trustees at a meeting held on the 25th day of July 2024, and further certify that the above Resolution was adopted at said meeting.

Tammy L. Beal, Marion Township Clerk

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Nuisance Ordinances
Date: ~~January 11, 2024~~

JULY 25

I received the attached draft ordinances from Attorney Gormley with this comment:

As I mentioned yesterday, I have revised the nuisance Ordinance to avoid some of the issues we were dealing with at the last meeting. Since that Ordinance discusses MCI tickets, I also drafted a Penalty Ordinance. You cannot have MCI tickets without the language in the penalty ordinance, in my opinion.

These are rough drafts. Take a look at them and we can talk.

Let's discuss them at the Board meeting ~~January 11, 2024~~.

JULY 25

DRAFT

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN
MARION TOWNSHIP NUISANCE ORDINANCE NO. _____

Section 1: Title:

This ordinance shall be known and cited as the Marion Township Nuisance Ordinance.

Section 2: Purpose

The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noises and disturbances of the peace, quiet and comfort of the residents and property owners of the township by any person, their possessions, or owned animal.

Section 3: Definition:

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

Section 4: Abatement:

If the Township finds a Nuisance, as defined above in its sole reasonable judgment, it shall be the duty of the person who creates, causes, allows, suffers, or permits the existence of a nuisance, to abate the same.

- 4.1 The term "abate" or "abatement" shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting or breeding flies, and the application of chemicals insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screening by vegetation and/or fences.
- 4.2 The Township shall determine in its sole reasonable judgment if the actions taken by a person who creates, causes, allows, suffers, or permits the existence of nuisance are sufficient to abate same.

Section 5: Procedure:

When a nuisance occurs, the following procedure shall be followed:

A) Offended party shall peaceably contact the offender to discuss/inform of the issue. If the offended party is unwilling/unable to contact the offender or there is no resolution then,

B) The Offended party shall notify the Township by filing a written complaint (containing information about who, what, when, where). The Township may provide a standardized form for collecting such complaints. The Township will then independently view the alleged nuisance contained in the written report to make an independent determination as to the existence of the nuisance in its sole reasonable judgment:

- B1) If the Township determines no nuisance exists, then it shall close the complaint and write a letter to the Offended party advising them of same;
- B2) If the Township determines that a Nuisance does exist, in its sole reasonable judgment, then the Township staff will attempt to resolve the issue with the Offending party,

C) In case there is no reasonable resolution, after a possible site visit by township staff, a further resolution may be attempted by the Township Supervisor taking one of the following administrative steps:

- C1) Scheduling a Board of Trustees show cause hearing for the Offending party,
- C2) Contacting Township Attorney to take legal action against the Offending party under this or any other legal ordinance of the Township,
- C3) Contacting other government agencies relating to the situation and issues involved and requesting assistance in resolving same, or
- C4) Take no further action.

Section 6: Violation, Enforcement, and Penalties:

Violation of this ordinance shall constitute a municipal civil infraction, subject to the penalties stated herein. The Supervisor is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official, employee, or contractor of the Township, including the Township Attorney. The Township may, also, seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court, if the Offending Party is issued 3 or more Municipal Civil Infraction Tickets for the same nuisance offense in any sixty (60) day period. The penalties for each Municipal Civil Infraction Ticket shall be set forth as established in a Municipal Civil Infraction Ordinance of the Township.

Section 7: Saving Clause:

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Township of Marion declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 8: Effective Date of Ordinance:

That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect one day after publication, except any penalty provisions which shall take effect thirty (30) days after publication, pursuant to MCL 41.184 (2) (a) and (b).

Section 9: Repealer:

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

9.1 This Ordinance repeals and replaces Ordinance 19-01 in its entirety.

The Marion Township Nuisance Ordinance No. _____ can be purchased, examined, or inspected at the Marion Township Hall, 2877 Coon Lake Road, Howell, MI 48843, Monday through Thursday between the hours of 9:00 A.M. and 5:00 P.M.

Motion by _____, supported by _____. Motion carried _____.

Tammy L. Beal, MMC
Marion Township Clerk

Date adopted by the Township Board:

Date published by the newspaper:

Name of the newspaper: Fowlerville News & Views

Effective date:

Date filed with the Livingston County Clerk:

Date recorded in Township's Ordinance Book:

DRAFT

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN
MARION TOWNSHIP MUNICIPAL CIVIL INFRACTION
ORDINANCE NO. _____

Section 1: Title:

This ordinance shall be known and cited as the Marion Township Penalty Ordinance.

Section 2: Purpose

The purpose of this ordinance is to provide a procedure for handling different types of penalties for violation of Ordinances of the Township of Marion.

Section 3: Definition:

- 3.1 The words “municipal civil infraction” means an act or omission that is prohibited by Ordinance of the Township of Marion, but which is not a crime under any other Ordinance of the Township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. [MCL 600.8701, *et seq*] A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
 - 3.1.1 Unless a violation of a Township Ordinance is specifically designated a misdemeanor, then the Violation shall be a municipal civil infraction.
 - 3.1.2 For the purpose of this Ordinance any reference to a person violating a municipal civil infraction ordinance shall mean a person, firm, corporation, or legal entity
 - 3.1.3 The word "violation" includes any act prohibited or made or declared to be unlawful or an offense, by a Township Ordinance, including any omission or failure to act where the act is required by a township ordinance.
- 3.2 Misdemeanors. A person convicted of a violation of any Township Ordinance not designated a civil infraction, a nuisance per se, or a municipal civil infraction shall be guilty of a misdemeanor.
- 3.3 Civil infraction. Civil infractions involving traffic or parking violations are governed by the Michigan Motor Vehicle Code and the Michigan Uniform Traffic Code.
- 3.4 Criminal action of nuisance per se. Except as otherwise provided by law or designated by other Township Ordinance, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under the Zoning Enabling Act can be a criminal action of nuisance per se.
- 3.5 Civil Action of Public Nuisance. All claims by the Township based on or to abate a public nuisance is defined as an unreasonable interference with a common right enjoyed by the general public. The term “unreasonable interference” shall include conduct that (1) significantly interferes with the public’s health, safety, peace, comfort, or convenience,

(2) is prohibited by law, or (3) is known or should have been known by the actor to be of a continuing nature that produces a permanent or long-lasting, significant effect on those rights.

Section 4: Penalty provisions.

- 4.1 Misdemeanors. A person convicted of a violation of any Township Ordinance not designated a civil infraction, a nuisance per se, or a municipal civil infraction shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 and the cost of prosecution, or by imprisonment for not more than 90 days, or by both such fines and costs, and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- 4.2 Civil infraction. Civil infractions involving traffic or parking violations are governed by the Michigan Motor Vehicle Code and the Michigan Uniform Traffic Code, both of which are or could be adopted by reference by ordinance of the Township of Marion, including the appropriate fees and costs.
- 4.3 Municipal civil infraction. Any person violating any provision of a Township ordinance not designated a misdemeanor or a civil infraction (traffic) shall be adjudged responsible for a municipal civil infraction as set forth below. Each and every day such violation continues beyond any permissible grace period, constitutes a separate municipal civil infraction violation for which an additional ticket maybe written to the person.
 - 4.3.1 The sanction for a civil infraction shall be a fine in the amount provided by this section, plus costs, damages, expenses, equitable relief and other sanctions, authorized under Chapter 87 of Act No. 236 of the Public Acts of Michigan of 1961, as amended, and other applicable law (MCL 600.8701 et seq.).
 - 4.3.2 Unless otherwise provided in a township ordinance, the fine for a civil infraction violation shall not be less than \$50.00, plus costs and other sanctions.
 - 4.3.3 Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of a Township 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 a person within a six-month period (unless some other period is specifically provided by a Township ordinance); and
 - ii. For which the person admits responsibility or is determined to be responsible.
 - 4.3.4 Unless otherwise provided in a Township ordinance, the increased fine for a repeat offense shall be as follows:

- i. For a first repeat offense shall not be less than \$250.00, plus costs and other sanctions.
- ii. For a second or repeat offense or any subsequent repeat offense shall not be less than \$500.00, plus costs and other sanctions.

4.3.5 The Township Supervisor, Township Code Enforcement Officer, Township Zoning Administrator, Township Police Officer (including a contract police officer or force), and/or Township building inspector shall each have the authority to issue municipal civil infraction citations applicable to a Township ordinance, after an investigation and upon authorization by the Township attorney, pursuant to MCL 600.8702(2).

4.3.6 Violations of the following Township Ordinances are designated as municipal civil infractions:

- i.
- ii.
- iii.
- iv.

4.4 Nuisance per Se.

4.4.1 Criminal action of nuisance per se. Except as otherwise provided by law or designated by other Township Ordinance, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under the Zoning Enabling Act can be a criminal action of nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than "as per council resolution" and the costs of prosecution thereof, by imprisonment in the county jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist from the time of formal citation by the township shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of any other Township Ordinance.

- 4.5 Civil action of nuisance. Pursuant to MCL 600.2940, the Township may bring a civil public nuisance cause of action in the circuit court to abate the repeated violation of any Township Ordinance:
- 4.5.1 All claims based on or to abate nuisance may be brought in the circuit court. The circuit court may grant injunctions to stay and prevent nuisance.
 - 4.5.2 When the Township prevails on a claim based on a public nuisance, the Township may have judgment for damages and may have judgment that the nuisance be abated and removed unless the judge finds that the abatement of the nuisance is unnecessary.
 - 4.5.3 Repeated violations shall mean any repeat violation of the same Township Ordinance within six (6) months of the original or last violation.
- 4.4.3 If the judgment is that the public nuisance shall be abated, the court may issue a warrant to the proper officer, requiring him to abate and remove the nuisance at the expense of the defendant, in the manner that public nuisances are abated and removed. The court may stay the warrant for as long as six months to give the defendant an opportunity to remove the nuisance, upon the defendant giving satisfactory security to do so.
- 4.4.4 The expense of abating and removing the public nuisance pursuant to such warrant, shall be collected by the officer in the same manner as damages and costs are collected upon execution, excepting that the materials of any buildings, fences, or other things that may be removed as a nuisance, may be sold by the officer, in like manner as goods are sold on execution for the payment of debts. The officer may apply the proceeds of such sale to defray the expenses of the removal, and shall pay over the balance thereof, if any, to the defendant upon demand. If the proceeds of the sale are not sufficient to defray the said expenses, he shall collect the residue thereof as before provided.
- 4.4.5 Actions under this section are equitable in nature unless only money damages are claimed.
- 4.4.6 The Township Supervisor, Township Code Enforcement Officer, or the Township Zoning Administrator shall each have the authority to authorize the issuance of civil public nuisance charge and the Township Police shall have the authority to authorize the issuance of a criminal nuisance per se charge. In both cases, the issuance shall be for a violation of an applicable Township Ordinance, after an investigation and upon the additional authorization by the Township Attorney.

Section 5: Miscellaneous.

- 5.1 The penalties provided in this Ordinance, unless another penalty is expressly provided in an Ordinance adopted subsequent to this Ordinance, shall apply without the necessity of providing for a penalty in any future Ordinance making the revision.
- 5.2 Notwithstanding subsection 4 above, the Township may also bring a civil action for an injunction or other process against a person to restrain, prevent, or abate any violation of any Township Ordinance
- 5.3 The remedies and penalties provided herein are cumulative and in addition to any other remedies provided by law.

Section 6: Saving Clause:

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Township of Marion declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 7: Effective Date of Ordinance:

That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect one day after publication, except any penalty provisions which shall take effect thirty (30) days after publication, pursuant to MCL 41.184 (2) (a) and (b).

Section 8: Repealer:

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

The Marion Township Nuisance Ordinance No. _____ can be purchased, examined, or inspected at the Marion Township Hall, 2877 Coon Lake Road, Howell, MI 48843, Monday through Thursday between the hours of 9:00 A.M. and 5:00 P.M.

Motion by _____, supported by _____. Motion carried _____.

Tammy L. Beal, MMC
Marion Township Clerk

Date adopted by the Township Board:
Date published by the newspaper:
Name of the newspaper: Fowlerville News & Views
Effective date:
Date filed with the Livingston County Clerk:
Date recorded in Township's Ordinance Book:

Municipal Civil Infraction Citations: Ten Tips for Code Enforcement

Municipalities and their residents want to ensure that ordinances are enforced to promote the general welfare of the community. The process of prosecuting most ordinance violations in court involves civil infraction citations and is statutorily provided for in the Revised Judicature Act, Chapter 87. In this month's E-Letter, we present ten tips for code enforcement in district court that are sure to help guide municipalities through the process of prosecuting civil infraction citations in district court.

Code Enforcement

Municipalities throughout Michigan leverage their broad authority to regulate activities and land use to promote the public health, safety, and welfare of the community by enacting a wide variety of ordinances—regulating everything from fireworks to blight. The benefits of these ordinances, however, is directly related to the ability to enforce their terms. In other words, what good is a well-crafted ordinance if a municipality is unable to effectively prosecute those who routinely violate them?

In the past, we have provided broad overviews of the different ways in which a municipality can enforce its ordinances and ultimately obtain compliance. A municipality can issue warning letters, municipal civil infraction notices, or seek voluntary compliance without the need to file anything in district court. These avenues provide for a cost-effective and largely efficient way to obtain compliance. If you are interested in a broad overview of the topic, please refer to two of our prior E-Letters that address some of those avenues of obtaining compliance: [Getting the Most Out of Civil Infractions: Violation Notices, Informal Hearings, Warning Letters and Consent Judgments](#) and [Ten Strategies for Effective Ordinance Enforcement](#).

This E-Letter addresses the situation where a municipality has considered (or attempted) different ways to obtain ordinance compliance and is ready to pursue legal action in district court. It offers ten tips for municipalities to resolve ordinance violations efficiently.

Ten Tips

- 1. KNOW THE DISTRICT COURT.** A municipality must understand how its district court handles civil infraction citations. Experience has taught us that each district court has a different preference for what information should be included on a civil infraction citation, how a district court will facilitate prosecution of civil infraction citations, among other things. Some relevant administrative questions to ask district court staff includes whether there are specific requirements for information for the civil infraction citation (beyond the statutorily required information) and how multiple violations should be alleged (i.e., on the same ticket or separate tickets). The district court will likely be able to provide any other information that is pertinent in that conversation. The goal is to ensure that the civil infraction citations are being filed properly and that a municipality understands the process ahead. Last, be sure not to discuss the merits of any specific case when attempting to understand administrative requirements for a particular court. All conversations related to the merits or specifics of a case should generally always include the defendant.

2. **PROPERLY SERVE THE DEFENDANT.** Serving a defendant a civil infraction citation is provided for by statute and the requirements depend on the nature of the violation. Generally, a civil infraction citation may always be personally served on the alleged violator. MCL 600.8707(3). Alternatively, if a civil infraction citation involves the use or occupancy of land/building/structure, a copy of the citation may be posted on the land/building/structure and mailed by first-class mail to the owner of the land/building/structure at the owner's last known address. MCL 600.8707(4). Failing to properly serve a civil infraction citation can result in the dismissal of the action altogether.

3. **UNDERSTAND THE BURDEN OF PROOF.** Civil infraction citations are required to be proved by a preponderance of the evidence, which means that a municipality must demonstrate that it is more likely than not a violation occurred. MCL 600.1133) Evidence can include photographs, witness testimony, and any other documentation that is relevant. The most effective and efficient way to prove most violations is through photos that were taken on the same day the citation was issued or when the violation occurred. Other relevant evidence can include complaints received by a municipality, testimony of the code enforcement officer or other similar municipal officials, testimony of the defendant, and testimony of interested residents who have personal knowledge of the violations. Needless to say, if a municipality cannot prove its case by a preponderance of the evidence, it should not bring the case to begin with.

4. **ADEQUATLY DESCRIBE THE VIOLATION.** Civil infraction citations include a "description" section where a code enforcement officer should explain the alleged violations of the ordinance at issue. There are two main parts of the description of a civil infraction citation: (1) the ordinance violated, and (2) the conditions or activities that create the violation. The information that is included in this description section is critical because the civil infraction citation serves as the complaint. See MCR 4.101(A)(1); MCL 600.8705(1)(a). That means whatever is listed on the civil infraction citation will be what the district court uses to determine what the defendant has been charged with doing. This is especially important to district courts especially considering the constitutional requirement of "due process," that requires notice of violations and an opportunity to be heard. See *By Lo Oil Co v Dep't of Treasury*, 267 Mich App 19 (2005). It is advised that municipalities include the specific sections of the ordinance that was violated along with the activities or conditions that violated the ordinance. To the extent that there are multiple sections of an ordinance being violated, those should be referenced as well.

5. **CONSIDER SETTLEMENT.** Even after a municipality has exhausted other means of obtaining compliance such as issuing warning letters and municipal civil infraction notices, voluntary compliance is still possible even after the filing of a civil infraction citation. In our experience, a looming court date oftentimes has a way of motivating a defendant to comply more so than the issuance of warning letters or municipal civil infraction notices. A municipality can use this to their advantage in most instances by entering into a consent judgment to resolve the matter. A consent judgment is an agreement that can be enforced as a court order. The most typical type of consent judgment we advise clients to enter into provides for a certain period of time for the defendant to comply with the ordinance. If the defendant complies, the consent judgment dictates the case will be dismissed and fines related to the civil infraction are waived. If the defendant does not comply, however, the consent judgment provides the defendant must pay the fines and the municipality can abate the existing violations at the cost of the defendant. The upside of settling a case includes limiting the risk of an unfavorable ruling at a hearing, reducing the legal fees necessary to prosecute the case, and ensuring that compliance. **PRACTICE NOTE:** District courts often times have different procedures for settling a case. Before presenting a district court with a consent judgment, we advise reaching out to the district court to learn how they generally handle the resolution of civil infraction citations. Again, be sure to not discuss the specifics or merits of a particular case with a court without the defendant.

6. **DECIDE BETWEEN AN INFORMAL OR FORMAL HEARING.** An informal hearing is generally conducted by a magistrate with relaxed rules of evidence and procedure. MCL 600.8719(1). There are no attorneys allowed for either side. MCL 600.8719(2). In contrast, a formal hearing is conducted by the judge and both parties are allowed to be represented by an attorney. MCL 600.8721(1)-(2). The default is that civil infraction citations will be handled through informal hearings. However, either party can request a formal hearing so long as that is done at least ten days prior to the hearing date. MCL 600.8717(1). A municipality should decide which is best suited for each specific case. As a general rule, more simplistic and straightforward cases are better suited for informal hearings.

PRACTICE NOTE: If a municipality is unsuccessful at an informal hearing, it can appeal through the formal hearing process. MCL 600.8719(5).

7. **CONSULT WITH AN ATTORNEY.** Seeking legal advice from a qualified attorney who regularly handles code enforcement cases can significantly help a municipality navigate the process in district court. From ensuring that a civil infraction citation is appropriately filled out, served on the defendant, filed with the court, and prosecuted, legal advice can help a municipality navigate the legal landscape. **PRACTICE NOTE:** The process of prosecuting civil infraction citations in the Revised Judicature Act, Chapter 87, specifically contemplates a process, an informal hearing, in which neither the municipality nor the defendant is able to have an attorney present. See MCL 600.8719(1)-(2). That, however, is not to say that an attorney cannot be involved in helping a municipality prepare for an informal hearing such as by: (1) preparing outlines for the prosecution to prove their case; and (2) providing proposed orders if they are successfully at providing ordinance violations. To the extent that a municipality is uncertain about how to prosecute a case at an informal hearing, we encourage a municipality to seek legal counsel.

8. **EXPLAIN THE HARM.** Some individuals may look at code enforcement cases from the perspective of "so what?" For example, a technical violation may be proved such as proving that there is blight on a property, but one may wonder what the practical issue is from the perspective of the municipality. A municipality should be prepared to explain the harm resulting in the community, complaints they have received, and the public's interest in enforcing the ordinance at issue. In addition, demonstrating that harm is ongoing and unresolved tends to help demonstrate the importance of an issue. Put simply, it is one thing for there to be four bags of trash in someone's front yard for a day, and it is another thing if the same bags of trash have been sitting there for a month.

9. **REQUEST INJUNCTIVE RELIEF.** Michigan law empowers district courts with injunctive authority in limited circumstances including when an injunctive order is "necessary to enforce [an] ordinance." MCL 600.8302. An injunction is an order from the court prohibiting a party from performing actions (e.g., having blight) or ordering a party to perform certain actions (e.g., cleaning up blight). In many instances, fines may not be enough to obtain compliance. For instance, if a defendant has several dozen junk cars on his property, it may be less expensive for him to continue to pay fines than it would be to pay to have all of the junk cars removed. A municipality is likely seeking compliance should be certain to request injunctive relief. **PRACTICE NOTE:** Some district courts are hesitant to award injunctive relief. To maximize the chance that injunctive relief will be ordered, we encourage municipalities to: (1) indicate on the civil infraction citation that they are seeking injunctive relief and the authorizing statutory provision above; and (2) prepare a proposed order requesting injunctive relief to present to a court at a hearing.

10. **REQUEST COSTS.** A municipality is able to recover some of its costs incurred in prosecuting a civil infraction citation. MCL 600.8727(3) provides that when a defendant is found responsible for a civil infraction citation, the district court shall "determine the

costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment ... [the] costs shall be payable to the general fund of the plaintiff." The amount a district court can order, however, is only up to \$500.00 per violation. See MCL 600.8727(3). A municipality should be certain to seek the recovery of costs in an action to offset some of the costs that it incurs in pursuing code enforcement, even if the entire cost of the action is greater than \$500.00. **PRACTICE NOTE:** If a municipality prevails in a civil infraction action, it should request a court to enter an order allowing it to collect further actual attorney fees if it needs to enforce an order. This allows a municipality to no longer be bound by the initial \$500.00 cap.

By: David Szymanski

This publication is intended for educational purposes only. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

Fahey Schultz Burzych Rhodes PLC, Your Township Attorneys, is a Michigan law firm specializing in the representation of Michigan townships. Our lawyers have more than 150 years of experience in township law and have represented more than 150 townships across the state of Michigan. This publication is intended for our clients and friends. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

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MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Ordinance Violation, Show Cause Hearing Procedure
Date: March 14, 2024

Both our Zoning Ordinance and our proposed Nuisance Ordinance mention a "Show Cause Hearing" as part of the enforcement process. Neither ordinance describes the process for conducting the hearing.

Below is a suggestion for conducting the hearing that was made up of articles on the internet.

At a show-cause hearing, the complaining party must **produce evidence** demonstrating "probable cause" that the defendant committed the crime.

In our case, there has been a complaint made about something happening in the township that someone thinks is a violation of an ordinance. Somebody from the township has gone to the site and has reason to believe that the complaint is valid and there has been a violation.

At this point the township becomes the complaining party and notifies the property owner of the complaint. The first notice often is informal and sometimes results in correction of the complaint.

If there is no compliance resulting from the informal notice, a formal complaint is issued. If there is still no compliance, a show cause hearing is scheduled with the appropriate notice to the property owner.

At the show cause hearing, the township presents evidence of the violation to the Township Board. The property owner will be given an opportunity to explain the situation to the Township Board.

The Township Board can:

Decide that there is no violation and the complaint is dismissed.

Decide there is a violation and prescribe a solution to allow time to correct the violation.

If the violator resists the solution, the Township Board turns the case over to the Township Attorney for action.

Duke's Tree Service

Fully Insured, LLC

Trimming

Stump Grinding



Free Estimates

Removal

Joe Duke (517)-404-1649

Estimate Report

Customer Name: MARION TOWNSHIP

Contact Info: TAMMYBEAL@MARIONTOWNSHIP.COM

Address: GREEN CEMETERY / PINEGEE RD, HOWELL

Tree Species:	Location/Description of Tree(s):	Description of Work:	Price:
OAK	UPROOTED/VINE COVERED	REMOVE	
CEDAR	3 TREES/PAINTED	REMOVE + GRIND STUMPS	
OAK	DEAD/LEANING IN BACK	REMOVE	
MULTI	BRUSH/TREES COVERING HEADSTONES	REMOVE + GRIND STUMPS	
OAK	BACK RIGHT CORNER	REMOVE	
			\$4250 TOTAL

Equipment Needed: Chipper Dump Trailer Mini Skid Man Lift
 Stump Grinder Climbing Gear Pole Saw Other: _____

Estimates Honored For 60 Days Unless Otherwise Specified

Stump Grindings Remain Onsite

Estimate Provided by: JOE DUKE Signature: [Signature] Date: 7/17/24

Payment Received in Full by: _____ Signature: _____ Date: _____

Please Make Checks Payable to:
Mail Checks to:

Duke's Tree Service LLC.
P.O. Box 103, Gregory, Michigan, 48137