

MARION TOWNSHIP  
BOARD OF TRUSTEES  
REGULAR MEETING  
Thursday, August 8, 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 July 25, 2019 Regular Meeting Minutes
  - b. Complaint Report
  - c. DPW Report
  - d. Zoning Report
- 3) Triangle Lake SAD
- 4) Nuisance Ordinance (Bring Back)
- 5) Michigan Firework Safety Act Schedule
- 6) Lisa Maher Sewer Lead (Bring Back)
- 7) Bias Water Bill
- 8) Sewer Billing
- 9) Private Roads
- 10) Meeting Recording FOIA

Correspondence and Updates  
Site Plan Review Class

Call to the Public  
Adjournment

Reminder: Next Board Packet will be ready after 3pm on Thursday, August 15, 2019

MARION TOWNSHIP  
BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 25, 2019

DRAFT

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, Spicer; Dave Hamann, Zoning Administrator

\*\*\*\*\*

**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:31 pm.

**PLEDGE OF ALLEGIANCE**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

No response.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

Duane Stokes said the item 2 e should be 4<sup>th</sup> quarter investment report, not 2<sup>nd</sup>. Les Andersen motioned to approve the consent agenda as amended. Greg Durbin seconded. **Motion carried.**

**NUISANCE ORDINANCE**

Dan Lowe said he thinks the ordinance is too detailed, and that "Section 1" is all that is needed. Cheryl Range said the first draft was more general, and the PC members and planner wanted more detail. This ordinance is modeled on Howell Township's ordinance. Greg Durbin said he feels it's framework for a good ordinance, and gives the township the ability to do something when complaints are received. Bob Hanvey suggested using it as a reference, but don't enact it.

Dan Lowe motioned to have the trustees make suggestions and bring back to the next meeting. Greg Durbin seconded. **Motion carried.**

**FIREWORKS ORDINANCE**

Tammy Beal said the insurance agent says the township needs an ordinance for fireworks. The sample she provided is for big displays, not for individuals. Dan Lowe suggested one sentence that states that no fireworks allowed without a permit except for the days permitted by state law. Les Andersen motioned to have the supervisor and attorney work on this ordinance. Greg Durbin seconded. Discussion: Tammy Beal will put a copy of the Michigan Fireworks Safety Act (PA 256 of 2011) in the next board packet. **Motion carried.**

**PEAFOWL COMPLAINT**

Bob Hanvey said because the peafowl are in the Wellhead Protection Area, Right-to-Farm is not in effect. The zoning ordinance requires a minimum of two acres, and the parcels on Bonnie Circle are less than that. Therefore, the peafowl are not allowed. Greg Durbin motioned to have the zoning administrator send a letter advising both the property owner and tenant that the peafowls are not allowed and give them a time limit to comply. Scott Lloyd seconded. **Motion carried.**

**LISA MAHER SEWER LEAD**

Bob Hanvey talked with the property owner and she doesn't want another drain field, she wants to hook up to sewer. Phil Westmoreland discussed the option of grinder pumps. Les Andersen motioned to authorize Spicer to provide design engineering for this project and to contact two or three contractors. Greg Durbin seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Motion carried 7-0.**

**PUBLISHING NOTIFICATIONS**

Les Andersen motioned to authorize the clerk to use Fowlerville News & Views as an additional source for publishing notices. Duane Stokes seconded. **Motion carried.**

**HARGER CEMETERY PLOTS**

Les Andersen motioned to authorize the clerk to buy back four cemetery plots from the original owner. Duane Stokes seconded. Roll call vote: Stokes, Durbin, Hanvey, Lloyd, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

**CORRESPONDENCE & UPDATES**

Les Andersen asked about pending litigation. Bob Hanvey said AJR has refiled and the trial is scheduled for 6/22/2020.

**CALL TO THE PUBLIC**

No response.

**ADJOURNMENT**

Les Andersen motioned to adjourn at 9:02 pm. Greg Durbin seconded. **Motion carried.**

Submitted by: S. Longstreet

\_\_\_\_\_  
Tammy L. Beal, Township Clerk      Date

\_\_\_\_\_  
Robert W. Hanvey, Township Supervisor      Date

## COMPLAINT LOG

Complaint #	Complainant Name	Offender Name	Complaint Details	Action Taken	Date Violation	Show Cause Date	Resolved
#01-19	Kim Zimmerman 1660 Sexton	Brandt Patterson 1550 Sexton	Junk on the porch	Ltr sent 4/2/19			Yes
#02-19	Sue Willett 2988 Sesame sawillett@hotmail.com	Mark Schmaus 3000 Sesame	Junk Cars	Ltr sent 4/25/19 4/29/19 response they are cleaning up. Granted extension 45 1 item left 30 day ext.			
#03-19	Thomas Sliwa 1828 Hidden Valley 313-268-3649	Vanover/Grems 2145 & 1895 Hidden Valley Dr. 4710-10-300-009 4710-10-400-009	Junk around the house 2145-junk cars 1895- too many dogs	Ltr sent 5/1/19 25 dogs is legal	6/13/2019 violation called working on it		n/a
#04-19	Joint mtg complaint	Finch, Brandon/Jainee 606 E. Coon Lake 4710-25-101-026	HO Class II w/o permit	Ltr sent 5/29/2019 submitting Special Use			Yes Class I from BOT
#05-19	Jean Root 723 E. Davis Rd 517-294-2301	Howell Landscaping 2961 Pinckney Rd. 4710-13-300-044	Noise Sat 7am to 7pm				
#06-19	Greg Gerrish 399 Bonnie Circle	Bill Fenton(renter) 421 Bonnie Circle owner: Steve Bibbee 3739 Norton	Noise from Peacock	RTEA?	Ltr per BOT		

DPW Report

	2019												
	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
<b>WATER</b>													
NEW	4	2	9	6	5	0	6						32
EXISTING													
REPLACEMENT													
<b>IRRIGATION</b>													
NEW			2	1	2	1	10						16
EXISTING													
<b>SEWER</b>													
NEW	4	1	8	4	3	0	7						27
EXISTING													
<b>TOTAL</b>	<b>8</b>	<b>3</b>	<b>19</b>	<b>11</b>	<b>10</b>	<b>1</b>	<b>23</b>						<b>75</b>

2019 ZONING REPORT

	'JAN	'FEB	'MARCH	'APRIL	'MAY	'JUNE	'JULY	'AUG	'SEPT	'OCT	'NOV	'DEC	TOTAL
Homes	5	2	9	11	4	5	9						45
Condo Units													0
Accessory Bldgs.	4	1		3		1	1						10
Decks		2	1	3	3	3	2						14
Pools		1	2	2									5
Additions	1			1		1	1						4
Land Balancing				1									1
Other			1	2		1							4
<b>TOTAL LAND USES</b>	10	6	13	23	7	11	13	0	0	0	0	0	83
Waivers	3	4	3	10	7	4	5						36
Finals	8	4	14	6	18	12	11						73
Site Plans													0
Pre-Planning Meetings			1		1	1							3



# MARION TOWNSHIP

mariontownship.com

July 25, 2019

Property Owners with rights to Triangle Lake:

Aquatic weed control for Triangle Lake has been financed by a Special Assessment District (SAD) for the last ten years. This year (2019) is the final year of the current SAD. Some residents have expressed interest in continuing to use the same process for another five-year period.

Since there is no provision in the statute to extend the current SAD that expires this year, the SAD for the years 2020 through 2024 has to be started following the process required by the state statute known as Public Act 188 of 1954.

All interested property owners are invited to attend the regular Township Board meeting on August 8, 2019, at 7:30pm at the township hall. At that meeting, we will review the process and determine if there is enough interest to create another five-year SAD.

If there is sufficient interest, we will begin the process. The statute requires two public hearings, one to create the district and another to approve the allocation of cost to each property owner. Each hearing requires two publications of the notice of hearing and a mailing to each property owner.

The Township Board would like input from the property owners on the method to allocate the expense to property owners. The current allocation method is to assign "shares" to each property owner. A single home on a single lot gets one share. Vacant lots are assigned one share except for property owners with a home that have an adjacent vacant lot are assigned one-half share to each lot.

Another consideration is how to handle property transfers that change the share allocation that happen after the SAD has been created. An example would be if a vacant lot is sold to the adjacent property owner. Should the share allocation remain the same for the life of the SAD or be adjusted for the remaining years?

Please attend the meeting on August 8 and provide your input to the board. The board will consider all input before making a final decision on the SAD.

**MARION TOWNSHIP RESOLUTION TO  
SCHEDULE A PUBLIC HEARING FOR THE TRIANGLE LAKE AQUATIC  
WEED CONTROL SPECIAL ASSESSMENT DISTRICT CREATION**

Resolution # 2019-x  
August 8, 2019

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 8<sup>th</sup> day of August 2019, at 7:30 p.m. Eastern Standard Time.

**PRESENT:**

**ABSENT:**

The Resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

**WHEREAS**, the Township of Marion has received a request to create a  
Special Assessment District for aquatic weed control for Triangle Lake, a Livingston  
County Private Lake, and

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

**RESOLVED**, to schedule a public hearing for the proposed creation of a  
Special Assessment District for aquatic weed control for Triangle Lake for  
\_\_\_\_\_ at 7:30 pm.

Upon roll call vote the following voted "Aye":

No: None

**RESOLUTION DECLARED** \_\_\_\_\_.  
**STATE OF MICHIGAN**  
**COUNTY OF LIVINGSTON**

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 8<sup>th</sup> day of August 2019, and further certify that the above  
Resolution was adopted at said meeting.

\_\_\_\_\_  
Tammy L. Beal, Marion Township Clerk



**TOWNSHIP OF MARION PUBLIC NUISANCE ORDINANCE**  
**Ordinance No. , Effective**

An Ordinance to promote the public health, safety and general welfare; or to provide penalties for maintaining Public Nuisances; or to provide for the abatement of Public Nuisances by the Township and the collection of the costs thereof within the Townships' discretion.

**The TOWNSHIP of MARION ORDAINS:**

**SECTION 1. PUBLIC NUISANCES DEFINED AND PROHIBITED.**

A Public Nuisance is an action or condition that is offensively annoying, unpleasant, obnoxious, hurtful, harmful, injurious, vexing, difficult or distressing and causes harm or annoyance to a person or persons in a particular locality in violation of their rights in the preservation of the public health, safety and other aspects of the public welfare as members of the community. Any such action or condition that annoys, injures or endangers the safety, health, convenience, comfort, repose or other aspects of the public welfare, offends public decency or aesthetic sensibilities, interferes with, obstructs or renders dangerous any road, highway, navigable lake, river or stream, or in any way renders the public insecure in life on property is hereby declared to be a Public Nuisance. Public Nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance and Article III Section 2 (pg. 3-15). No person shall commit, create or maintain any Public Nuisance.

**SECTION 2. NUISANCES *PER SE*.**

The following acts, accumulations, conditions and activities are hereby declared to be Public Nuisances, *per se*:

A. Permitting to remain on premises owned or occupied by a person or by a public agency, throwing, placing or leaving, or permitting the throwing, placing or leaving on the premises of another, any observable amounts of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shells, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor coverings, wallpaper, sweepings, wastepaper, newspapers or magazines, discarded appliances, rubbish, excrement, rotted materials; construction debris, including, but not limited to lumber, bricks, blocks, plumbing or heating materials, siding; yard clippings, including, but not limited to grass clippings, clippings from hedges or shrubs, or detached tree branches; industrial waste, unclean or nauseous fluids or gases in any of the following locations:

1) Any public or private road, street, highway, lane, public place, square, sidewalk or any lands within the boundaries of Marion Township, owned by the Township, County of Livingston, State of Michigan, other municipal corporation or government entity.

2) Any river, lake, stream or other body of surface water, wetlands or flood plains.

3) Any private place or premises where in the reasonable judgment of the Township Supervisor or his or her appointed agent, or Board of Trustee the specified substances constitute an obnoxious or dangerous condition; or are detrimental to the public health, safety or

other aspects of the public welfare; or offend aesthetic sensibilities; or may cause sickness; or attract flies, insects, rodents or vermin.

B. The emission of noxious fumes or gas, smoke, ashes or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of normal sensitivities. The keeping of explosives, inflammable liquids or other dangerous substances stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the State of Michigan.

C. Any dangerous, unguarded excavations or dangerous, unguarded machinery in any publicly accessible place, or so situated, left or operated on private property so as to attract members of the public.

D. The owning, driving or moving upon the public roads and streets of a truck or other motor vehicle which is constructed or loaded so as to permit any part of its load or contents to be air blown and deposited upon any road, street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts onto the road, street, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind; provided, however, that under circumstances determined by the Township Supervisor or his or her appointed agent or Board of Trustee to be in the public interest, he or she may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township Supervisor or his or her appointed agent or Board of Trustee and execution of an agreement by such person to reimburse the Township for any extraordinary expenses incurred by the Township in connection with such exemption.

E. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned or unused discarded refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch, other locking device, or the doors, from such refrigerator or other such airtight container.

F. The abandonment, leaving, keeping or maintaining of an unlicensed, junk or abandoned motor vehicle, as provided in Section 6 of this Ordinance and in accordance with Township defined Article III Section 3.02.

### **SECTION 3. ABATEMENT: NOTICE, AUTHORITY OF OFFICERS.**

Whenever any Public Nuisance described in Sections 1 or 2 of this Ordinance shall exist upon Township property or upon the property of another municipal corporation or other government entity or private property within the boundaries of the Township, said Public Nuisance may be abated by the Township Supervisor or his or her appointed agent or Board of Trustee without notice and the cost of abatement charged as provided in Section 5 of this Ordinance with Board of Trustee discretion. Except as provided in Section 6 of this Ordinance for unlicensed, junk or abandoned motor vehicles, whenever any such Public Nuisance shall exist on private premises within the Township, the Township Supervisor and his or her appointed agent shall give notice in writing by certified mail, return receipt requested, and/or first class mail addressed to the owner or occupant of the property where the Public Nuisance exists or to the person(s) otherwise responsible for the property upon which said Public Nuisance is located. Said notice shall specify the location and nature of the Public Nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the Public Nuisance within ten (10) days of the receipt of the notice. Following the

issuance of said notice, the Township Supervisor or his or her appointed agent may proceed to initiate civil or criminal proceedings permitted by law to abate the nuisance with the approval of the Township Board and under the supervision of the Township Attorney.

If the Township intends to abate a Public Nuisance by entering the property and causing the work to be done to repair, tear down, abate or otherwise remove the Public Nuisance and charge the cost thereof to the property owner, the Township shall notify the property owner and occupant of this intent and advise the owner or occupant that a hearing may be requested within the ten (10) day period pursuant to Section 4 of this Ordinance. If no hearing is requested in the time allotted or following a hearing held pursuant to Section 4 of this Ordinance, said nuisance may then be repaired, torn down, abated or otherwise removed by the Township Supervisor and his or her appointed agent and the cost thereof charged, as provided in Section 5 of this Ordinance. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of said notice upon a conspicuous part of the property where the Public Nuisance is located and by mailing a copy of said notice by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records, at least ten (10) days before further action by the Township Supervisor or his or her appointed agent.

#### **SECTION 4. HEARING.**

If, after notice provided under Section 3 of this Ordinance, the recipient of said notice requests a hearing as therein provided, a hearing shall be held before the Township Board or a hearing officer appointed by the Township Board to determine the applicability of this Ordinance to the property in question. The Township Board or its appointed hearing officer shall make a decision with written findings of fact based upon an investigation and evidence presented at the hearing as to whether the activity or condition in question violates the provisions of this Ordinance. If the Township Board or its appointed hearing officer determines that the activity or condition violates the provisions of this Ordinance, the Township Board shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate or otherwise remove the Public Nuisance in question within a reasonable time, but not less than five (5) days. If the Public Nuisance is not repaired, torn down, abated or otherwise removed within the period allowed in the order, the Township Supervisor or his or her appointed agent may repair, tear down, abate or otherwise remove said Public Nuisance and charge the cost thereof as provided in Section 5 of this Ordinance.

#### **SECTION 5. ABATEMENT; COSTS.**

All expenses incurred by the Township or its employees or agents in repairing, tearing down, abating or otherwise removing a Public Nuisance under this Ordinance shall be charged to the person responsible for the Public Nuisance, including either the occupant of the land in question, the person who appears as owner or party in interest upon the last local tax assessment records of the Township, or both. If said person or persons fail to pay said charge within thirty (30) days after a statement therefor is mailed to them, the amount of expenses incurred by the Township in repairing, tearing down, abating or otherwise removing the Public Nuisance may be paid from the Township General Fund and the amount thereof assessed against the lands on which the Public Nuisance was located on the next general assessment/tax roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense. Said lien shall be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

## **SECTION 6. UNLICENSED, JUNK OR ABANDONED MOTOR VEHICLES PROHIBITED.**

**A.** A Motor Vehicle is hereby defined as any wheeled vehicle that is self-propelled or intended to be self-propelled. An Unlicensed, Junk or Abandoned Motor Vehicle, for purposes of this Ordinance shall include:

1) Any motor vehicle or portion thereof that has remained on the premises of another for a period of forty-eight (48) continuous hours or more without the consent of the owner or occupant of the property or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked; or

2) Any motor vehicle or portion thereof that has remained on the premises of an owner or occupant for a period of thirty (30) consecutive days or more, and does not have an engine in running condition, four (4) inflated tires, and/or a battery; or

3) Any motor vehicle or portion thereof that has remained on the property of an owner or occupant for a period of 90 days or more and does not have attached current license plates with current registration; or

4) Any motor vehicle or portion thereof that is in fact abandoned by its owner; or

5) Any motor vehicle or portion thereof that for any reason is not operable and not repairable.

**B.** No person shall abandon a motor vehicle or portion thereof on the premises of another.

**C.** No person shall store, maintain, keep, leave or authorize the storage, maintenance, keeping or leaving of any unlicensed, abandoned or junk motor vehicle or part thereof on any private property under his/her ownership, tenancy or control, except as provided in paragraph "D" below.

**D.** The following motor vehicles shall not be deemed unlicensed, junk or abandoned vehicles for purposes of this Ordinance: vehicles stored within a completely enclosed building, vehicles kept as stock in trade by a regularly licensed dealer in motor vehicles, vehicles stored by a junk or abandoned vehicle dealer or agent properly and currently licensed by the State of Michigan. The Township Supervisor or his or her agent may, upon written application, exempt from this Ordinance for any reasonable period of time any historic or classic vehicle which by reason of special circumstances is deemed not be a junk or abandoned motor vehicle.

**E.** The Township Supervisor or his or her appointed agent may remove any unlicensed, junk or abandoned motor vehicle or part thereof from the property of the Township or other municipal corporation or other government entity within the boundaries of the Township without notice and may dispose of said vehicle in a prescribed or otherwise acceptable manner. The Township Supervisor or his or her appointed agent may remove or cause to be removed any unlicensed, junk or abandoned motor vehicle or part thereof from any open area on private property, after having notified the vehicle owner and/or lienholder, if known, and the property owner or occupant of such property in writing of his or her intention to do so at least forty-eight (48) hours prior to such removal. If the vehicle owner and/or lienholder cannot be determined, a copy of said notice shall be placed upon the vehicle at least forty-eight (48) hours prior to removal. The Township Supervisor or his or her appointed agent may dispose of said vehicle in a prescribed or otherwise acceptable manner. The cost of hauling away and disposing of an unlicensed, junk or abandoned motor vehicle may be charged as provided in Section 5 of this Ordinance. The removal of an unlicensed, junk or abandoned motor vehicle by the Township Supervisor or his or her appointed agent shall not excuse or relieve any person of the obligations imposed by subsections 6(B) or 6(C) of this Ordinance nor from the criminal penalties for violation thereof.

## SECTION 7. UNLAWFUL NOISE PROHIBITED.

A. It shall be unlawful, and it shall be deemed a Public Nuisance, for any person to unreasonably make, continue or cause to be made any noise that excessively annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace, or safety of the public within the Township. The following acts, among others, are declared to be *prima facie* evidence of unlawful noises in violation of this Section 7, and are deemed to be Public Nuisances *per se*, but this enumeration shall not be deemed to be exclusive, namely:

1) Radios, Record or CD Players and Musical Instruments: Operating, playing or permitting the operating of any radio, CD player, television set, car stereo, musical instrument, drum, loudspeaker, tape recorder, or other sound-producing device, amplified or unamplified, in such a manner or with such volume at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, motel, hospital or residence, or the operation of any such radio, instrument, CD player, television set, machine or device in such a manner as to be plainly audible on real property or in a dwelling unit other than that from which the noise originates or emanates, or the operation of a car stereo so as to be plainly audible at a distance of fifty (50) feet from the vehicle in which it is located.

2) Shouting and Whistling: Yelling, shouting, hooting, whistling, singing, or making any other loud noises on public or private roads, streets, sidewalks, pathways or other rural roads, streets or paths located within the Township, between the hours of 11:00 p.m. and 7:00 a.m. the following day, or the making of any such noise at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, motel, hospital or residence.

3) Animals and Birds: Owning, possessing or harboring any animal or bird that frequently or for continued duration howls, barks, meows, squawks or makes other sounds at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, hotel, motel, hospital or residence.

4) Construction: Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any building, road, street or highway, between the hours of 9:00 p.m. and 7:00 a.m. the following day or all day on Sundays or federal holidays, such that the sound thereof is plainly audible in any hotel, motel, hospital, office or residence located on any property other than the property from which the noise originates, with the following exceptions:

a) Noise from the operation of any tools or equipment used in construction, excavation, demolition, alteration, or repair of any building or other structure, site grading, road, street or highway that is normal to such operations shall be permitted daily between the hours of 7:00 a.m. and 9:00 p.m., except that no such operations shall be conducted on Sundays, Thanksgiving Day, Christmas Day and New Years Day. Any operation that does not exceed sixty (60) decibels at the property line of the property in which it is conducted may operate at any time on any day between the hours of 7:00 a.m. and 9:00 p.m.

b) Noise from the operation of any tools or equipment used in home improvement or maintenance projects personally conducted by the owner or occupant of an existing residence or

other type of building or structure shall be permitted on any day between the hours of 7:00 a.m. and 9:00 p.m

5) Engines: Operating or permitting the operation of any engine, whether stationary or mobile, so as to excessively annoy or disturb the quiet, comfort or repose of a person of normal sensitivities in any office, hotel, motel, hospital or residence. This subparagraph shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 7:00 a.m. and 9:00 p.m., the same day, nor shall it prohibit the operation of a state licensed motor vehicle in a manner expressly permitted by State law.

6) Smoke: A person, industry, corporation, firm, or business shall not discharge into the atmosphere from any single source of emission or collective sources of emission located on any lot or parcel, any air contaminant for a period or periods of time aggregating more than three (3) minutes in any one (1) hour which results in the following:

a) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines.

b) Of such density as to obscure an observers view to the degree equal to or greater than the shade of smoke described in (a) above.

c) At no time for any period of time shall smoke emissions be darker than Ringelmann No. 3.

7) Dust, Dirt or Fly Ash: There shall be no discharge into the atmosphere of any levels of materials or substances of any kind or combination of kinds exceeding twenty (20) grams per cubic foot of the carrying medium. There shall be no discharge of any materials or substances into the atmosphere which creates conditions harmful or potentially harmful to any human, animal or plant material located on the same property as well as adjacent properties. All equipment involved in any process shall be maintained in an approved operating condition so as to keep any produced dust, dirt or fly ash to the minimum possible.

8) Noxious Gas: No noxious gas shall be permitted to escape into the atmosphere in concentrations detrimental to human, plant or animal life.

9) Open fires: A person, industry, corporation, firm or business may burn combustible refuse in an open outdoor fire, if permitted, and if subject to written approval with specified conditions by the Township and Fire Department as not being detrimental to the health, safety and welfare of adjoining properties and the community generally.

10) Vibration: Vibrations from any operation on any lot or parcel shall be controlled to the extent that they cannot be felt beyond any property line bounding or beyond the lot or parcel from which such vibrations emanate.

11) Glare and Heat: All operations which produce glare and heat, such as welding or acetylene torch cutting shall be performed in such a manner that the glare cannot be seen from any road, street or highway or adjacent property and any heat produced on a lot or parcel through any operation shall be insulated that the temperature at any of its property lines shall not increase above that which is registered as the temperature for any particular time of day by the local Weather Bureau.

12) Light: Lights for building residences and other structures and parking areas, whether located inside, outside or in or under covered buildings, residences or other structures and parking areas shall be so located, oriented and shielded so as not to shine directly onto any adjacent properties, roads, streets or highways. \* Note: Said Lighting may be permitted across property lines ONLY IF affected owners/parties involved agree with shared Lighting. BUT, Never to be carried over "Grandfather Clause" meaning or allowance once the original owners/parties cease to share the Agreement herewith.

13) Radio Transmission: Any electronic equipment shall be so shielded that its operation will not interfere with any other installation and use of radio, television, cellphone or other electronic equipment.

14) Flammable Liquids, Liquefied Petroleum Gases and Explosives: shall not be stored on any lot or parcel without the approval of the State of Michigan Fire Marshall and the local Fire Department and shall comply with all the State of Michigan rules and regulations as established by the "Fire Prevention Act," Public Act 207 of 1941, as amended.

15) Odor: There shall be no emission or escape of any materials or any obnoxious odor in such quantities as to be readily detectable so as to pose a hazard or to create any physical discomfort to the users and occupants of adjacent properties or those persons walking or traveling by in vehicles on adjacent roads, streets or highways, subject to State Law, i.e., Michigan Right to Farm Act.

16) Radioactive Materials and Wastes: The delivery, storage, use and removal of radioactive materials and wastes shall have the approval of the responsible Federal, State and local agencies and in no case shall radioactive materials and wastes be permitted to exceed quantities established as safe by the United States Bureau of Standards when measured at the property lines of the property upon which such materials are located.

17) Open Storage: All storage of building materials, sand, gravel, stone, lumber, equipment and supplies shall be continually or permanently located within an area not closer than one hundred fifty (150) feet from any road, street or highway right-of- way line, and not less than twenty (20) feet from any side or rear lot line of the lot or parcel upon which they are located. The on-site location of openly stored lumber, coal or other combustible materials shall be accessible by means of a Fire Department approved driveway which provides direct and free access at all times by fire trucks. All such open storage shall be screened from all roads, streets and highways and all adjacent properties by a solid eight (8) foot high wall, fence, berm, evergreen planting or any combination of them. The storage of any of the aforementioned shall not be piled so as to exceed the eight (8) foot high required solid barrier.

## **SECTION 8. PUBLIC NUISANCES, EMERGENCY ABATEMENT, COSTS.**

The Township Supervisor or his or her appointed agent may act to abate a Public Nuisance without giving notice as specified in Section 3, if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 5.

## **SECTION 9. PENALTIES.**

**May be applied by the Township Supervisor, appointed agent and/or Board of Trustee within their legal discretion.**

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after its publication.



PRELIMINARY ESTIMATE OF COST

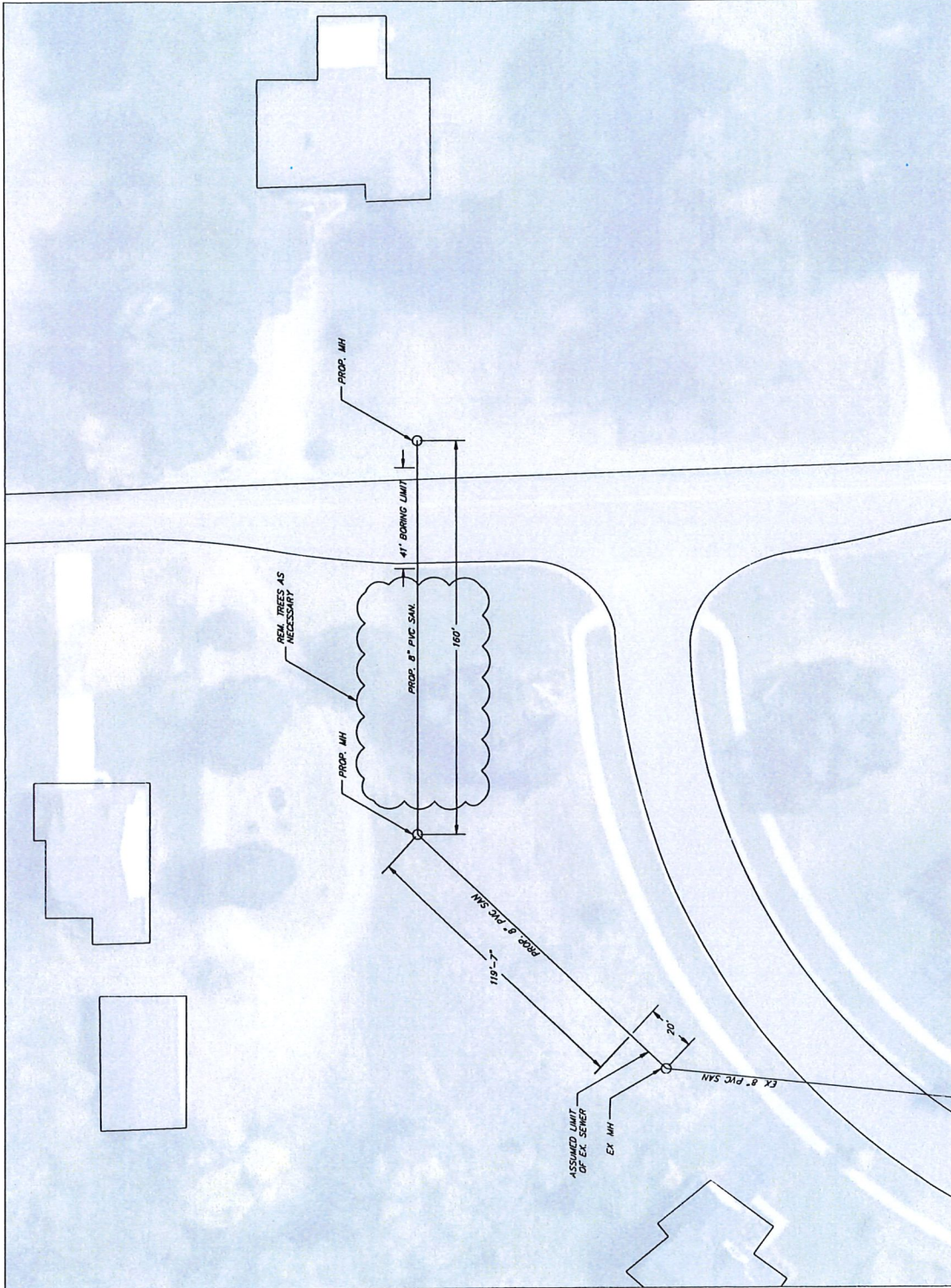


PEAVY SEWER EXTENSION  
HOWELL TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN

Item No.	Estimated Quantity	Unit	Description	Unit Price	Amount
1.	280	Lin. Ft.	8" P.V.C. Sanitary	\$60.00	\$16,800.00
2.	40	Lin. Ft.	16" Casing Jack and Bore	\$250.00	\$10,000.00
3.	2	Each	4' Dia. Manhole	\$3,500.00	\$7,000.00
4.	2	Each	Tree Removal	\$500.00	\$1,000.00
5.	1	Lump Sum	Soil Erosion & Sedimentation Control	\$1,000.00	\$1,000.00
6.	670	Sq. Yd.	Restoration	\$5.00	<u>\$3,350.00</u>
Sub-Total - Construction Cost					\$39,150.00
Engineering					\$3,900.00
Construction Administration, Staking, and Inspection					\$5,850.00
Contingencies					<u>\$7,800.00</u>
<b>TOTAL PRELIMINARY ESTIMATE OF COST</b>					<b>\$56,700.00</b>

Spicer Group, Inc.

July 9, 2019



BY	DATE	REVISIONS	DATE

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**HOMELL TOWNSHIP**  
**LIVINGSTON COUNTY, MICHIGAN**

**PEAVY SEWER EXTENSION**

DIVISION OFFICE: Suite 2  
 2000 W. Lapeer Ave.  
 Lapeer, MI 49759  
 www.xpsandp.com

DE. BY: <b>BM</b>	CH. BY: <b>BM</b>	PROJECT NO.
DR. BY: <b>BM</b>	APP. BY: <b>BM</b>	

STUD.	SHEET	OF
DATE: <b>04.1.2019</b>	FILE NO.	
SCALE: <b>AS SHOWN</b>		

## UP IN THE SKY

### Remember: 2018 law changed when consumer fireworks can be used

The Michigan Fireworks Safety Act (Public Act 256 of 2011, MCL 28.451, *et seq.*) was amended in late 2018 to reduce the number of days municipalities are prevented from regulating consumer fireworks. Now, the only days and times where a municipality may not regulate the ignition, discharge or use of consumer fireworks are:

- 11 a.m. on Dec. 31 to 1 a.m. on Jan. 1
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
- 11 a.m. to 11:45 p.m. on June 29 and 30, and July 1, 2, 3 and 4
- 11 a.m. to 11:45 p.m. on July 5, if that date is a Friday or Saturday
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day

The new amendments apply to all municipalities equally, regardless of population.

For more resources, visit MTA's "Fireworks Regulation" webpage at [www.michigantownships.org/members](http://www.michigantownships.org/members).

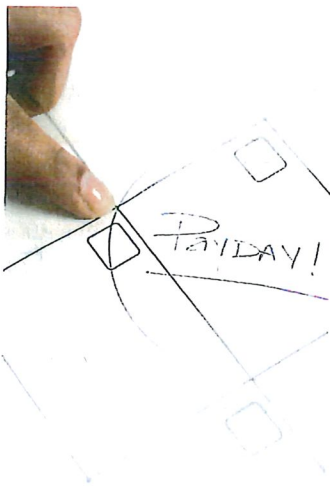


## IRS INFO

### IRS resources available to help townships as employers

Due to recent changes in the federal Tax Cut and Jobs Act, all townships should have their employees check their paychecks for payroll tax withholdings to ensure the correct amount is being deducted. The Internal Revenue Service (IRS) has a new web page—[www.irs.gov/paycheck-checkup](http://www.irs.gov/paycheck-checkup)—with guidance to help employees do just that.

Another new IRS web page, the "Public Employer's Toolkit," has a link to every document townships need as a public employer and for payroll taxes. Search for the page on [www.irs.gov](http://www.irs.gov) to access forms, reference guides and more.



## WAIT AND SEE

### SCOTUS grants stay in redistricting order

Just after *Township Focus*' press time for the June issue, the U.S. Supreme Court granted a stay in the order that several Michigan Congressional and state House and Senate districts lines be redrawn by Aug 1.

This means that Michigan's Legislature can hold off redrawing the state's political boundaries pending appeal of a court order of *League of Women Voters of MI v. Benson*.

As reported in the June *Township Focus*, in late April, a three-judge federal panel ordered the state Legislature to redraw nearly three dozen boundaries for congressional and state legislative seats, saying they were unconstitutionally

gerrymandered in order to favor Republicans. Michigan Republican lawmakers requested the stay, saying that the timeline ordered by the court was unreasonable and that district lines were already set to be redrawn after the 2020 Census.

The Supreme Court is considering substantially similar cases from North Carolina and Maryland that could affect Michigan's case. A decision in those other cases is expected by the time the court's term ends in late June.

The state Bureau of Elections has indicated that it will develop timelines and informational materials for clerks and election administrators if and when they are needed to help prepare for the new redistricting plans.

Watch MTA publications for details as they become available.



MONROE · CANTON · LANSING · DETROIT · TRAVERSE CITY · HOUGHTON



- Municipal Engineering
- Special Assessment Districts
- Asset Management Plans
- Planning | Landscape Architecture
- Site Plan Review & Inspection
- Road / Bridge Design
- Funding Assistance
- Geotechnical
- Environmental
- Surveying
- Construction Support

[www.MannikSmithGroup.com](http://www.MannikSmithGroup.com)

MEMO

To: Marion Township Board  
From: Bob Hanvey  
Date: August 8, 2019  
Subject: Request for sewer usage adjustment

We have another request for a credit on a sewer bill because of irrigation use without an irrigation meter.

The current owners purchased the home in March and were the first occupants of the home so there is no history to use as a basis for an adjustment.

The amount of water used for the three months is 98,000 gallons which is about one inch per week for irrigation.

I suggest we give them a credit to reduce the sewer bill to the flat rate amount of \$69.77. The credit amount will be \$369.27 (\$439.04 - \$69.77).

They have already purchased and installed an irrigation meter.

Current owners are:

Timothy and Teresa Bias

1255 Weatherstone Lane

4710-02-103-082

Account number 020161949

## Bob Hanvey

---

**From:** Carol Hanus <carol@mhog.org>  
**Sent:** Wednesday, July 31, 2019 12:41 PM  
**To:** Bob Hanvey (supervisor@mariontownship.com)  
**Cc:** Lindsay Bugeja  
**Subject:** 1244 Weatherstone  
**Attachments:** Bill Reprint.pdf

Hi Bob,

I just left you a message to call me regarding this address. We had a huge bill go out to Allen Edwin this last quarter. The usage of 98,000 on the main meter due to watering the grass. After the bill went out, we found out there were new homeowners on this account as of 3/26/19. The account was never changed into the new owners, Timothy & Thresa Bias and they were not aware of the option of the 2<sup>nd</sup> meter.

Allen Edwin forwarded them the large bill and once they received it they reached out to Lindsay and she advised them to get the 2<sup>nd</sup> meter. They came into the Marion yesterday and purchased the 2<sup>nd</sup> meter and had it installed today.

My question for you is, can I create a new bill in their name and bill the excess usage on their new irrigation meter or do they have to go to the next board meeting and request an adjustment? I wasn't sure because the billing was sent to Allen Edwin.

Let me know what your thoughts are.

Thanks,

Carol



**MHOG Sewer & Water Authority**

2911 Dorr Road  
 Brighton, MI 48116  
**(800) 881-4109** www.mhog.org

Your MHOG Bill is also online.

**UTILITY BILL**

Account Name:	Allen Edwin Homes
Account Number:	020161949
Service Address:	1255 Weatherstone Lane
Billing Date:	07/15/2019
Total Due By:	08/15/2019

Allen Edwin Homes  
 2186 East Centre St.  
 Portage, MI 49002

Please Remit & Make Checks Payable to:  
**MHOG**  
**2911 Dorr Road**  
**Brighton, MI 48116**

Or pay online: [www.mhog.org\payonline](http://www.mhog.org/payonline)

<b>PREVIOUS UNPAID BALANCE:</b>		<b>\$0.00</b>
<b>CURRENT CHARGES</b>		
Water Usage @ \$4.52		\$442.96
Sewer Usage @ \$4.48		\$439.04
Water Ready To Serve		\$10.00
Sewer Ready To Serve		\$10.88
<b>TOTAL CURRENT CHARGES:</b>		<b>\$902.88</b>
<b>TOTAL DUE BY 08/15/2019</b>		<b>\$902.88</b>

**For Sewer or Water Emergencies  
 call: 888-481-0439**

**If Paid After Due Date: \$993.17**

SERVICE INFORMATION	PREVIOUS		CURRENT		CONSUMPTION
	DATE	READING	DATE	READING	
	03/26/19	1	06/27/19	99 ACT	98

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT.



**MHOG Sewer & Water Authority**  
 2911 Dorr Road  
 Brighton, MI 48116  
**800-881-4109** www.mhog.org

Account Name:	Account Number:
Allen Edwin Homes	020161949
<b>Amount Due if paid on or before Due Date:</b>	
<b>\$902.88</b>	<b>08/15/2019</b>

**Service Address: 1255 Weatherstone Lane**

**AMOUNT PAID: \$**

If paying after due date, please include total due with penalties applied.

Your MHOG Bill is also online.

After due date, amount due will be: \$993.17

MEMO

To: Marion Township Board

From: Bob Hanvey

Date: August 8, 2019

Subject: Sewer reading comparisons through second quarter

Attached is the updated sewer meter reading comparison report. For the second quarter we were billed for 1.7 million gallons more than we collected.

That is about 13% for the quarter. Over the five and one half years on the report the cumulative net shortage is about 2%.

Some of the shortage is recovered by users that have irrigation systems but do not have separate meters so they are billed for water that is not delivered to the Howell wastewater treatment plant. Due to a rainy second quarter, total MHOG usage was about 30% lower than the previous year but our billed sewer meter reading was actually higher than one year ago and the Peavy Road sewer meter reading was lower than last year.

We need to adjust our sewer usage rates because Howell City has a sewer rate increase that was effective August 1 but we have not had official notice of the increase in the user rate or of the increase in our processing rate.

We also need to consider the impact on rates of the improvements to the treatment plant but we have not yet received the draft agreement from the City.

The difference between the processing fee we are charged by the City and the rate we charge our customers is the revenue we use to pay for expenses and maintenance. For the last fiscal year that was about \$50,000, not enough to cover the costs. The shortage was made up from our fund balance.

When we get the information from Howell and the Asset Management Plan we will need to evaluate our sewer usage charges.

Presented at Board Meeting 08/08/2019

Comparison of Peavy Road sewer meter readings with MHOG meter readings 2014 - 2019.

Time Period	Gallons on Peavy Meter	Number of metered users	Metered Gallons	Number of flat rate users	Flat Rate Estimated Gallons	Total gallons on MHOG Billing	Gallons Difference	Annual Total Difference
2014/Q1	11,927,460	753	9,070,000	66	794,980	9,864,980	-2,062,480	
2014/Q2	12,736,030	785	10,541,000	65	872,822	11,413,822	-1,322,208	
2014/Q3	11,797,470	798	13,461,000	66	1,113,316	14,574,316	2,776,846	
2014/Q4	11,945,550	804	9,903,000	66	812,933	10,715,933	-1,229,617	
								-1,837,460
2015/Q1	12,671,510	799	10,593,000	66	875,016	11,468,016	-1,203,494	
2015/Q2	12,882,986	825	11,556,000	67	938,487	12,494,487	-388,499	
2015/Q3	12,319,516	837	13,439,000	70	1,123,931	14,562,931	2,243,415	
2015/Q4	12,372,220	834	10,789,000	70	905,552	11,694,552	-677,668	
								-26,246
2016/Q1	11,825,430	825	9,917,000	71	853,463	10,770,463	-1,054,967	
2016/Q2	12,450,780	858	12,634,000	71	1,045,471	13,679,471	1,228,691	
2016/Q3	12,572,510	875	15,622,000	68	1,214,053	16,836,053	4,263,543	
2016/Q4	12,516,660	890	10,881,000	68	831,357	11,712,357	-804,303	
								3,632,964
2017/Q1	13,704,340	896	10,163,000	70	793,984	10,956,984	-2,747,356	
2017/Q2	14,760,090	901	12,134,000	74	996,577	13,130,577	-1,629,513	
2017/Q3	12,595,320	888	15,630,000	72	1,267,297	16,897,297	4,301,977	
2017/Q4	13,741,970	913	10,965,000	72	864,710	11,829,710	-1,912,260	
								-1,987,151
2018/Q1	14,394,180	928	10,470,000	72	812,328	11,282,328	-3,111,852	
2018/Q2	15,501,830	935	12,052,000	72	928,068	12,980,068	-2,521,762	
2018/Q3	12,697,570	927	15,337,000	73	1,207,768	16,544,768	3,847,198	
2018/Q4	13,721,190	930	10,390,000	73	815,559	11,205,559	-2,515,631	
								-4,302,047
2019/Q1	13,667,710	948	11,282,000	72	856,861	12,138,861	-1,528,849	
2019/Q2	14,825,970	948	12,151,000	73	935,678	13,086,678	-1,739,292	
Total (net) difference for selected quarters								-7,788,081



MEMO

To: Marion Township Board  
From: Bob Hanvey  
Subject: Special Assessments for private roads  
Date: August 8, 2019

We currently have inquiries from property owners on several private roads that are interested in having Special Assessment Districts for road maintenance created. We have no established policy for dealing with the details of road maintenance such as parcels to be included, scope of work to be done, creation of plans, bidding for construction, selection of contractors, verification of satisfactory completion, etc.

I would like the Board to consider creating a policy for dealing with requests for SAD creation for private roads.

MEMO

To: Marion Township Board  
From: Bob Hanvey  
Subject: Audio recordings of Township meetings  
Date: August 8, 2019

We have been getting requests for copies of the recordings of Township meetings that are currently recorded on CDs. The process of making copies is somewhat time consuming and not entirely convenient for residents to have to come to the township office to pick them up.

I would like the Board to consider storing the recordings on the internet so that anyone who wants to listen to the audio recording of meetings can use a variety of devices to listen without making requests to the Township.