

**MARION TOWNSHIP PLANNING COMMISSION  
AGENDA**

REGULAR MEETING

**Due to COVID-19 considerations and consistent with State Policy:  
The Township Planning Commission will meet in person May 25, 2021 at 7:30 pm**  
However, there will be virtual access  
Instructions to participate in the meeting are posted on [www.mariontownship.com](http://www.mariontownship.com)

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR:            May 25, 2021 Regular Meeting

APPROVAL OF MINUTES FROM:        April 27, 2021 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING:

none

New BUSINESS:

1 PR#01-21 Ray Ward extension of Jesse Drive under shared driveway development standards

Old BUSINESS:

1) Review SPR#02-20 Vern Brockway 1388 Lucy Road FINAL Site Plan (Bring back plus LS-1).

Correspondence and Updates and Discussion:

Master Plan

Livingston County Animal Control Ordinance

CALL TO THE PUBLIC:

ADJOURNMENT:

**MARION TOWNSHIP PLANNING COMMISSION  
IN-PERSON / VIRTUAL MEETING MINUTES  
APRIL 27, 2021 / 7:30PM**

**DRAFT**

**MEMBERS PRESENT:** LARRY GRUNN – CHAIRPERSON (*In-Person*)  
JAMES ANDERSON – VICE CHAIR (*In-Person*)  
CHERYL RANGE – SECRETARY (*In-Person*)  
BOB HANVEY – (*In-Person*)  
BRUCE POWELSON – (*In-Person*)

**OTHERS PRESENT:** DAVE HAMANN – ZONING ADMINISTRATOR (*In-Person*)  
JOHN ENOS – CARLISLE WORTMAN (*Virtual*)

**MEMBERS ABSENT:**  
NONE

**CALL TO ORDER:**  
Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF APRIL 27, 2021 PLANNING COMMISSION MEETING AGENDA**

Bruce Powelson made a motion to approve the Agenda for the April 27, 2021 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

**APPROVAL OF MAY 25, 2021 PLANNING COMMISSION MEETING MINUTES**

Cheryl Range made a motion to approve the May 25, 2021 Planning Commission Meeting Minutes, as presented. Jim Anderson seconded. **MOTION CARRIED**

**CALL TO THE PUBLIC:**  
NONE

**PUBLIC HEARING:**  
NONE

**NEW BUSINESS**

**1) REVIEW SPR#02-20 VERN BROCKWAY 1388 LUCY ROAD INDUSTRIAL ZONING FINAL SITE PLAN**

Vern Brockway did not show up for his final site plan review.

John Enos discussed a few of his concerns that were mentioned by a few other outside agencies. John believes that if we decide to recommend approval, we should have some contingencies in place for the landscaping.

Jim Anderson is still concerned about the location of the septic tank, as well as a pump chamber. The septic tank is a 1700-gallon tank and the pump chamber holds 500 gallons. It is located directly in front of the dumpsters, which means the garbage truck is going to have to drive/park right on top of the tank.

Dave Hamann says that we still have not received a response from the Health Department regarding this final site plan. Dave said that Phil Westmoreland from Spicer did provide a review letter for the final site plan and also for the construction.

Larry Grunn asked if we should approve this final site plan and add some contingencies. Dave Hamann explained that the issue with the septic tank is an environmental health issue. It is the Health Department's responsibility to request a review from the Environmental Health Department. Dave also explained that in one of our ordinances, it states that any dumpster/trash receptacles have to be placed toward the back of the property. Therefore, changing the location of the dumpster carts may not be a possible solution.

Commissioners came up with a list of concerns regarding Brockway's final site plan.

- I. Requesting an approval letter from Environmental Health regarding the location of the septic tank and pump chamber.
- II. The dumpsters need to be moved, turned or placed somewhere on the back of the property.
- III. The landscaping along the Vesper's property line needs to be addressed. There was a motion made at the January 4, 2021 Zoning Board of Appeals meeting that required Mr. Brockway to plant eight 8-foot Norway spruce or concolor fir trees along the property line to provide better screening.
- IV. Requesting verification that the lighting on the property is properly shielded.

Cheryl Range made a motion to table SPR# 02-20 Vern Brockway/Lucy Road until the May 25, 2021 Planning Commission meeting and provide the points of contention to Mr. Brockway in the meantime. Bruce Powelson seconded. **MOTION CARRIED**

## **CORRESPONDENCE AND UPDATES AND DISCUSSION**

### **• MASTER PLAN DISCUSSION AND NEXT STEPS**

John Enos explained that he appreciates the feedback regarding the Master Plan. There have been many changes to this Master Plan including changes and additional language regarding open space and ag added throughout the Master Plan. Many of the maps, graphs, charts and statistics were updated as well. Dave Hamann stated that the Board of Trustees did approve distribution of the Master Plan but it sounds like the Planning Commission still has changes they would like to see happen.

Jim Anderson would like to see the Master Plan with the most recent updates/changes before distribution.

Bruce Powelson stated they decided to remove the aerial maps of the developments (subdivisions) from the Master Plan because most of the developments have been completed since the last version of the Master Plan.

Bruce said if we decide to put these aerial maps back in the Master Plan, we should also add aerial maps of the newer developments throughout the township as well.

Bob Hanvey suggested that instead, we could include a link that would redirect people to a different webpage that had a list of the developments, their location, aerial maps and any other useful information about each development. That way we can update the list as things change so it always remains current.

Dave Hamann asked John if we could put the most recent information from the 2020 census in the new Master Plan.

John Enos said that he would include the 2020 census information.

John stated that he would have new Master Plan copies with the discussed changes for the next Planning Commission meeting on May 25, 2021. At that time, we can discuss moving forward with distribution. John also suggested that we wait to schedule the next public hearing for the Master Plan until we get some feedback from other agencies after distribution.

### **CALL TO THE PUBLIC:**

NONE

**ADJOURNMENT:** Jim Anderson made a motion to adjourn the meeting at 8:50pm. Bruce Powelson seconded. **MOTION CARRIED**

### APPLICATION FOR PRIVATE ROAD CONSTRUCTION

1. Application is hereby made by:

Ray & Rita Ward

Address: 3671 Jesse Dr.

Phone: 517-803-1721 Cell 517-803-1721

2. Fee title owners of property: Raymond Ward

3. Common address of property: 3671 Jesse Dr.

4. Legal description of property

Legal Description:

SEC 22 T2N R4E PARCEL 9 COMM SE COR OF SEC TH ALG C/L OF COON LK RD S89°20'54"W 981.46 FT TO POB TH S89°20'54"W 66 FT TH N00°04'39"E 1327.54 FT TH ALG CURVE CHORD N09°14'13"W 63.77 FT TH N49°45'01"E 188.13 FT TH N77°52'07"E 77.49 FT TH N54°47'07"E 97.72 FT TH N73°26'07"E 127.99 FT TH N00°11'34"W 1013.93 FT TH N89°48'26"E 637.91 FT TH S00°00'41"W 1281.47 FT TH S87°57'14"W 980.50 FT TH S00°04'39"W 1320 FT TO POB CONT 22.79 AC SPLIT ON 11/08/2004 FROM 4710-22-400-004; REVISED LEGAL PER SURVERY 02/14/07 VM

5. The above property is presently zoned: \_\_\_\_\_

6. State all proposed covenants and restrictions, including roads and maintenance covenants, pertaining to the use of the road:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Petitioner has read and reviewed all requirements of Section 6.20 of the Marion Township zoning ordinance and petitioner hereby covenants that the PRIVATE ROAD DEVELOPMENT will be constructed in strict compliance with the terms of this ordinance.

Applicant(s): Ray Ward  
Signature  
Rita Ward  
Signature

Date: 4/8/21  
Date: 4/8/21

Fee Received: \$ 500 + 3000 ESCRO

Township Clerk: DA  
Signature

Date: 4-8-21

\*\*\*\*\*  
\$500 fee and \$3,000 initial deposit plus all township costs. These costs include, but are not limited to, township engineering, completion deposit, amount determined by township legal fees, and any additional costs incurred by township.  
\*\*\*\*\*

PLANNING COMMISSION APPROVAL of preliminary plan was granted on \_\_\_\_\_ Date

PLANNING COMMISSION APPROVAL AND RECOMMENDATION of final site plan to the Marion Township Board of Trustees was granted on \_\_\_\_\_ Date

Marion Township Board of Trustees granted final approval on \_\_\_\_\_ Date

LAND USE PERMIT ISSUED BY: \_\_\_\_\_ on \_\_\_\_\_ Date  
Zoning Administrator

\*\*\*\*\*

## **Declaration of Restrictions and Easement for Parcel's A, B and C, an attachment off Jesse Drive**

Whereas, Raymond L. Ward and Rita Ward, 3671 Jesse Drive, Howell, MI 48843 ("The Declarant's") are the owners of certain land located in the Township of Marion, County of Livingston, Michigan which land is described as Parcels 9 A, 9 B, 9 C.

Whereas, the Declarant's have or intend to create a harmonious development and;

Whereas, Declarants desires to help provide for the preservation and enhancement of property values in the development through the creation for certain standard for the size of homes to be constructed the said development and;

Now, Therefore, in consideration for the mutual benefits to be derived by the Declarants, their successors and assigns, and all future purchasers and existing and future owners of the various parcels comprising the development known as Parcel's A, B and C off Jesse Drive, and any person claiming by, through or under them, including any occupant, tenant or Land Contract vendee, Declarants, for themselves, their successors and assigns, do hereby publish and declare and made know to all intending purchasers and future owners of the parcel comprising the development known as Parcel's A, B and C off Jesse Drive that the same will and shall be used, owned, held and /or sold expressly subject to the following conditions, covenants, restrictions and agreements which shall be incorporated by reference in all deeds of conveyance and contracts for sale of such parcels and shall run with the land and be binding upon all grantees of parcels in the development known as Parcel's A, B and C off Jesse Drive and on their respective heirs, personal representatives, successors and assigns.

### Section 1: Use of Lots

Any use allowed by Township Zoning Ordinance.

### Section 2: Character and Size of Buildings

Every dwelling erected on any Parcel 9A, 9B, 9C shall have the following minimum living area:

- A. One-story dwelling – 1500 square feet of the ground floor;
- B. One and one-half story dwelling – total living area of not less than 2400 square feet;
- C. Tri-level and quad-level dwellings – Total living area of not less than 3600 square feet;
- D. Bi-level dwelling – Total living area of not less than 3600 square feet;
- E. Two-story dwelling – Total living area of not less than 2800 square feet

In making the computations of square footage, there shall not be included basements, garages, breezeways, porches and similar areas that are not normally classified as living areas.

All dwellings, including attached garages, must be a minimum of fifty-five (55) feet in width across the side facing the street. All garages must be attached to the dwelling. No garage shall provide space for less than two (2) automobiles.

- F. Any other structure shall be approved by Declarants.
- G. Areas of designated wetlands to be used for building or any other use has to have a permit from MDEQ.
- H. All parcel owners are required to enter into Road Maintenance Agreement.

**In Witness Whereof**, the undersigned, being all the parties with a ownership interest in Parcel's A, B and C off Jesse Drive have executed this Declaration of Restrictions and Easement on

\_\_\_\_\_ 2021

\_\_\_\_\_  
Raymond L. Ward

\_\_\_\_\_  
Rita Ward

State of Michigan

County of Livingston

On the \_\_\_\_\_ day fo \_\_\_\_\_, 2021 before me, a notary public, I and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ known to be the person's described herein and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
Notary Public

Drafted by: / Return to:

Raymond and Rita Ward

3671 Jesse Drive

Howell, MI 48843

RECORDED

RECORDED

2005 FEB 16 A 11: 02

2004 DEC -3 A 11: 30

SALLY REYNOLDS  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48843

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI.  
48843

2/5/4 49/4

VBB

DECLARATION OF EASEMENT AND ROAD MAINTENANCE AGREEMENT FOR  
"JESSE DRIVE" A PRIVATE ROAD

Raymond L. Ward and Rita B. Ward, husband and wife, whose address is 1602 W. Coon Lake Road, Howell, Michigan 48843, "the Declarants", make this declaration of private road easement and maintenance agreement for the purpose of establishing a private road easement and to set forth the provisions for continued maintenance thereof.

Recitals

- A. Declarants are the owners of certain property located in Marion Township, Livingston County, Michigan legally described on Exhibit A attached hereto.
- B. Declarants are in the process of creating separate parcels of land through the division of the property described herein as more fully appears form Exhibit B attached.
- C. Access to the existing parcels shown on the attached Exhibit B and any other parcels which may hereafter be created therefrom shall be by means of private road.
- D. Declarants wish to create the private road easement and to provide for the maintenance thereof which easement is legally described in Exhibit B attached hereto.

Now therefore, the Declarants execute this document for the purpose herein stated, under the following terms and conditions, which shall apply to private road easement created herein.

Section 1  
Definitions

The following definitions apply to the terms as used in this agreement unless the context otherwise requires:

- 1. "Assessment" That portion of the maintenance expenditure assessed or levied against each benefited parcel. The assessment shall be determined by multiplying the expenditure by a fraction, the numerator of which is one (1) and the denominator of which is the number of parcels existing and subject to assessment at the time the expenditure is approved.

LIBER 4 1 1 PAGE 0 8 1 7

\*\*Document being rerecorded to attach legal descriptions

2. "Benefited Parcel" A parcel of land now existing or hereafter created by division from the parent parcel, which contains a portion of and/or abuts the private road easement created herein and relies upon the private road easement as the principal means of ingress and egress.

3. "Burdened Portion of Benefited Parcel" The portion of any benefited parcel which is subject to the easement rights of the private road created by this instrument.

4. "Capital Expenditure" Any cost or expense necessary to improve or maintain and repair the road easement, the single expenditure of which exceeds \$500.00. Such expenditures include by way of illustration regrading, paving, repaving and major repair to the easement surface.

5. "Extraordinary Use" Any use which is not consistent with normal traffic movement. Such uses are by way of illustration the movement of construction equipment, moving vans, commercial trucks, heavy loads, recreational vehicular use, and increased usage not consistent with normal traffic patterns applicable to residential property.

6. "Normal Maintenance Expenditures" Expenditures for maintenance and repair of the private road which cost \$500.00 or less. Normal Maintenance Expenditures shall include by way of illustration, costs associated with grading, snow removal, regrading, ditch cleaning, and other repairs necessary to maintain the roadway in a condition necessary for the safe and convenient passage of motor vehicles.

7. "Owner" A person, a firm, a corporation, a partnership, an association, a trust, or another legal entity or any combination who is the owner of record of a benefited parcel, including a vendee of a land contract. Owner is synonymous with co-owner.

8. "Parent Parcel" The property owned by Declarants as described in the recitals portion of this agreement and prior to any division thereof (Exhibit A).

## Section 2 Creation of Private Road Easement

The Declarants hereby create a private road easement to be known as "Jesse Drive", which easement shall extend from Coon Lake Road to the end of the cul-de-sac, and is legally described on Exhibit B to this agreement.

## Section 3 Use of Easement

1. Ingress and Egress. The owners of the benefited parcels, legally described on Exhibit B hereof, shall use the Private Road Easement only for the purpose of vehicular ingress and egress (including public and emergency vehicles) to any parcel of



land entitled to the use thereof, and for the placement of utilities to the benefited parcels of property. A copy of the survey drawing of the benefited parcels and road way easement are attached as Exhibit B of this agreement. The use of each easement shall be exclusive to the benefited parcels and only for use by one single-family residence.

2. Division of Parcels. No owner of a parcel (other than Declarants) may expand the use of this easement by building additional houses on a benefited parcel, or by subdividing a benefited parcel not owned by the Declarants.

3. Use of Burdened Portion. If any portion of a benefited parcel is burdened by the easement, the burdened portion of a benefited parcel may be used by the owner of the benefited parcel that it crosses for ingress and egress and any other use, which does not interfere with the easement rights of the other benefited parcel owners. The owners of any and all property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.

4. Creation of Additional Benefited Parcels. Notwithstanding the restriction on further land division contained in this section, Declarants reserve unto themselves, their heirs and legal representatives, the right to create any additional number of benefited parcels from the parent parcel as may be permissible under the Michigan Land Division Act and to grant the use of the private road as access to any such parcels subject to the requirements and contingencies of Marion Township's ordinances. This right of division may be transferred by Declarants to one or more assignees, provided, such transfer of division rights is made in conjunction with a conveyance of a parcel of real estate and provided further, that the deed or document of conveyance specifically references the division rights assigned.

#### Section 4

#### Road Maintenance

1. Maintenance The private road easement created herein shall be maintained in a good state of repair to a standard not less than that required by Marion Township at the time of the creation of this private road easement.

2. Maintenance Costs The owner or owners of the Benefited Parcels shall share equally in the cost of maintaining the private road known as Jesse Drive. Each owner shall be obligated to pay all assessments levied on his benefited parcel while he owns the benefited parcel.

3. Damage caused by Extraordinary Use The Owner or Owners of each Benefited Parcel shall be separately responsible for the cost of repair of any damage to the easement caused by Extraordinary Use. The owners of a benefited parcel causing damage through extraordinary use shall cause the damages to be repaired. If the owner of

the benefited parcel causing the damage fails or refuses to repair the same, the remaining owners of the benefited parcels may cause the repairs to be made after first giving the owner of the benefited parcel causing the damage, fifteen (15) days notice of their intention to effectuate repairs. Any costs expended in making the repairs shall be chargeable to the owner of the benefited parcel who caused the damage, and the land of such owner shall be subject to a lien for the costs expended created in the manner set forth in paragraph 5 of this Section.

4. Assessment Procedure Prior to costs being incurred for "normal maintenance expenditures", as herein defined, a simple majority of the owners of the benefited parcels shall agree on the costs thereof. No "Capital Expenditure" as that term is defined herein, shall be binding on any owner unless and until the same shall have been approved by a 2/3 majority of the owners of all benefited parcels of record at the time the expenditure is approved. The owner(s) of each Benefited Parcel shall be entitled to one (1) vote.

5. Lien Any maintenance assessment shall constitute a lien against the benefited parcel to which it has been assessed until paid. The lien for any assessment not paid within 60 days from the date notice of the assessment is mailed to the owner of the benefited parcel may be perfected by filing and recording an affidavit signed by the two or more owners of the remaining benefited parcels which are subject to and liable for the expenditure. Such affidavit shall contain the legal description of the parcel to which the lien applies, shall specify whether the expenditure is for normal maintenance or capital expenditures, the total amount of the expenditure, the date or dates of the expenditure, and the prorata share of the expenditure which applies to the parcel against which the affidavit is filed. A copy of such affidavit shall be sent to the Owner(s) of the benefited parcel against which the lien applies.

6. Enforcement of Liens The collection of any lien created by this agreement may be enforced by the owners of any two or more benefited parcels by a suit at law for money damages or by foreclosure of the liens securing payment in the manner provided by statute. Damages recoverable in the lien enforcement procedure shall include, in addition to the amount of the lien, interest on the unpaid lien at the maximum permissible rate until paid and all expenses of recovery, including actual attorney fees incurred in the enforcement proceedings.

#### Section 5. Township Rights

1. Township Intervention. In the event that the owners of the benefited parcels fail or refuse to maintain the condition of the roadway to the minimum standards required by the Livingston County Road Commission for Public Roads, Marion Township by majority vote of its board of Trustees, may cause the maintenance necessary to bring the private road up to the standards of the Livingston County Road Commission for public roads, to be performed. The cost expended by the township in maintenance of

the private road, together with an administrative fee equal to 25% of the cost expended, shall be assessed against the owners of the parcels on the private road on a prorata basis.

2. Township Indemnification The owners of all property subject to this agreement, by virtue of accepting ownership in property subject to this agreement, agree to indemnify and save harmless the Township of Marion from any causes of action or liability which may be created by reason of the Owner's maintenance and use of the private road.

3. Public Funds No Public Funds of Marion Township or any other governmental agency are to be used to build, repair, or maintain the Private Road except as herein otherwise stated.

#### Section 6. General Provisions

1. Interest in Real Estate The easements described in this document are for the use and benefit of the benefited parcels, shall be an appurtenance to the benefited parcels, shall run with the land and be an interest in realty, and shall bind and benefit the owners and occupiers of the benefited parcels and their transferees, successors, and assigns.

2. Extension of Agreement. In the event there are one or more parcels of land in existence who have been granted use of the easement prior to the effective date of this maintenance agreement, such parcel owners may elect at any time in the future, to subject their property to the provisions of this maintenance agreement, by filing a election to subject their property to the agreement with the office of the Livingston County Register of Deeds. Such election, once made, shall be irrevocable, and shall become a covenant running with the land to which the election applies. Failure or refusal of such party to become a part of this agreement shall not preclude two or more owners of benefited parcels from maintaining an action against such exempt parcel, from seeking contribution for maintenance expenditures by application of the common law doctrine of contribution from the owner of such exempt parcel.

3. Amendment to the easement This easement and maintenance agreement may be amended only by written agreement signed by the owners of not less than 75% of the benefited parcels existing as of the date of the amendment. Any amendment which would change either the easement or the standards of the maintenance required under the terms of this agreement must also have the prior approval of Marion Township. The amending document shall be recorded with the Livingston County Register of Deeds, and copies of the amended agreement shall be served on all owners of record.

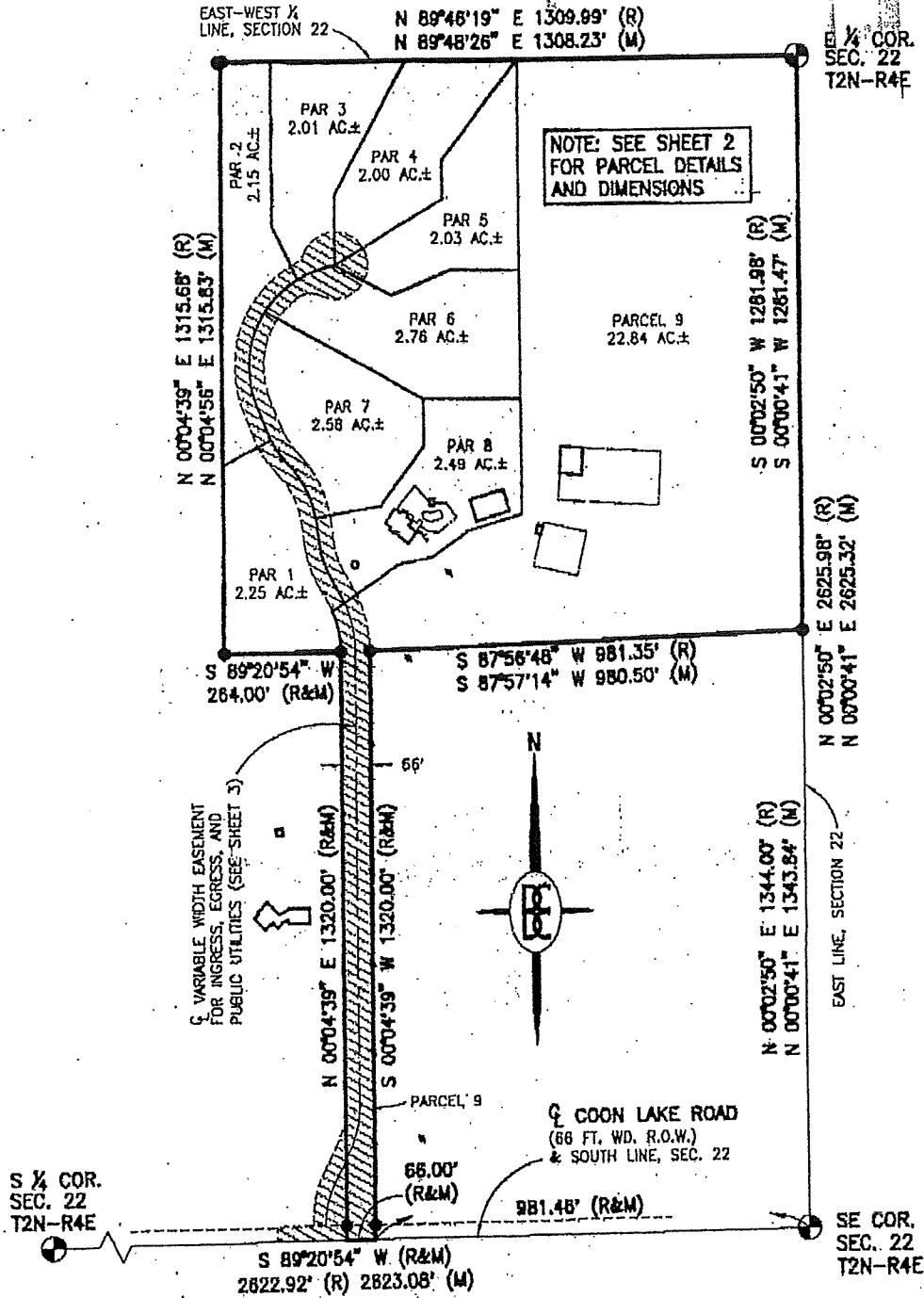
4. Notices Any notices sent under this easement shall be in writing and shall be sent by first-class mail to the owner of the parcel at the owner's last known mailing address.



## Exhibit A

Part of the East 1/2 of the Southeast 1/4 of Section 22, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan, described as follows: Beginning at a point on the South line of Section 22, also being the centerline of Coon Lake Road, said point bearing South 89° 20' 54" West, 981.46 feet from the Southeast Corner of said Section 22; thence continuing along the South line of Section 22, South 89° 20' 54" West, 66.00 feet; thence North 0° 01' 39" East 1320.00 feet; thence South 89° 20' 54" West 264.00 feet; thence North 0° 04' 39" East 1315.68 feet to the East-West 1/4 line of said Section 22; thence North 89° 46' 19" East along the East-West 1/4 line of Section 22, 1309.99 feet to the East 1/4 corner of Section 22; thence South 0° 02' 50" West along the East line of Section 22, 1281.98 feet; thence South 87° 56' 48" West 981.35 feet; thence South 0° 04' 39" West 1320.00 feet to the point of beginning.

EXHIBIT B

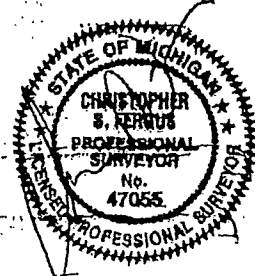


I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/20,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-10.

DESCRIPTION:  
 PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 22, T2N-R4E, MARION TWP., LIVINGSTON COUNTY, MICHIGAN

**ROSS ENGINEERING**  
 ENGINEERS • SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS

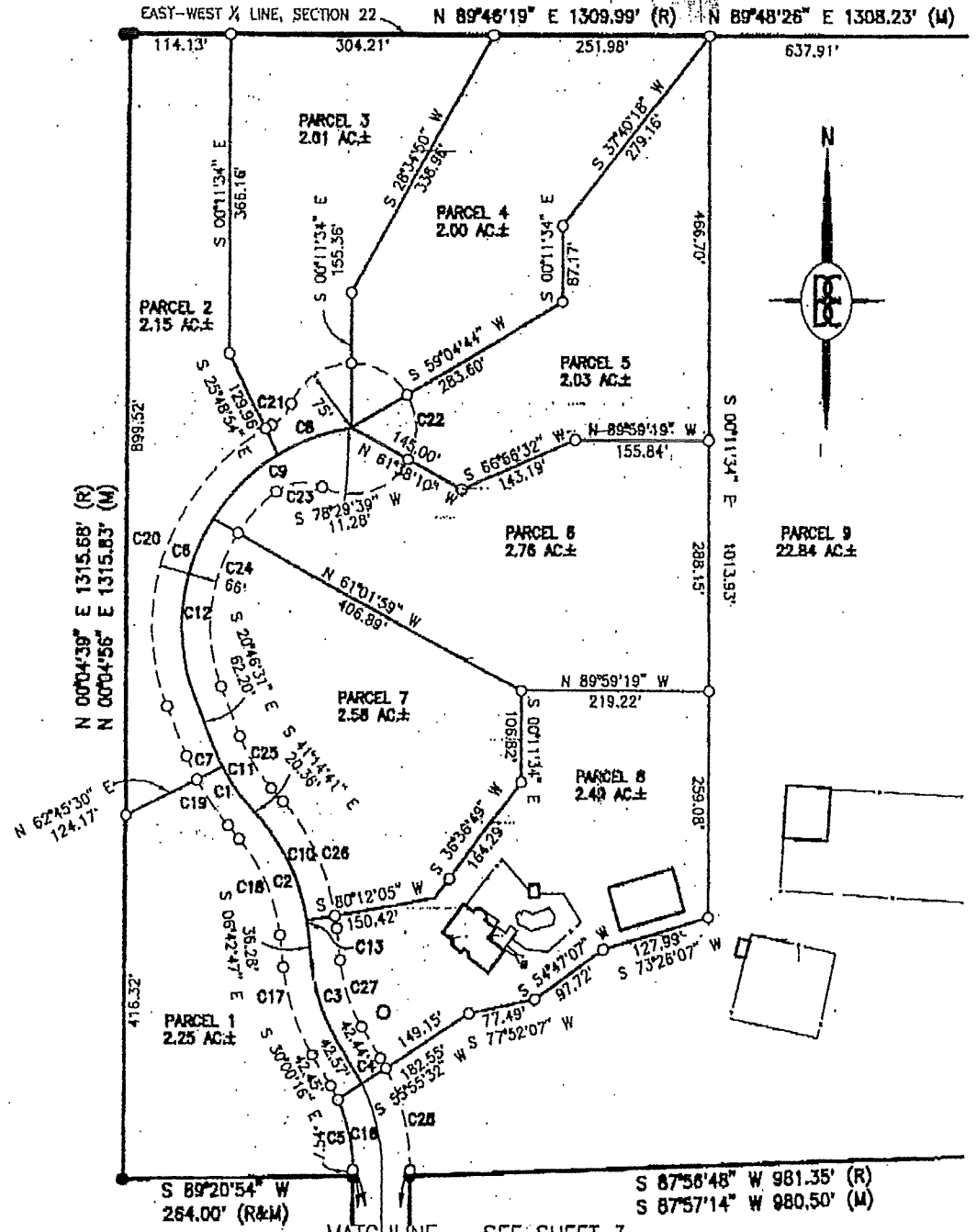
300 0 150 300  
 SCALE: 1 INCH = 300 FEET



CLIENT: WARD	DATE: .10-14-04	CREW: GD/JY	DR: PGB	CHKD:
JOB NO. 03127	DATE: .10-14-04	CREW: GD/JY	DR: PGB	CHKD:
SHEET 1 OF 7	FB 389	CREW GD/JY	DR, PGB	CHKD.

LEGEND:  
 ○ = IRON SET  
 ● = IRON FOUND  
 ● = MONUMENT FOUND  
 --- = FENCE  
 (R) = RECORDED  
 (M) = MEASURED

### PARCEL DETAILS



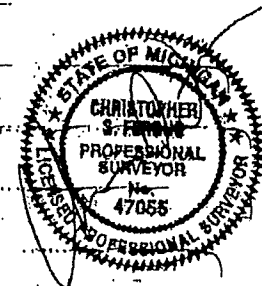
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/20,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-10.

**DESCRIPTION:**  
 PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 22, T2N-R4E, MARION TWP., LIVINGSTON COUNTY, MICHIGAN.

**BOSS ENGINEERING**  
 ENGINEERS • SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS

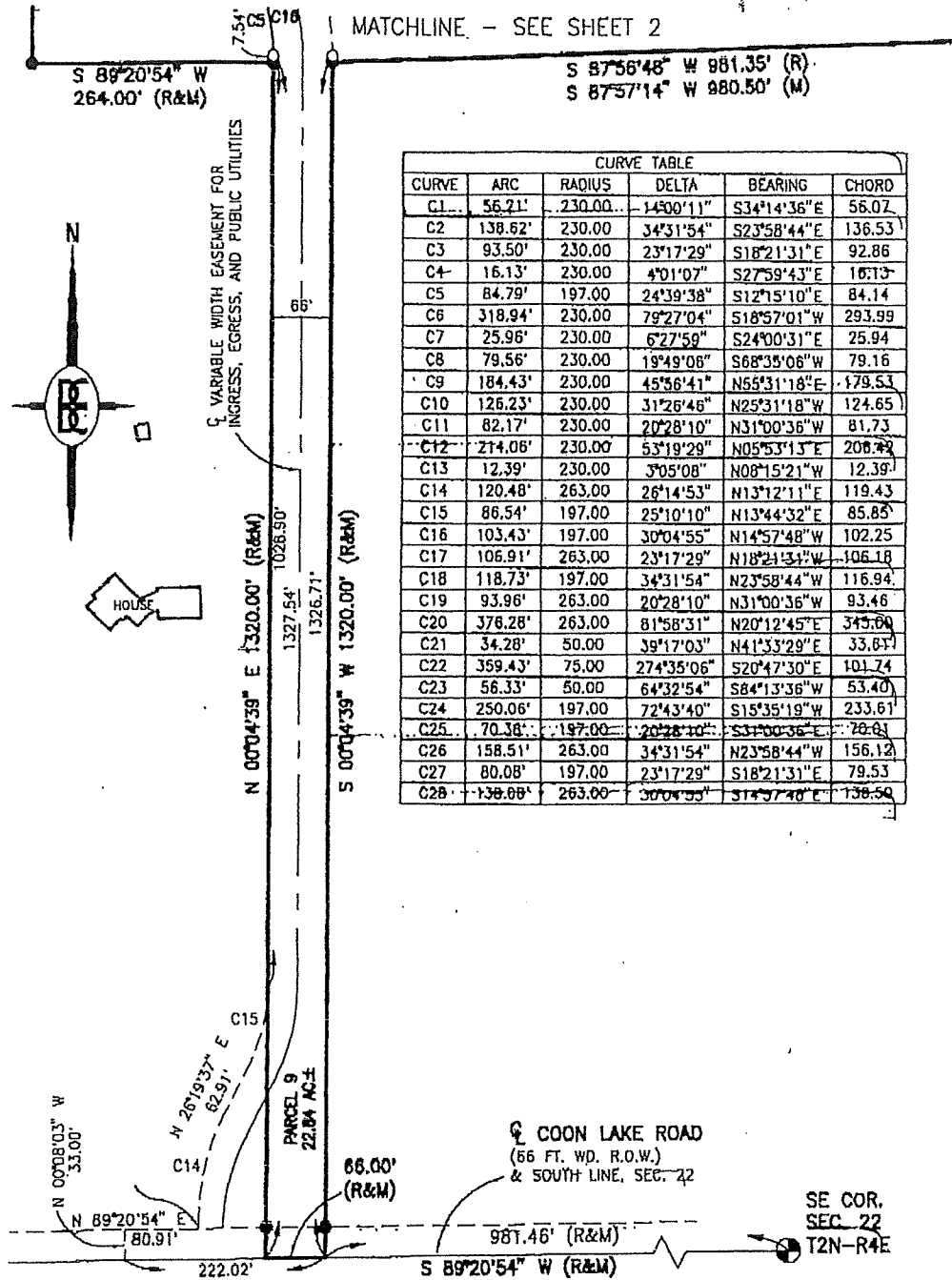
LANDSCAPE OFFICE: 3011 C. Grand Blvd. #200, Grand Rapids, MI 49508, (616) 941-4726, FAX (616) 941-1478

ENGINEERING OFFICE: 1125 GRAND BLVD. SUITE 200, WEST BATTLEDALE, MI 49387, (616) 761-4322, FAX (616) 761-1989



CLIENT: WARD	150 0 75 150	LEGEND ○ = IRON SET ● = IRON FOUND ⊙ = MONUMENT FOUND + = FENCE (R) = RECORDED (M) = MEASURED
JOB NO. 03127	SCALE: 1 INCH = 150 FEET	
SHEET 2 OF 7	DATE 10-14-04	
	FB 389 CREW GD/JY	DR. PGB CHKD.

# EASEMENT DETAILS



CURVE TABLE					
CURVE	ARC	RADIUS	DELTA	BEARING	CHORD
C1	56.21'	230.00	14°00'11"	S34°14'36"E	56.07
C2	138.62'	230.00	34°31'54"	S23°58'44"E	136.53
C3	93.50'	230.00	23°17'29"	S18°21'31"E	92.86
C4	16.13'	230.00	4°01'07"	S27°59'43"E	16.13
C5	84.79'	197.00	24°39'38"	S12°15'10"E	84.14
C6	318.94'	230.00	79°27'04"	S18°57'01"W	293.99
C7	25.96'	230.00	6°27'59"	S24°00'31"E	25.94
C8	79.56'	230.00	19°49'08"	S68°35'06"W	79.16
C9	184.43'	230.00	45°56'41"	N55°31'18"E	179.53
C10	126.23'	230.00	31°26'46"	N25°31'18"W	124.65
C11	82.17'	230.00	20°28'10"	N31°00'36"W	81.73
C12	214.06'	230.00	53°19'29"	N05°53'13"E	208.79
C13	12.39'	230.00	3°05'08"	N08°15'21"W	12.39
C14	120.48'	263.00	26°14'53"	N13°12'11"E	119.43
C15	86.54'	197.00	25°10'10"	N13°44'32"E	85.85
C16	103.43'	197.00	30°04'55"	N14°57'48"W	102.25
C17	106.91'	263.00	23°17'29"	N18°21'34"W	106.18
C18	118.73'	197.00	34°31'54"	N23°58'44"W	116.94
C19	93.96'	263.00	20°28'10"	N31°00'36"W	93.46
C20	376.28'	263.00	81°58'31"	N20°12'45"E	345.00
C21	34.28'	50.00	39°17'03"	N41°33'29"E	33.81
C22	359.43'	75.00	274°35'06"	S20°47'30"E	101.74
C23	56.33'	50.00	64°32'54"	S84°13'36"W	53.40
C24	250.06'	197.00	72°43'40"	S15°35'19"W	233.61
C25	70.38'	197.00	20°28'10"	S31°00'36"E	70.01
C26	158.51'	263.00	34°31'54"	N23°58'44"W	156.12
C27	80.08'	197.00	23°17'29"	S18°21'31"E	79.53
C28	138.88'	263.00	30°04'55"	S14°57'48"E	138.50

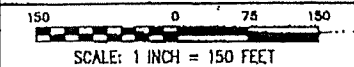
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/20,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-10.

DESCRIPTION:  
PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 22, T2N-R4E, MARION TWP., LIVINGSTON COUNTY, MICHIGAN.

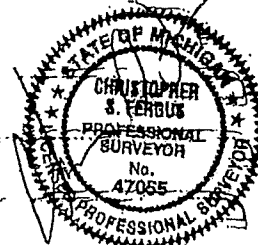
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LANDSCAPE ARCHITECTS

LIVONING COUNTY: 3121 E. LIVINGSTON AVE., LIVONING, MI 48150  
PHONE: 248-4124 FAX: 248-4125  
SHELBY COUNTY: 7122 BROWN ST., SHELBY, MI 48162  
PHONE: 248-3500 FAX: 248-3501

CLIENT: WARD  
JOB NO. 03127  
SHEET 3 OF 7  
DATE: 10-14-04  
FB389 CREW GD/JY DR. PGB CHKD.



LEGEND  
○ = IRON SET  
● = IRON FOUND  
● = MONUMENT FOUND  
--- = FENCE  
(R) = RECORDED  
(M) = MEASURED





**DESCRIPTION OF OVERALL PARCEL AS PROVIDED (Parcel "A" of Survey by Tri-County Surveys, Job # 88-108-A, dated August 23, 1988):**

Part of the East ½ of the S.E. ¼ Section 22, T.2 N., R.4 E., Marion Township, Livingston County, Michigan, described as follows: Beginning at a point on the South line of Section 22, also being the centerline of Coon Lake Road, said point bearing S.89°20'54"W, 981.46 ft. from the S.E. corner of said Section 22; thence continuing along the South line of Section 22, S.89°20'54"W, 66.00 ft.; thence N.0°04'39"E, 1320.00 ft.; thence S.89°20'54"W, 264.00 ft.; thence N.0°04'39"E, 1315.68 ft. to the E-W ¼ line of said Section 22; thence N.89°46'19"E, along the E-W ¼ line of Section 22, 1309.99 ft. to the East ¼ corner of Section 22; thence S.0°02'50"W, along the East line of Section 22, 1281.98 ft.; thence S.87°56'48"W, 981.35 ft.; thence S.0°04'39"W, 1320.00 ft. to the point of beginning. Containing 41.16 acres and subject to easements and right-of-ways of record.

**DESCRIPTION OF OVERALL PARCEL AS SURVEYED**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the South line of said Section 22 and the centerline of Coon Lake Road (66 foot wide Right-of-Way), S 89°20'54" W, 981.46 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along said line, S 89°20'54" W, 66.00 feet; thence N 00°04'39" E, 1320.00 feet; thence S 89°20'54" W, 264.00 feet; thence N 00°04'56" E, 1315.83 feet (previously recorded as N 00°04'39" E, 1315.68 feet); thence along the East-West ¼ line of said Section 22, N 89°48'26" E, 1308.23 feet (previously recorded as N 89°46'19" E, 1309.99 feet), to the East ¼ Corner of said Section 22; thence along the East line of said Section 22, S 00°00'41" W, 1281.47 feet (previously recorded as S 00°02'50" W, 1281.98 feet); thence S 87°57'14" W, 980.50 feet (previously recorded as S.87°56'48" W, 981.35 feet); thence S 00°04'39" W, 1320.00 feet, to the POINT OF BEGINNING, containing 41.12 acres, more or less, and subject to the rights of the public over the existing Coon Lake Road. Also subject to any other easements or restrictions of record.

**PARCEL 1:**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the South line of said Section 22 and the centerline of Coon Lake Road (66 foot wide Right-of-Way), S 89°20'54" W, 1047.46 feet; thence N 00°04'39" E, 1320.00 feet, to the POINT OF BEGINNING of the Parcel to be described; thence S 89°20'54" W, 264.00 feet; thence N 00°04'56" E (previously recorded as N 00°04'39" E), 416.32 feet; thence N 62°45'30" E, 124.17 feet; thence Southeasterly on an arc left, having a length of 56.21 feet, a radius of 230.00 feet, a central angle of 14°00'11", and a long chord which bears S 34°14'36" E, 56.07 feet; thence S 41°14'41" E, 20.36 feet; thence Southeasterly on an arc right, having a length of 138.62 feet, a radius of 230.00 feet, a central angle of 34°31'54", and a long chord which bears S 23°58'44" E, 136.53 feet; thence S 06°42'47" E, 36.26 feet; thence Southerly on an arc left, having a length of 93.50 feet, a radius of 230.00 feet, a central angle of 23°17'29", and a long chord which bears S 18°21'31" E, 92.86 feet; thence S 36°00'16" E, 42.57 feet; thence Southeasterly on an arc right, having a length of 16.13 feet, a radius of 230.00 feet, a central angle of 04°01'07", and a long chord which bears S 27°59'43" E, 16.13 feet; thence S 55°55'32" W, 33.40 feet; thence Southerly on an arc right, having a length of 84.79 feet, a radius of 197.00 feet, a central angle of 24°39'38", and a long chord which bears S 12°15'10" E, 84.14 feet; thence S 00°04'39" W, 7.54 feet, to the POINT OF BEGINNING, containing 2.25 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

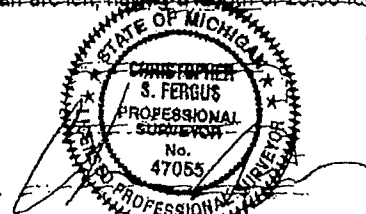
**PARCEL 2:**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the South line of said Section 22 and the centerline of Coon Lake Road (66 foot wide Right-of-Way), S 89°20'54" W, 1047.46 feet; thence N 00°04'39" E, 1320.00 feet; thence S 89°20'54" W, 264.00 feet; thence N 00°04'56" E (previously recorded as N 00°04'39" E), 416.32 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along said line, N 00°04'56" E (previously recorded as N 00°04'39" E), 899.57 feet; thence along the East-West ¼ line of said Section 22, N 89°48'26" E (previously recorded as N 89°46'19" E), 114.13 feet; thence S 00°11'34" E, 366.16 feet; thence S 25°48'54" E, 129.96 feet; thence Southerly on an arc left, having a length of 318.94 feet, a radius of 230.00 feet, a central angle of 79°27'04", and a long chord which bears S 18°57'01" W, 293.99 feet; thence S 20°46'31" E, 62.20 feet; thence Southeasterly on an arc left, having a length of 25.96 feet,

Job Number: 03127-S  
Sheet: 4 OF 7

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a radius of 230.00 feet, a central angle of  $06^{\circ}27'59''$ , and a long chord which bears  $S 24^{\circ}00'37'' E$ , 25.94 feet; thence  $S 62^{\circ}45'30'' W$ , 124.17 feet, to the POINT OF BEGINNING, containing 2.15 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

**PARCEL 3:**

Part of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22,  $N 00^{\circ}00'41'' E$ , 2625.32 feet (previously recorded as  $N 00^{\circ}02'50'' E$ , 2625.98 feet), to the East  $\frac{1}{4}$  Corner of said Section 22; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $S 89^{\circ}48'26'' W$  (previously recorded as  $S 89^{\circ}46'19'' W$ ), 637.91 feet, to the POINT OF BEGINNING of the Parcel to be described; thence  $S 28^{\circ}34'50'' W$ , 338.96 feet; thence  $S 00^{\circ}11'34'' E$ , 155.36 feet; thence  $S 78^{\circ}29'39'' W$ , 11.28 feet; thence Westerly on an arc left, having a length of 79.56 feet, a radius of 230.00 feet, a central angle of  $19^{\circ}49'06''$ , and a long chord which bears  $S 68^{\circ}35'06'' W$ , 79.16 feet; thence  $N 25^{\circ}48'54'' W$ , 129.96 feet; thence  $N 00^{\circ}11'34'' W$ , 366.16 feet; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $N 89^{\circ}48'26'' E$  (previously recorded as  $N 89^{\circ}46'19'' E$ ), 304.21 feet, to the POINT OF BEGINNING, containing 2.01 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

**PARCEL 4:**

Part of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22,  $N 00^{\circ}00'41'' E$ , 2625.32 feet (previously recorded as  $N 00^{\circ}02'50'' E$ , 2625.98 feet), to the East  $\frac{1}{4}$  Corner of said Section 22; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $S 89^{\circ}48'26'' W$  (previously recorded as  $S 89^{\circ}46'19'' W$ ), 637.91 feet, to the POINT OF BEGINNING of the Parcel to be described; thence  $S 37^{\circ}40'18'' W$ , 279.16 feet; thence  $S 00^{\circ}11'34'' E$ , 87.17 feet; thence  $S 59^{\circ}04'44'' W$ , 283.60 feet; thence  $N 00^{\circ}11'34'' W$ , 155.36 feet; thence  $N 28^{\circ}34'50'' E$ , 338.96 feet; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $N 89^{\circ}48'26'' E$  (previously recorded as  $N 89^{\circ}46'19'' E$ ), 251.98 feet, to the POINT OF BEGINNING, containing 2.00 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

**PARCEL 5:**

Part of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22,  $N 00^{\circ}00'41'' E$ , 2625.32 feet (previously recorded as  $N 00^{\circ}02'50'' E$ , 2625.98 feet), to the East  $\frac{1}{4}$  Corner of said Section 22; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $S 89^{\circ}48'26'' W$  (previously recorded as  $S 89^{\circ}46'19'' W$ ), 637.91 feet, to the POINT OF BEGINNING of the Parcel to be described; thence  $S 00^{\circ}11'34'' E$ , 466.70 feet; thence  $N 89^{\circ}59'19'' W$ , 155.84 feet; thence  $S 66^{\circ}56'32'' W$ , 143.19 feet; thence  $N 61^{\circ}38'10'' W$ , 145.00 feet; thence  $N 59^{\circ}04'44'' E$ , 283.60 feet; thence  $N 00^{\circ}11'34'' W$ , 87.17 feet; thence  $N 37^{\circ}40'18'' E$ , 279.16 feet, to the POINT OF BEGINNING, containing 2.03 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

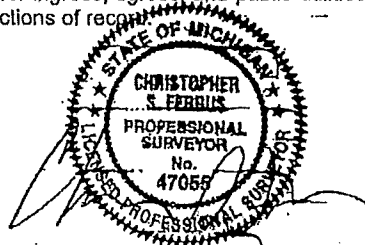
**PARCEL 6:**

Part of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22,  $N 00^{\circ}00'41'' E$ , 2625.32 feet (previously recorded as  $N 00^{\circ}02'50'' E$ , 2625.98 feet), to the East  $\frac{1}{4}$  Corner of said Section 22; thence along the East-West  $\frac{1}{4}$  line of said Section 22,  $S 89^{\circ}48'26'' W$  (previously recorded as  $S 89^{\circ}46'19'' W$ ), 637.91 feet; thence  $S 00^{\circ}11'34'' E$ , 466.70 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along said line,  $S 00^{\circ}11'34'' E$ , 288.15 feet; thence  $N 89^{\circ}59'19'' W$ , 219.22 feet; thence  $N 61^{\circ}01'59'' W$ , 406.89 feet; thence Northeasterly on an arc right, having a length of 184.43 feet, a radius of 230.00 feet, a central angle of  $45^{\circ}56'41''$ , and a long chord which bears  $N 55^{\circ}31'18'' E$ , 179.53 feet; thence  $N 78^{\circ}29'39'' E$ , 11.28 feet; thence  $S 61^{\circ}38'10'' E$ , 145.00 feet; thence  $N 66^{\circ}56'32'' E$ , 143.19 feet; thence  $S 89^{\circ}59'19'' E$ , 155.84 feet, to the POINT OF BEGINNING, containing 2.76 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

Job Number: 03127-S *ceb*  
Sheet: 5 OF 7

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**PARCEL 7:**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22, N 00°00'41" E, 2625.32 feet (previously recorded as N 00°02'50" E, 2625.98 feet), to the East ¼ Corner of said Section 22; thence along the East-West ¼ line of said Section 22, S 89°48'26" W (previously recorded as S 89°46'19" W), 637.91 feet; thence S 00°11'34" E, 754.85 feet; thence N 89°59'19" W, 219.22 feet, to the POINT OF BEGINNING of the Parcel to be described; thence S 00°11'34" E, 106.82 feet; thence S 36°36'49" W, 164.29 feet; thence S 80°12'05" W, 150.42 feet; thence Northwesterly on an arc left, having a length of 126.23 feet, a radius of 230.00 feet, a central angle of 31°26'46", and a long chord which bears N 25°31'18" W, 124.65 feet; thence N 41°14'41" W, 20.36 feet; thence Northwesterly on an arc right, having a length of 82.17 feet, a radius of 230.00 feet, a central angle of 20°28'10", and a long chord which bears N 31°00'36" W, 81.73 feet; thence N 20°46'31" W, 62.20 feet; thence Northerly on an arc right, having a length of 214.06 feet, a radius of 230.00 feet, a central angle of 53°19'29", and a long chord which bears N 05°53'13" E, 206.42 feet; thence S 61°01'59" E, 406.89 feet, to the POINT OF BEGINNING, containing 2.58 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

**PARCEL 8:**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the East line of said Section 22, N 00°00'41" E, 2625.32 feet (previously recorded as N 00°02'50" E, 2625.98 feet), to the East ¼ Corner of said Section 22; thence along the East-West ¼ line of said Section 22, S 89°48'26" W (previously recorded as S 89°46'19" W), 637.91 feet; thence S 00°11'34" E, 754.85 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along said line, S 00°11'34" E, 259.08 feet; thence S 73°28'07" W, 127.99 feet; thence S 54°47'07" W, 97.72 feet; thence S 77°52'07" W, 77.49 feet; thence S 55°55'32" W, 149.15 feet; thence Northwesterly on an arc left, having a length of 16.13 feet, a radius of 230.00 feet, a central angle of 04°01'07", and a long chord which bears N 27°59'43" W, 16.13 feet; thence N 30°00'16" W, 42.57 feet; thence Northerly on an arc right, having a length of 99.50 feet, a radius of 230.00 feet, a central angle of 23°17'29", and a long chord which bears N 18°21'31" W, 92.86 feet; thence N 06°42'47" W, 36.28 feet; thence Northerly on an arc left, having a length of 12.39 feet, a radius of 230.00 feet, a central angle of 03°05'08", and a long chord which bears N 08°16'21" W, 12.39 feet; thence N 80°12'05" E, 150.42 feet; thence N 36°36'49" E, 164.29 feet; thence N 00°11'34" W, 103.82 feet; thence S 89°59'19" E, 219.22 feet, to the POINT OF BEGINNING, containing 2.49 acres, more or less. Subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

**PARCEL 9:**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section 22; thence along the South line of said Section 22 and the centerline of Coon Lake Road (66 foot wide Right-of-Way), S 89°20'54" W, 981.46 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along said line, S 89°20'54" W, 66.00 feet; thence N 00°04'39" E, 1327.54 feet; thence Northerly on an arc left, having a length of 84.79 feet, a radius of 197.00 feet, a central angle of 24°39'38", and a long chord which bears N 12°15'10" W, 84.14 feet; thence N 55°55'32" E, 182.55 feet; thence N 77°52'07" E, 77.49 feet; thence N 54°47'07" E, 97.72 feet; thence N 73°28'07" E, 127.99 feet; thence N 00°11'34" W, 1013.93 feet; thence along the East-West ¼ line of said Section 22, N 89°48'26" E (previously recorded as N 89°46'19" E), 637.91 feet, to the East ¼ Corner of said Section 22; thence along the East line of said Section 22, S 00°00'41" W, 1281.47 feet (previously recorded as S 00°02'50" W, 1281.98 feet); thence S 87°57'14" W, 980.50 feet (previously recorded as S 87°56'48" W, 981.35 feet); thence S 00°04'39" W, 1320.00 feet, to the POINT OF BEGINNING, containing 22.84 acres, more or less, and subject to the rights of the public over the existing Coon Lake Road. Also subject to and including the use of a variable width easement for ingress, egress, and public utilities, as described below. Also subject to any other easements or restrictions of record.

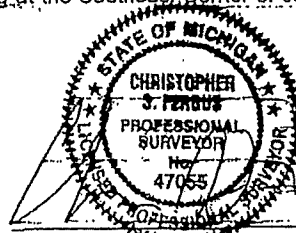
**PRIVATE EASEMENT FOR INGRESS, EGRESS & PUBLIC UTILITIES (VARIABLE WIDTH):**

Part of the East ½ of the Southeast ¼ of Section 22, T2N-R4E, Marion Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southeast Corner of said Section

Job Number: 03127-S  
Sheet: 6 OF 7

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22; thence along the South line of said Section 22 and the centerline of Coon Lake Road (60 foot wide Right-of-Way), S 89°20'54" W, 981.46 feet, to the POINT OF BEGINNING of the Easement to be described; thence continuing along said line, S 89°20'54" W, 222.02 feet; thence N 00°08'03" W, 33.00 feet; thence along the Northerly Right-of-Way line of said Coon Lake Road, N 89°20'54" E, 80.91 feet; thence N 00°04'44" E, 10.44 feet; thence Northerly on an arc right, having a length of 120.48 feet, a radius of 263.00 feet, a central angle of 26°14'53", and a long chord which bears N 13°12'11" E, 119.43 feet; thence N 26°19'37" E, 62.91 feet; thence Northerly on an arc left, having a length of 86.54 feet, a radius of 197.00 feet, a central angle of 25°10'10", and a long chord which bears N 13°44'32" E, 85.85 feet; thence N 00°04'39" E, 1028.00 feet; thence Northerly on an arc left, having a length of 103.43 feet, a radius of 197.00 feet, a central angle of 30°04'55", and a long chord which bears N 14°57'48" W, 102.25 feet; thence N 30°00'18" W, 42.45 feet; thence Northerly on an arc right, having a length of 106.91 feet, a radius of 263.00 feet, a central angle of 23°17'29", and a long chord which bears N 18°21'31" W, 106.18 feet; thence N 06°42'47" W, 36.28 feet; thence Northwestery on an arc left, having a length of 118.73 feet, a radius of 197.00 feet, a central angle of 34°31'54", and a long chord which bears N 23°58'44" W, 116.94 feet; thence N 41°14'41" W, 20.36 feet; thence Northwestery on an arc right, having a length of 93.96 feet, a radius of 263.00 feet, a central angle of 20°28'10", and a long chord which bears N 31°00'36" W, 93.48 feet; thence N 20°46'31" W, 62.20 feet; thence Northerly on an arc right, having a length of 376.28 feet, a radius of 263.00 feet, a central angle of 81°58'31", and a long chord which bears N 20°12'45" E, 345.00 feet; thence Northeastery on an arc left, having a length of 34.28 feet, a radius of 50.00 feet, a central angle of 39°17'03", and a long chord which bears N 41°33'29" E, 33.61 feet; thence on an arc right, having a length of 359.43 feet, a radius of 75.00 feet, a central angle of 274°35'06", and a long chord which bears S 20°47'29" E, 101.74 feet; thence Westerly on an arc left, having a length of 56.33 feet, a radius of 50.00 feet, a central angle of 64°32'54", and a long chord which bears S 84°13'36" W, 53.40 feet; thence Southerly on an arc left, having a length of 250.06 feet, a radius of 197.00 feet, a central angle of 72°43'40", and a long chord which bears S 15°35'19" W, 233.61 feet; thence S 20°46'31" E, 62.20 feet; thence Southeastery on an arc left, having a length of 70.38 feet, a radius of 197.00 feet, a central angle of 20°28'10", and a long chord which bears S 31°00'36" E, 70.01 feet; thence S 41°14'41" E, 20.36 feet; thence Southeastery on an arc right, having a length of 158.51 feet, a radius of 263.00 feet, a central angle of 34°31'54", and a long chord which bears S 23°58'44" E, 156.12 feet; thence S 06°42'47" E, 36.28 feet; thence Southerly on an arc left, having a length of 80.08 feet, a radius of 197.00 feet, a central angle of 23°17'29", and a long chord which bears S 18°21'31" E, 79.53 feet; thence S 30°00'16" E, 42.44 feet; thence Southerly on an arc right, having a length of 138.08 feet, a radius of 263.00 feet, a central angle of 30°04'55", and a long chord which bears S 14°57'48" E, 136.50 feet; thence S 00°04'39" W, 1326.71 feet, to the POINT OF BEGINNING. Subject to any other easements or restrictions of record.

Bearings were established from a previous survey by Tri-County Surveys, Inc., Job # 88-106-A, dated August 23, 1988.

**References:**

- 1) Survey by Tri-County Surveys, Inc., Job # 88-106-A, dated August 23, 1988.
- 2) Survey by Advantage Civil Engineering, Job # 97305, dated July 14, 1998.

**Witnesses:**

East 1/4 Corner, Section 22, T2N-R4E (I-8)	Southeast Corner, Section 22, T2N-R4E (I-9)
Found Remon #14762 in Swamp	Found Remon in Mon Box, 2' South of C/L
North 4.15' - Fd. Remon N/T E/S Triple Maple	Coon Lake Rd. Occupation North is Tree Line
S80°E 11.5' - C/L 18" Dead Tree	S50°E 56.50' - Fd. Remon N/T SW/S 30" Oak
S60°E 70.63' - Fd. Remon N/T S/S Twin Maple	S05°E 44.15' - Fd. Remon N/T W/S 10" Hickory
S10°W 25.32' - Fd. Remon N/T E/S Triple Maple	S40°W 37.84' - Fd. Remon N/T W/S 10" Oak
S40°E 20.57' - Fd. Remon N/T E/S 24" Maple	N10°W 42.30' - Fd. Remon N/T W/S 16" Elm

South 1/4 Corner, Section 22, T2N-R4E (H-9)  
 Found Remon in Mon Box, 6' North of C/L Coon Lake Rd & 4' West of C/L Triangle Lake Rd South  
 North 42.37' - Fd. Remon N/T W/S 40" Oak  
 S10°E 115.58' - Fd. Remon N/T W/S Twin Oak  
 S20°W 91.68' - Fd. Boss N/T E/S Multi-stem Hickory  
 N40°W 48.72' - Fd. Remon N/T SW/S P Pole

October 14, 2004  
 G:\03127-S\docs\03127D2.doc

Job Number: 03127-S  
 Sheet: 7 OF 7



3121 E. Grand River Ave. Howell, MI 48843  
 Phone (517)548-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.





May, 20, 2021

Dave Hamann, Zoning Administrator  
Marion Township  
2877 W. Coon Lake Road  
Howell, MI 48843

RE: Ray Ward Parcel 9  
3671 Jesse Drive  
Preliminary Site Plan Review

Dear Mr. Hamann,

We have received and reviewed the site plan for the development of Parcel 9, 3671 Jesse Drive. The plans were prepared by Boss Engineering on behalf of Ray Ward and are dated January 8, 2021. We offer the following comments:

**General**

The existing site is a partially wooded lot with a gravel drive from the southwest corner of the parcel running east and north to a single residence on the west side of the property. The plan proposes replacing the existing drive that serves one parcel with a new driveway and cul-de-sac that will serve 3 parcels noted as Parcel 9A, Parcel 9B and Parcel 9C. The site is zoned as Rural Residential (RR) as is the surrounding area.

The proposed cul-de-sac has frontages identified for Parcels 9B and 9C of 150 ft and has the setback correctly identified 70 feet from the right-of-way. The placement of the frontage measurement is shown incorrectly and needs to be relocated tangent to inside the setback line. However, the measurement shown of 150 ft currently exceeds the frontage requirement and correcting the measurement will only increase the frontage measurement. Therefore, the frontage of the parcel will more than exceed the frontage requirements and is acceptable.

From the aerial imagery it appears that clearing may be needed. Clearing limits and tree removals need to be indicated on the plans.

From the Aerial imagery it appears there may be a conflict with the existing drive for house #3671 and the parcel line between proposed lots 9A and 9B. The applicant should verify that no part of the existing driveway for parcel 9A encroaches on parcel 9B. If the driveway does encroach the lot layout should be changed to avoid the situation.

**Water Service**

There is no public water system identified in the project area. There is an existing well identified in parcel 9A that serves the home. It is assumed that the new parcels will have their own wells that will need to be reviewed and by the Livingston County Health Department.

### **Sanitary Service**

There is no public sanitary sewer service identified in the project area. There is an existing septic field identified in parcel 9A that serves that home. It is assumed that the new pars will have their own wells that will need to be review and by the Livingston County Health Department.

### **Stormwater and Grading**

Topography of the site is shown with 2' contour lines for a portion of the site around the proposed drive and cu-de-sac. Contours are not shown on the northern half of the parcel, but this area is regulated wetlands and contours are not necessary. No encroachment is proposed on the wetlands.

The parcel to the northwest drains southeast to unregulated wetlands just north of the proposed drive. The parcel to the south drains north over the existing drive to the unregulated wetlands. There is a high point at the center of the proposed cul-de-sac with drainage to the east and west.

No proposed grading is indicated on the plans. The proposed location of the drive is on an existing slope possibly altering the drainage pattern. A centerline profile and cross section should be included, as well as any culverts proposed to evaluate drainage.

### **Pavement**

A 540 ft gravel private drive that terminates in a cul-de-sac is proposed. The proposed drive is 18 feet in width which exceeds the Townships minimum requirements and therefore is acceptable. The cul-de-sac radius also exceeded the Townships minimum requirement and is therefore acceptable.

None of the materials were specified and no cross sections were provided. A centerline profile and cross section should be included to specify appropriate depth of materials, sufficient of crowning, and grade suitable for emergency vehicle access.

### **Recommendation**

We recommend the Township withhold approval, pending the following items and our subsequent review:

1. Well and septic for the new lots will need to be reviewed by the Livingston county Health Department
2. Include legal description.
3. Plans need a professional seal.
4. Determine extents of clearing.
5. Include cross section and centerline profile.
6. Correct frontage measurements and ensure that the existing driveway is within the proposed parcel.

May 20, 2021

3 of 3

7. Determine effects of grade changes on drainage.

If you have any questions or need anything further, please feel free to contact our office.

Sincerely,



**Adam C. Jacquain**  
Construction Services Technician  
Phone: (989)-598-6196  
Mailto: adamj@spicergroup.com

**Philip A. Westmoreland, P.E.**  
Sr. Project Manager  
Phone: (517) 375-9449  
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**SPICER GROUP, INC.**  
125 Helle Dr, Suite 2  
Dundee, MI 48131

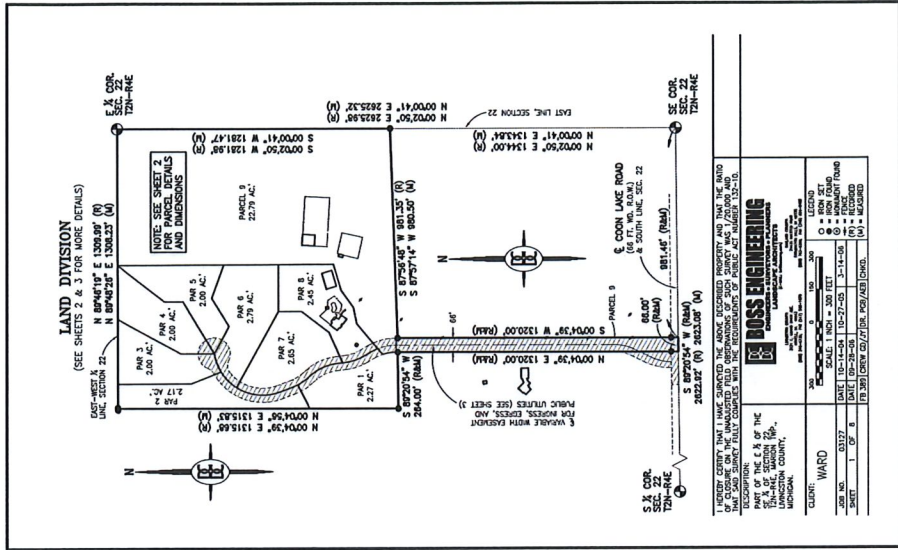


PROJECT: PREPARED FOR: TITLE: CONCEPT DRAWING - 1

NO	BY	DATE	REVISION PER
1	WM	1-29-21	66" WIDE ACCESS EASEMENT
2	WM	4-27-21	3 PARCELS & GRAVEL ROAD
3	WM	5-12-21	ADDED SEPTIC FIELD & WELL

DESIGNED BY:	WRW
CHECKED BY:	
SCALE:	1" = 100'
JOB NO.:	20-516
DATE:	01-08-21
SHEET NO.:	1 OF 1

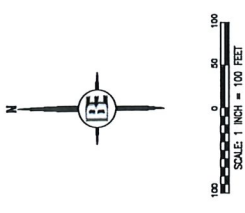
BOSS Engineering



PREVIOUS LAND DIVISION  
 RECORDED: 10-11-2006  
 INSTRUMENT NO. 2006S-0094  
 SCALE: 1 INCH = 400 FEET

BE BOSS Engineering  
 3121 E. GRAND RIVER AVE.  
 HOWELL, MI 48843  
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**Carlisle | Wortman**  
ASSOCIATES, INC.

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

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**MEMORANDUM**

**TO:** Marion Township Planning Commission  
**FROM:** John L. Enos, AICP, Township Planner  
**DATE:** May 20, 2021  
**RE:** Master Plan Edits

Based on the most recent comments the following is being inserted into the draft for distribution to surrounding communities.

1. Cheryl had provided several syntax and mapping number changes they have been incorporated into the draft.
2. Attached find a more expansive list of objectives specifically related to agricultural and open space preservation. These are similar to Scio Township goals and objectives. We may also want to consider now that things are relatively back to normal, bringing in Barry Lonick on steps towards a preservation plan.

Goal #18 will be renamed to rather than just “Agriculture” to specifically “Agriculture and Open Space Preservation” with the goal being;

**Keep farming a viable and visible part of Marion Township’s future land use plan. Open Space green way and farmland preservation should be of the highest priority.**

*OBJECTIVES*

1. Systematically preserve open spaces and greenways to maintain the quality of life in Marion Township, to preserve environmentally sensitive areas, and to maintain rural character.
2. Educate the public on zoning and site planning techniques that preserve agricultural land, open space, and unobstructed views of fields, pastures, and agricultural buildings.
3. Explore purchase of development rights (PDR), land conservancy, P.A. 116, or other methods to preserve working agricultural lands.
4. Support the landowner’s Right to Farm when proper agricultural practices are followed.
5. Protect drainage ways for agricultural land.
6. Give farmers the tools or range of options necessary to conduct farm-related activities on their property while keeping farming viable on the rest.
7. Encourage property tax policies that assess farmland for present use rather than potential use.
8. Encourage, promote and support Michigan Department of Agriculture and Rural Developments and Agricultural Preservation Trust Fund the purchase of development rights program.
9. Strongly encourage the integration of dedicated open space natural features in site development proposals and zoning text amendments.
10. Preserve an interconnected system of riparian corridors, woodlands, tree rows, and open spaces.

# LIVINGSTON COUNTY

# ANIMAL CONTROL ORDINANCE

LIVINGSTON COUNTY, MICHIGAN

RESOLUTION #2020-06-163

EFFECTIVE: 6/28/2020

APPROVED: 6/22/2020

An Ordinance relating to and providing for animal control within the boundaries of Livingston County; purpose of Ordinance; definitions: County Animal Shelter Director, their duties, authority, responsibilities and removal from office; Animal Control Officers, their duties, authority and responsibilities. Licensing and vaccination of dogs; confinement of dogs and other animals under certain circumstances; County Animal Shelter and impoundment of dogs and other animals and redemption of dogs and other animals impounded; euthanasia and seizing of dogs and other animals; regulation of kennels; enumeration of certain violations and procedure therefor; penalties; preservation of certain rights; County Treasurer's duties and records; fees and expenses; receipts and disbursements of funds; construction; repeal.

THE PEOPLE OF THE COUNTY OF LIVINGSTON, MICHIGAN, DO ORDAIN:

## ARTICLE I - PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and, in particular, Act 339 of the Public Acts of 1919, as amended, being MCL 287.261 to 287.290, Act 426 of the Public Acts of 1988, as amended, being MCL 287.321 – 287.323; Act 328 of 1976, being MCL 433.11 – 433.20; and to include any additional amendments of the Michigan Compiled Laws. To create the position of Animal Control Officer, define duties, authority and responsibilities, to create the Animal Shelter Department and the position of Animal Shelter Director, and to regulate and control the conduct, keeping and care of dogs and certain other animals, the County of Livingston, Michigan, does hereby adopt the following Ordinance.

## ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- (a) ADEQUATE CARE means the provision of sufficient food, water, shelter, tethering and medical attention to maintain an animal in a state of good health.
- (b) AGGRESSION: The term aggression refers to observed or historical behavior that makes an animal a danger to the health and safety of people or other animals.
- (c) ANIMALS: Unless otherwise stated, the word "Animal" as used in this ordinance shall refer to "Domesticated Animals" – a population that have had their behavior, life cycle or physiology systemically altered as a result of being under human control. Including but not limited to birds, fish, mammals and reptiles.
- (d) ANIMAL CONTROL OFFICER means a Deputy or any person employed by Livingston County in the Livingston County Sheriff's Office for the purpose of enforcing this Ordinance or State statutes pertaining to dogs or other animals, as well as persons or deputies employed by the County to enforce this Ordinance.
- (e) ANIMAL SHELTER means Livingston County Animal Shelter or a facility that is contracted with the county for the purpose of impound.

- (f) BOARD OF COMMISSIONERS means the Livingston County Board of Commissioners.
- (g) COUNTY means the County of Livingston of the State of Michigan.
- (h) DAY means Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturdays, Sundays, and holidays during which County offices are closed shall not be included in the definition of DAY.
- (i) ANIMAL SHELTER DIRECTOR means the person employed by or contracted by the Animal Shelter to fulfill duties and responsibilities of acting in accordance with the Michigan Compiled Laws.
- (j) EUTHANASIA means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an approved agent that causes painless loss of consciousness and subsequent death.
- (k) HARBOR means to feed or shelter an animal(s) for three (3) or more consecutive days.
- (l) IMPOUND means to place in an animal shelter, or other authorized facility, an animal for shelter purposes.
- (m) KENNEL means any establishment, except a pet shop, animal shelter or pound licensed pursuant to MCL 287.331 to 287.340, wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.
- (n) LARGE CARNIVORES shall include but not be limited to a lion, leopard, jaguar, tiger, cougar, panther, cheetah or bear.
- (o) LIVESTOCK means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and furbearing animals being raised in captivity.
- (p) NEGLECT means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- (q) NON-AGRICULTURAL AREA means any area zoned by a city, village, township or other governmental body, agency or commission as other than for agricultural purposes.
- (r) OWNER, and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premise.  

The term "owner," when applied to the proprietorship of an animal, means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in their care, custody or control, and every person who permits the animal to remain on or about the premise occupied by him. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming or training business, or veterinary hospital, or a person who harbors an animal in violation of Act 309 of the Public Acts of 1939, being MCL 287.308..
- (s) PERSON: The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.
- (t) LAW ENFORCEMENT / PEACE OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the State Police and Conservation Officers.
- (u) POULTRY means all domestic fowl, ornamental birds and game birds possessed or being reared under authority of a breeder's license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Act. Act 451 of the Public Acts of 1994, being MCL 324.42701 – 324.42714.
- (v) RABIES SUSPECT ANIMAL means any animal which has been determined by the Michigan Department of Health and Human Services to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.
- (w) SANITARY CONDITIONS means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.

- (x) SERVICE DOG means any dog which is trained or being trained to aid a person who is blind, hearing impaired, or otherwise disabled under MCL 287.291 (1970 PA 207), or any dog which is trained or being trained for law enforcement or as a private security animal.
- (y) SHELTER means adequate protection from the elements, suitable for the age and species of the animal to maintain the animal in a state of good health, including structure or natural features in accordance with MCL 750.50
- (z) SPORTING DOGS: Three or more sporting dogs shall be under the definition of Kennel Dogs.
- (aa) STATE means the State of Michigan.
- (bb) STATE OF GOOD HEALTH means freedom from disease, illness and in a condition of proper body weight and temperature for the age and species of the animal, free from parasites, sores and any disease of the skin as a result of improper grooming.
- (cc) STERILIZED means an animal which has, by virtue of a surgically performed castration or ovariectomy or other recognized veterinary procedure been rendered incapable of sexual reproduction.
- (dd) TETHERING means the restraint and confinement of an animal by use of a chain, rope, or similar device.
- (ee) TREASURER means the Livingston County Treasurer.
- (ff) VETERINARIAN means a person licensed to practice veterinary medicine under Article 15 of the Public Health Code, 1978 PA 368, MCL 333.16101 to 333.18838.
- (gg) WILDLIFE: Shall mean all fur bearing animals and birds by definition of the Department of Natural Resources.
- (hh) WOLF-DOG HYBRID: Shall mean a canid resulting from the breeding of any of the following: A wolf with a dog; a wolf-dog cross with a dog; a wolf-dog cross with a wolf-dog cross; in accordance with 2000 PA 246.

### **ARTICLE III – ANIMAL SHELTER, ANIMAL SHELTER DIRECTOR & ANIMAL CONTROL OFFICER DUTIES, AUTHORITY & RESPONSIBILITIES**

Section 1. The Livingston County Animal Shelter Department is established for the operation of the Animal Shelter, under the direction of the Animal Shelter Director. The Animal Shelter Director shall be appointed by the Board of Commissioners, and shall report to the County Administrator. The Animal Shelter Director need not meet the qualifications of an Animal Control Officer as set forth in MCL 287.289b. The duties of the Animal Shelter Director may be assigned by the Board of Commissioners to another public agency or a private contractor. The Board of Commissioners shall maintain the animal shelter for the purposes set forth herein. Said person shall report to the County Administrator, and serve at the pleasure of the Board of Commissioners. The Animal Shelter Director is not responsible for oversight of Animal Control Officers.

Section 2. Animal Control Officers will be a part of the Sheriff's Office Uniform Services Division. They may be deputized by the Sheriff as a peace officer to enforce this ordinance and state statutes pertaining to control, regulation and protection of dogs and other animals, including the issuance of tickets, citations or summonses to persons in violation of this ordinance and or state statutes. Animal Control Officers and enforcement of this ordinance will be under the oversight of the County Sheriff outside of listed Animal Shelter responsibilities.

Section 3. In lieu of all fees and other remuneration under the statutes of this State, the Animal Shelter Director and employees, except census takers, shall be paid a salary as established and determined by appropriate resolution of the Board of Commissioners.

Section 4. The Animal Shelter Director, their employees and Animal Control Officers, shall act reasonably and with the exercise of judgment in the enforcement of the State Law and this ordinance in reference to animals.

The following duties, in addition to those stated elsewhere in this ordinance and state statutes, shall include the following:

- (a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs or other animals, livestock or poultry found running at large or being kept or harbored any place within the County contrary to the provisions of this Ordinance or the statutes of the State. In the event the animal shelter's facilities are inadequate for holding the type of animals seized, such as livestock and poultry, pursuant to this Ordinance and State law, the Animal Control Officer shall place such animals in such alternative facilities as authorized by the Board of Commissioners and permitted by the statutes of the State.
- (b) An Animal Control Officer shall either have had a minimum course of study of not less than one hundred (100) instructional hours as prescribed by the Michigan Department of Agriculture or be deputized as a peace or police officer. Upon meeting either of these requirements, the Animal Control Officer, shall be legally authorized to have the power and duty to issue appearance tickets, citations or summons to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance or the statutes of the State.
- (c) It shall be the duty of the Animal Shelter Director to destroy in a humane manner, all impounded dogs or other animals lacking a collar, license or other evidence of ownership after being impounded for four (4) days, or if the animal has a collar, license or other evidence of ownership, seven (7) days from the date of mailing to the animal's owner written notice that the animal has been impounded. If, however, the Animal Shelter Director, believes said dog or other animal is valuable or otherwise desirable for keeping, the Animal Shelter Director or assistants may release said dog, or other animal, after the required holding period, to any person who will undertake to remove said animal from the County or keep said animal within the County in accordance with the provisions of this Ordinance and the statutes of the State, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter or dispose of said dog or other animal in a manner approved by the Board of Commissioners. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the animal shelter or elsewhere in the County shall be disposed of by the Animal Shelter Director or their assistants, in a manner approved by the Board of Commissioners and in compliance with the statutes of the State. Any animals voluntarily turned in to the animal shelter by the owner thereof for disposition need not be kept for the minimum period set forth herein before release or disposal of such animal is made by the Animal Shelter Director or their assistants, as provided herein.
- (d) An Animal Control Officer shall promptly investigate all animal bite cases by a rabies suspect animal involving human exposure and shall search out and attempt to discover the animal involved and shall either seize and impound or require its owner to quarantine the animal for examination for disease in accordance with Article V of this Ordinance and/or the statutes of the State. In the event the owner of a quarantined animal is unable to maintain the quarantine during the required period, the owner shall deliver said animal to the animal shelter or, upon notice to an Animal Control Officer, to a veterinarian clinic for impoundment. Failure of an owner to maintain quarantine or to deliver a quarantined animal for impoundment shall constitute a civil infraction punishable as set forth in Article IX of this Ordinance. In addition to such penalty, an Animal Control Officer shall seize and impound the quarantined animal.
- (e) The Animal Control Officer may assume the duty provided MCL 287.276 to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list on or before June 1<sup>st</sup> of each year to the Treasurer for the necessary proceedings as provided by this Ordinance and/or the statutes of the State.
- (f) An Animal Control Officer is hereby authorized and empowered, in accordance with the provisions of this Ordinance, upon probable cause and issuance of a warrant, or exigent circumstances, to enter upon private premises for the purpose of inspecting same to determine the harboring, keeping or possessing of any dog or dogs and whether the owners of said dogs have complied with the appropriate provisions of this Ordinance and the statutes of the State and to apprehend and take with them any dogs for whom no license has been procured in accordance with this Ordinance and the statutes of the State or for any other violation hereof. The provisions of this sub-section shall specifically include, but not be limited to, investigation of or seizure for cruelty to animals.
- (g) An Animal Control Officer shall have the right to inspect any kennel, a license for which has been issued by the Treasurer pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if, in their opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time. The Animal Control Officer shall have



the right, to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals.

- (h) An Animal Control Officer shall have the right to investigate complaints of cruelty to dogs or other animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other animal, livestock or poultry which has been subject to such cruelty.
- (i) The Animal Shelter Director or their employees, if authorized by the Treasurer, shall, at all times, carry a book of receipts properly numbered in sequence for accounting purposes, for the issuing of dog licenses as provided in this Ordinance and shall issue such dog licenses in accordance herewith. The Animal Shelter Director, if authorized by the Treasurer, shall also perform, in conjunction with the Treasurer, such other duties assigned to the Treasurer by this Ordinance and the statutes of the State regarding issuance, transfer and replacement of dog and kennel licenses and tags. While authorized by the Treasurer to perform such duties, the Animal Shelter Director shall ensure that the original of all records evidencing the performance of such duties are turned over to the Treasurer not less than monthly with copies of said records retained at the Animal Shelter office. All fees and monies collected by the Animal Shelter Director or their assistants as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often, if reasonably necessary under the standard practices of the Treasurer's accounting system.
- (j) An Animal Control Officer will inspect all kennels in the County.
- (k) All Animal Control Officers will conduct themselves in a professional manner and be properly uniformed and identifiable to the public.
- (l) An Animal Control Officer and the Animal Shelter Director shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners may, from time to time, provide.

Section 5. It shall further be the duty of the Animal Control Officer to enforce the provisions of this Ordinance and the statutes of the State pertaining to dogs and other animals, and they may make complaint to the appropriate District Court or other appropriate court in regard to the violation thereof.

Section 6. The Animal Shelter Director or their employees shall dispose of any animal, livestock or poultry seized, taken up and/or impounded as provided for herein, in accordance with the provisions of this Ordinance and/or the statutes of the State.

Section 7. All suspensions and/or revocations of licenses and all seizures for cruelty or dangerousness as provided for herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

Section 8. The Animal Shelter Director may be removed from office for good cause shown after a hearing before the Board of Commissioners and after first being given reasonable notice of a time, date and place of said hearing. A vote for removal or non-removal shall be by majority vote of the Board of Commissioners.

## **ARTICLE IV - LICENSING AND VACCINATION**

Section 1. It shall be unlawful for any person to own any dog of licensing age as set forth in Section 2 of this Article, unless the dog is licensed as hereinafter provided, or to own any dog of licensing age that does not, at all times, wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly on leash; or for any person except the owner, to remove any collar and/or license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly on leash.

Section 2. All dogs except those covered by a kennel license obtained pursuant to Section 7 of this Article shall be licensed as follows:

- (a) The owner of any dog four (4) months old or over, except as provided in Section 3 of this Article, shall apply to the county, township or city treasurer or his / her authorized agent, where the owner resides, in writing, for a license for each dog owned or kept by him / her. The owner must apply for a license by one of the following, at the owner's option: 1) the last day of the month of the dog's current rabies vaccination every year; or 2) the last day of the month of the dog's current rabies vaccination every third year. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the current owner. Such application for a license shall be accompanied by a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.
- (b) Any person becoming the owner of any dog four (4) months old or over, and that is not already licensed, shall apply for a license within 30 days. Any person owning a dog which will become four (4) months old, shall apply for and secure a license for such dog within seven (7) days of the date in which the dog reaches such age. The license application to be used for a license under this sub-section shall be the same as required in Section 2(a) of this Article, accompanied by a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.

Section 3. No dog shall be exempt from the rabies vaccination requirements set forth in Section 2 of this Article. The owner of a dog of licensing age under this Ordinance shall at all times keep said dog's rabies vaccination current and be able to produce a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.

Section 4. The license fees for dogs licensed under Section 2 of this Article shall be as follows:

- (a) The fee for licenses acquired for male or female dogs that are not surgically sterilized, and for surgically sterilized male or female dogs shall be the sum the Board of Commissioners shall require by resolution of a majority of the Board.
- (b) For dogs reaching the age of four (4) months, the owner thereof shall obtain a license within seven (7) days of the date in which a dog reaches four (4) months of age at the rate set forth in Section 4(a) of this Article.
- (c) A dog which is used as a service dog for a person with a disability is not subject to any fee for licensing, as provided in MCL 287.291.
- (d) The license fee for any dog for which a license has not been obtained in accordance with Section 4(a) and (b) of this Article shall be considered delinquent and the fee for acquiring a license for such a dog which has not been surgically sterilized and for such dog which has been surgically sterilized shall be the sum the Board of Commissioners shall require by resolution of a majority of the Board.
- (e) The dog license fees as herein established may be changed from time to time on or before November 1<sup>st</sup> of each year, and for subsequent years, by the Board of Commissioners by resolution of a majority of the Board.
- (f) Current dog licenses issued by other counties within Michigan, and any other governmental agencies, shall be honored in Livingston County until the expiration of said license.

Section 5. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon proper notice in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license tag is lost, it shall be replaced by the Treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of fact regarding the loss of such tag.

Section 7. All kennels shall be subject to the following:

- (a) Any person who wishes to own, keep or operate a kennel may, in lieu of individual licenses required under this Ordinance, and under the statutes of the State shall on or before June 1<sup>st</sup> of each year, apply to the Treasurer for a kennel license entitling them to own, keep or operate such kennel in accordance with the applicable statutes of the State, which includes MCL 287.270.
- (b) The dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.
- (c) Any approved kennel license will be valid for one (1) calendar year from the date of issuance.
- (d) In order to obtain or renew a kennel license within Livingston County, except in a city, township or village with their own ordinance that prohibits kennels, shall, within thirty (30) days prior to start of such operation or within thirty (30) days prior to expiration date of previously issued license shall obtain a kennel inspection by an Animal Control Officer and be certified that the kennel meets the requirements in accordance with statutes of the State.
- (e) All kennels must be kept sanitary and provide adequate housing for and humane treatment to the dogs kept therein.
- (f) Refusal of inspection shall result in a civil infraction and immediate suspension of license.
- (g) A Kennel will be available for inspection by an Animal Control Officer or Law Enforcement Officer / Deputy who lawfully is investigating a complaint of abuse or neglect involving that kennel.
- (h) A kennel inspection fee and renewal fee shall be set forth by resolution of the Board of Commissioners.
- (i) A veterinarian hospital is not considered a kennel under this ordinance.
- (j) Issuance of a kennel license does not relieve or exempt the owner of the kennel from the requirement in Section 3 of this Article that all dogs of licensing age have a current rabies vaccination, with a vaccine licensed by the United States Department of Agriculture evidenced by a valid certificate of vaccination for rabies, signed by a licensed veterinarian.
- (k) The fee to be paid for a kennel license shall be \$10.00 for ten (10) dogs or less, and \$25.00 for more than ten (10) dogs. Double the original license fee shall be charged for each previously licensed kennel whose kennel license has expired and is applied for after June 1<sup>st</sup>. Failure to obtain such kennel license shall be punished as set forth in Article IX of this Ordinance.

## **ARTICLE V - CONFINEMENT, QUARANTINE, HEALTH INSPECTION AND DISPOSAL OF DOGS/ANIMAL IN BITE CASES**

Section 1. All bite cases involving a dog or other rabies suspect animals and human exposure shall be reported to a Livingston County Animal Control Officer and the Livingston County Health Department. During the hours in which these agencies are closed, all such bite cases shall be reported to the Livingston County Sheriff's Office.

Section 2. Any dog or cat kept as a pet that shall bite a person, shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days following the biting of such person. A dog or cat that bites another animal or livestock may be subject to the above confinement at the direction of the Health Department. In the event that the owner of such animal is unable to or fails to securely confine the animal for such period of time, then in that event, an Animal Control Officer may take possession and custody of such animal and confine it at the Animal Shelter until the expiration of said ten (10) days and upon satisfactory evidence that said animal is not suffering from rabies. The owner of such animal kept at the Animal Shelter shall bear the costs thereof. Any dog or cat running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten (10) days at the Animal Shelter in accordance with the provisions of this section and thereafter disposed of in accordance with the provisions of this Ordinance, or such regulations as are in effect at the Animal Shelter.

Section 3. Any rabies suspect animal other than a dog or cat which shall bite a person, animal or livestock, shall be turned over to and/or seized by an Animal Control Officer for impoundment at the Animal Shelter. The Animal Control Director or their employees shall immediately destroy said animal and have it tested for rabies.

Section 4. If a dog or cat has NOT been vaccinated for rabies prior to its biting a person, animal or livestock, the owner shall wait ten (10) days (quarantine period) and then have the animal vaccinated.

Section 5. If the owner observes during the quarantine period that his dog or cat is getting ill (upset stomach, paralysis, difficulty in swallowing, etc.) or that there seems to be a change in the animal's usual disposition and actions (becomes highly excitable, unusually quiet, etc.), the owner shall call the Livingston County Health Department, the Livingston County Animal Shelter, or a veterinarian immediately. If the dog or cat dies, the owner shall call the Livingston County Health Department and the Livingston County Animal Shelter during regular business hours, or contact the Livingston County Sheriff's Office after regular business hours.

Section 6. The owner of a quarantined dog or cat shall not, under any circumstances, before the quarantined period has passed:

- (a) Kill the dog or cat;
- (b) Dispose of the dog or cat in any manner; or
- (c) Remove the dog or cat from his property without first notifying an Animal Control Officer or the Animal Shelter and having the dog or cat observed by an Animal Control Officer or his representative and obtaining the consent of the Animal Control Officer to the removal of the dog or cat from the owner's property.

Section 7. At the expiration of a dog's or cat's quarantine period, the owner shall bring the dog or cat to the Animal Shelter for health inspection and completion of required forms.

Section 8. If, at any time during a dog's or cat's quarantine, during the health inspection thereafter, the dog or cat is determined by the Animal Control Officer to have rabies, said dog or cat shall be disposed of as the Animal Shelter Director directs.

Section 9. Failure of the owner of a dog or other rabies suspect animal which has bitten a person, animal or livestock to comply with this Article shall be in violation of this Ordinance and subject to the penalties set forth in Article IX.

## **ARTICLE VI - ANIMAL SHELTER: IMPOUNDMENT and RELEASE**

Section 1. All dogs found running at large shall be seized by an Animal Control Officer or Law Enforcement, and impounded at the Animal Shelter for a period of four (4) days if the dog lacks a collar, license or other evidence of ownership. If the dog possesses a collar, license or other evidence of ownership, it shall be held for a period of not less than seven (7) days from the date of mailing the notice of the dog's impoundment to its owner. After the required holding period has elapsed, the dog may be adopted, transferred to another licensed shelter / rescue or humanely euthanized if not claimed by the owner, in a manner authorized by this Ordinance and the statutes of the State.

Provisions of this section regarding holding periods do not apply to any animal which is sick or injured to the extent that the holding period would cause the animal undue suffering in the judgment of the Animal Shelter Director, Officer or Veterinarian, or to any animal voluntarily delivered to the Animal Shelter by the owner thereof requesting humane euthanasia. Such animals may be humanely euthanized at any time.

Section 2. Immediately upon impounding a dog or other animal, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog or other animal so impounded and inform such owner of the conditions whereby custody of such dog or other animal may be regained pursuant to the regulations for the operation of the Animal Shelter.

Section 3. An owner may redeem a dog from the Animal Shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and State law, and paying the following fees:

- (a) A daily boarding fee, commencing the day following the day of impoundment, which has been set by the Board of Commissioners by resolution of the majority of the Board.
- (b) A fee for any vaccinations against any disease other than rabies and other veterinary care which the animal shelter may have provided to the dog. A dog pick-up fee of \$20.00 for the first time, \$50.00 for the second pick-up, \$100.00 for the third pick-up and \$100.00 for each pick-up thereafter. If a dog is picked up at times other than normal County working hours, an extra fee of \$20.00 shall be charged. When a dog is picked up for the third time the Animal Control Officer shall issue a civil infraction citation to the owner for violations of this Ordinance.
- (c) If a dog owner is unable to prove that the dog has a current license and a valid certificate of rabies vaccination, the owner shall in addition to the fees set forth above, pay the fees established for licensing and rabies vaccination.
- (d) All fees required by this section shall be set by the Board of Commissioners by a resolution of the majority of the Board, and may be changed from time to time by the Board of Commissioners. A current listing of such fees shall be posted at the animal shelter.

Section 4. A dog or cat may be released for adoption or transfer from the Animal Shelter subject to the following conditions:

- (a) The dog or cat has not been recovered by its owner and the required holding period has expired; or the owner of the dog or cat has signed ownership rights over to the Animal Shelter.

Section 5. The Animal Shelter Director and their assistants may decline to release an animal for adoption under any of the following circumstances:

- (a) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years;
- (b) The existence of other circumstances which, in the opinion of the Animal Shelter Director or an Animal Control Officer, would endanger the health, safety or welfare of people or animals.

## **ARTICLE VII - KILLING AND SEIZING OF DOGS AND OTHER ANIMALS**

Section 1. Any person, including a police officer, may kill any dog or other animal which they see in the act of pursuing, worrying or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog that enters any field enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by its owner, or its owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this Section, it shall be unlawful for any person, other than a police officer, to kill or injure or attempt, to kill or injure any dog which bears a license tag for the current year. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this State, including, by way of an example, the safe discharge of firearms.

Section 2. It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and to turn said dog or other animal over to the Animal Shelter or an Animal Control Officer.

Section 3. No aggressive or dangerous animal will be adopted or placed from the Animal Shelter. Dangerous and/or aggressive animals will be held for the State mandated holding period

(pending owner claim). Owners may claim their dangerous and/or aggressive animal after they show reasonable proof of ownership and pay fees. Further, an Animal Control Officer will refer the matter to the Prosecutor's Office for a determination regarding potential prosecution for violation of law. If not claimed, the animal will be humanely euthanized.

Section 4. The Animal Shelter Director along with Animal Control Officers have the sole discretionary authority to deem an animal to be aggressive or dangerous.

## **ARTICLE VIII - ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURE THEREFORE**

Section 1. It shall be a violation of this Ordinance and subject to the penalties set forth in Article IX to:

- (a) Permit a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes
- (b) Permit an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to dangerous temperatures, lack of food, water or proper care.
- (c) Abandon an animal
- (d) Knowingly place food or item of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.
- (e) Leave an animal unattended for more than twenty-four (24) hours without adequate care.
- (f) Allow any animal to leave the confines of any officially prescribed quarantine area or violate any rules of quarantine.
- (g) Allow a dog not accompanied by its owner to come closer than six (6) feet from a public walkway, roadway, highway, or adjoining property, except when the dog is in an area that is completely fenced in or except when engaged in lawful hunting.
- (h) Allow a dog to show vicious habits or molest passers-by when such persons are lawfully on the public highway or right of way.
- (i) Interfere with, hinder, resist, oppose, obstruct or molest an Animal Control Officer or Law Enforcement in the legal performance of their duties.
- (j) Remove any animal from an Animal Control vehicle or property (live trap); without permission of the Animal Control Officer.
- (k) Hinder, harass, injure or interfere with a dog or animal being used as a service animal or for law enforcement purposes by law enforcement.
- (l) Allow a dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to run at large, except when the dog is engaged in lawful hunting or within the effective range of an electronic control device.
- (m) Allow livestock, poultry or any other animal to run at large.
- (n) Allow a dog licensed or unlicensed to attack or bite a person or another animal.
- (o) Allow any animal to destroy property, real or personal, or trespass in a damaging way on property of a person other than the owner.
- (p) Allow a dog, licensed or unlicensed, whether or not accompanied by its owner, to be within the confines of any park when such park, by appropriate designation at its entrance, or any public street, alley or public or private grounds that prohibits dogs.
- (q) Remove a collar or tag from any dog or other animal without permission of its owner, or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person while on the property of its owner.

- (r) Intentionally run down or otherwise abuse, harass or worry any animal with any vehicle including, but not limited to, a bicycle, motor vehicle, watercraft or drone.
- (s) Withhold reporting information on found animals to the Animal Shelter or an Animal Control Officer; with the intention of keeping such animal.
- (t) Fail to provide medical care when an animal is in pain or distress including but not limited to the following: state of emaciation, unable to rise or walk, unable to urinate or defecate, unable to eat or drink, suffering from an unattended broken bone(s), wounds, burns or contusions, painful or difficulty breathing, passing blood in urine or feces, presence of maggots or infested with other parasites, severe skin disease or indication of pain or distress.
- (u) Refuse to allow kennel inspection for licensing, or during the investigation or complaint regarding cruelty or neglect.
- (v) Fail to obtain a kennel license.
- (w) Fail to obtain a dog license.
- (x) The owner's dog which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which said dog is kept, possessed or harbored.
- (y) Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail, and is attached to a harness or non-choke collar designed for tethering.

Section 2. In the event of any of violations set forth in this Article or of a violation of any other provision of this Ordinance, or of the statutes of the State, the Animal Control Officer or other law enforcement, may issue an appearance ticket, citation or summons to the owner of said dog, animal, livestock or poultry, or other person, summoning them to appear before a district court or other appropriate court within the County to answer the charges made in violation of this Ordinance. An Animal Control Officer may sign a complaint before said court for violation of the provisions of State statutes, proceed to obtain the issuance of a warrant and make arrest of the person to whom said violation is charged and bring them before the court to answer the charges. The Court may, in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of the State statute charged.

Section 3. In the event of any of the violations set forth in this Article, or of a violation of any other provision of this Ordinance, or of the laws of the State, the Animal Control Officer, other law enforcement or any other person may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the County and obtain the issuance of a summons similar to that provided in MCL 287.280, to show cause why such dog, animal, livestock or poultry should not be killed. Upon such hearing, the judge may either order the dog, animal, livestock or poultry killed, may order such dog, animal, livestock or poultry to be sold or otherwise disposed of, or may order the dog, animal, livestock or poultry confined to the premises of the owner, or may make such other order regarding the dog, animal, livestock or poultry as it deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall, in no way, affect the provisions of Article III, Section 4(c) of this Ordinance.

Section 4. Costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock or poultry and collected by the court, from the person complained against upon a finding of responsible. The provisions of this section shall be in the alternative to the provisions for violations set forth in the preceding section and the Animal Control Officer or other police officer may, in his discretion, proceed under either section hereof.

## **ARTICLE IX - PENALTY**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed responsible for a civil infraction, and upon being found responsible shall be punished by a fine

of not more than ONE HUNDRED FIFTY and 00/100 DOLLARS (\$150). The Court may also order restitution of all costs incurred for the care, custody, treatment and disposition of an animal. Nothing in the ordinance shall be deemed in contravention of state law specifically the Michigan Penal Code, Public Act 328 of 1931, being sections 750.1-750.568 of the Michigan Compiled Laws.

## ARTICLE X - PRESERVATION OF CERTAIN RIGHTS

Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any police officer or any other person, except as herein provided.

Section 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by said dog or other animal.

## ARTICLE XI - TREASURER'S RECORDS AND DUTIES

Section 1. On June 15<sup>th</sup> of each year, the Treasurer may make a comparison of records of dogs actually licensed in each city or township of the County with a report of the Animal Shelter Director, to determine and locate all unlicensed dogs.

Section 2. On and after June 15<sup>th</sup> of each year, every unlicensed dog, subject to license under the provisions of this Ordinance or the statutes of the State, is hereby declared to be a public nuisance and the Treasurer may immediately thereafter list all such unlicensed dogs, as shown by the returns in the office of the Animal Shelter Director and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture, as well as those officers listed and set forth in MCL 287.277.

Section 3. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the County. Such record shall contain the name and address of the person to whom each license is issued. In the case of an individual licenses, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in case of a kennel license, it shall state the place where the kennel is located. The record shall be a public record and open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected, by their office or paid over to them by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

## ARTICLE XII - FEES AND EXPENSES

Section 1. Every township and city treasurer of Livingston County, Michigan, shall receive the sum, as set by the Board of Commissioners, for each dog license issued for the issuing and recording of same. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. This fee may be changed from time to time by the Board of Commissioners.

Section 2. The Animal Shelter Director may annually make a census of the number of dogs owned by all persons in Livingston County, Michigan, in accordance with statutes of the State. The



Animal Shelter Director is hereby empowered to employ whatever personnel they reasonably believe necessary to conduct this census; such personnel shall receive for their services in listing such dogs such sum as shall be set from time to time by the Board of Commissioners.

Section 3. The duties and obligations herein imposed upon the respective designated officials may be delegated, by each of said officials, to their employees, with like force and effect.

Section 4. The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1<sup>st</sup> of each year and for subsequent years by action of the Board of Commissioners.

Section 5. All fees and expenses as herein provided for shall be paid in accordance with Article XIII of this Ordinance.

### **ARTICLE XIII - RECEIPTS AND DISBURSEMENT OF FUNDS**

All fees and monies collected under the provisions of this Ordinance unless otherwise directed by the statutes of the State, shall be transferred to the General Fund of Livingston County, Michigan, in accordance with the standard practices of the Treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the General Fund of Livingston County, Michigan.

### **ARTICLE XIV - CONSTRUCTION**

Section 1. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 2. The regulations of this Ordinance are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and Human Services and to the statutes of the State relating to public health.

### **ARTICLE XV - VALIDITY AND SEVERABILITY**

Should any portion of this Ordinance be held invalid for any reason, such portion shall be deemed severable, and the invalidity thereof shall not be construed as affecting the validity of the remaining portions of this Ordinance.

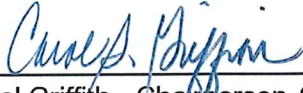
### **ARTICLE XVI - REPEALER**

All ordinances, or parts of ordinances which are inconsistent, or in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect when notice of its adoption is published at least once in a newspaper of general circulation in Livingston County.

ADOPTED: June 22, 2020

By:   
Carol Griffith - Chairperson County Board of Commissioners

### PASSAGE OF ORDINANCE

I, ELIZABETH HUNDLEY, County Clerk of the County of Livingston, do hereby certify that the above Livingston County Animal Control Ordinance was adopted by the Livingston County Board of Commissioners on the 22nd day of June, 2020.

  
Elizabeth Hundley  
Livingston County Clerk

ADOPTED	#487-085	4/6/1987
AMENDED	#1189-280	11/20/1989
AMENDED	#2008-05-156	5/19/2008
AMENDED	#2010-11-310	11/1/2010
AMENDED	#2018-03-053	3/19/2018
AMENDED	#2020-06-163	6/22/2020

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**COUNTY OF LIVINGSTON  
COUNTY BOARD OF COMMISSIONERS**

**NOTICE OF ADOPTION OF ORDINANCE AMENDMENT**

PLEASE TAKE NOTICE THAT on **JUNE 22, 2020**, pursuant to MCL 287.289a and MCL 46.11(j), the Livingston County Board of Commissioners adopted an amendment to the Livingston County Animal Control Ordinance, to enumerate certain violations, to change violations from misdemeanors to civil infractions, to effectuate operational and structural changes, and to make other clarifying revisions.

The amendment to the Animal Control Ordinance is effective upon publication of this Notice of Adoption of Ordinance. A complete copy of the Animal Control Ordinance, as amended, is available for inspection and copying at the office of the Livingston County Clerk, 200 E. Grand River Ave., Howell, MI 48843.

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LIVINGSTON DAILY PRESS & ARGUS NEWSPAPERS  
323 East Grand River Avenue, Howell MI 48843

BE IT MADE KNOWN THAT THE FOLLOWING LEGAL AD APPEARED IN  
DAILY PRESS & ARGUS

LIVINGSTON COUNTY CLERK OFFICE  
200 E GRAND RIVER AVE  
HOWELL MI 48843

REFERENCE: 356694  
DET-3234880

STATE OF MICHIGAN

COUNTY OF LIVINGSTON

LIVINGSTON DAILY PRESS & ARGUS a newspaper published in the English language for the dissemination of local or transmitted news; which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published on the date indicated below.

SIGNED BY: Melanie C. Altz

NOTARIZED BY: Gail Wilczewski

PRINT NAME: Gail Wilczewski

Subscribed and sworn to before me  
on: 06/29/2020

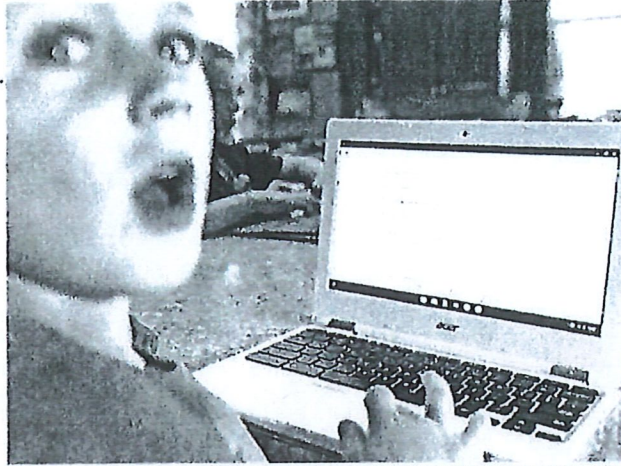
PUBLISHED ON:  
06/28/2020

TOTAL COST: \$70.00 \_\_\_\_\_



**WEATHER**

<b>Today</b>	Sunshine mixing with clouds	<b>Wednesday</b>	Pleasant with clouds and sun
High 84° Low 61°		High 85° Low 66°	
<b>Monday</b>	Pleasant with times of clouds and sun	<b>Thursday</b>	Partly sunny and pleasant
High 87° Low 65°		High 88° Low 67°	
<b>Tuesday</b>	Sunny and pleasant	 <small>Plan your week or visit <a href="http://www.accuweather.com">www.accuweather.com</a> for more information.</small>	
High 86° Low 66°		<small>Forecasts and graphics provided by AccuWeather, Inc. ©2020</small>	



William Raymond, 6, accesses his school's homework page on his computer Friday at his Conway Township home. CODY SCAMMON FOR LIVINGSTON DAILY

**CITY OF HOWELL  
PUBLIC NOTICE**

PLEASE TAKE NOTICE that Ordinance #224 Amendment to Section 1614.02, Consumer Fireworks, and Ordinance #225 Codification, were published by posting as required by Section 6.4 of the Howell City Charter, and may be reviewed in their entirety at the Howell Area Chamber of Commerce, Livingston County Courthouse, Howell City Hall, Howell Recreation Center, Howell District Library and at [www.cityofhowell.org](http://www.cityofhowell.org) (Council Packets/06.22.2020).

Jane Cartwright, MMC  
City Clerk

06-28-2020 DAILY 356693

**COUNTY OF LIVINGSTON  
COUNTY BOARD OF  
COMMISSIONERS**

**NOTICE OF ADOPTION OF  
ORDINANCE AMENDMENT**

PLEASE TAKE NOTICE THAT on June 22, 2020, pursuant to MCL 287.289a and MCL 46.118, the Livingston County Board of Commissioners adopted an amendment to the Livingston County Animal Control Ordinance, to enumerate certain violations, to change violations from misdemeanors to civil infractions, to effectuate operational and structural changes, and to make other clarifying revisions.

The amendment to the Animal Control Ordinance is effective upon publication of this Notice of Adoption of Ordinance. A complete copy of the Animal Control Ordinance, as amended, is available for inspection and copying at the office of the Livingston County Clerk, 200 E. Grand River Ave., Howell, MI 48843.

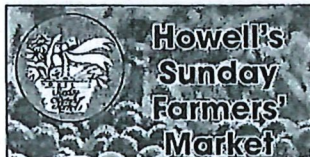
06-28-2020 DAILY 356694

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Without experience, it can be challenging.  
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Ask us about our assisted-living and memory-care options.



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**Internet**

Continued from Page 1A

Her four sons, in elementary and preschool grades, finished their school year from home this spring. The boys' school, Charyl Stockwell Academy in Hartland Township, went to online instruction due to the pandemic and stay-at-home order.

She said if school is online next semester, her spotty internet service would become a bigger problem.

"I can't rely on my one bar of AT&T cell service out here to teach my kids. I would have to find a home school curriculum," she said. "If you are doing multiple Zoom calls that need a lot of download speed, it glitches a lot."

Raymond's family has two satellite dishes for internet service. One is for the household and one is for her and her husband's landscaping and snow removal business. She said some homes near her can connect to high-speed fiber optic cable internet, but the line does not extend to her property.

**Howell City Council Meeting  
Proceedings  
June 22, 2020**

1. Approved the June 8, 2020 regular meeting and executive session minutes.
2. Held a public hearing on the closure of the COGS Funded State Street Project.
3. Adopted Ordinance #24, Amendment to Section 1614.02 Consumer Fireworks; and Ordinance #25, 2020 Codification.
4. Directed staff to continue negotiations and finalize a purchase agreement with JD Racing for the sale of the Highland Howell Property.
5. Accepted the proposal from Wilson E. Wilde, Inc. to perform the HVAC System work at City Hall for a cost of \$11,700.
6. Approved payment of bills in the amount of \$508,101.14 and payroll to cover the period ended 6/20/2020.
7. Appointed Alexander Ciba to the LOCC for a term ending

**School district aims to be Wi-Fi oasis**

Fowlerville Community School Superintendent Wayne Roedel said COVID-19 exposed a critical need for faster connection speeds in rural areas.

When schools went remote, about 2,000 of the district's approximately 2,700 students were issued hard copy packets of learning materials, according to Roedel. He said those families either did not have home internet or had service that was not fast or reliable enough for online schooling.

"Internet is like electricity, like water. It's become so ingrained in learning," Roedel said. "I think the pandemic has put it in the forefront. Education can't be that unequal for kids."

District officials are planning to install more Wi-Fi access points on buildings at the high school and junior high school complex, so people can park there to use the internet.

People already park in spaces within range of two Wi-Fi access points installed at the high school, according to James Stauble, the district's technology director.

Stauble said they will install more access points, likely four more, on the schools' campus.

He said while district officials considered supplying mobile hot spots to families, about half of the district did not have strong enough cell service coverage. He drove all over the district testing hot spots from different cell providers.

District officials also decided to spend more than \$700,000 in school bond funds to purchase Chromebooks for all students K-12, in order to plan ahead for the possibility school could be online or have an online

**Internet infrastructure should be a priority, school official says**

Roedel said local government officials, as well as county, state and federal government, should address the need for rural internet.

He hopes "local units of government see it as a priority for residents," he said, also saying he thinks voters should be asked to pass a tax levy to fund the installation of high-speed internet lines.

"There's no financial incentive for (internet providers) to invest in it because there aren't enough people," in rural areas with low population density, he said. While Conway and Tosco township officials, as well as county officials and other local elected leaders, have discussed ways to bring more internet to the area in the past, Roedel said those discussions have not yet resulted in solutions.

The Livingston County Democratic Executive Committee recently issued a statement calling for the county to have 100% internet coverage by 2024.

"The ongoing Covid-19 pandemic has shown that high-speed internet connection is no longer a luxury and has become as essential to modern life as electricity," county Democrats said in the release.

They called for several actions, including the formation of a subcommittee of the Livingston County Board of Commissioners to work on getting more residents hooked up to high-speed internet.

**By the numbers:  
Internet in the county**

According to the Federal Communications Commission, between 20% and 40% of Conway Township residents have

access to slower internet speeds, but slower internet is also limited in western Livingston County. Depending on the address, between 40% and 80% of residents in the county's four western-most townships have access to 200 kbps internet service.

Natalya Anton, Fowlerville District Library's interim director, said the library keeps its Wi-Fi on all the time so people can use it from the parking lot.

Anton said they are working on a plan to boost and expand the range of the library's Wi-Fi around the building.

"When we are open (to in-person visitors) we have people come in and use our Wi-Fi all the time. Wi-Fi is one of the top reasons people come to the library, because they don't have access at home or it's not fast enough," Anton said.

Fowlerville father of four Chuck Firman said he has worked at the library on occasion before COVID-19, when his DSL internet at home was not reliable.

Firman also said he has seen people parked outside of the high school theater to use the Wi-Fi there, where he has rehearsed and performed with Fowlerville Community Theatre.

"Our AT&T DSL is, at best speeds, running about 2.8 Mbps, and as you can imagine Zoom meetings stalling out when I submit a PDF for work, kids yelling at other kids to get off YouTube so they can complete a homework assignment, etc.," he said.

He said he has been following news about the launch of SpaceX's Starlink satellites into orbit. They would provide internet service, and he would be interested in trying it, he said.

His kids attend Charyl Stockwell Academy and finished the school year

RESOLUTION

NO: 2020-06-163

LIVINGSTON COUNTY

DATE: June 22, 2020

**Resolution to Amend the Animal Control Ordinance – Sheriff / Animal Control**

**WHEREAS,** In 1987 the County passed an ordinance that: defined the County Animal Control Officer; Licensing and vaccination of dogs; confinement of dogs and other animals under certain circumstances; County Animal Shelter and impoundment; killing and seizing of dogs and other animals; enumeration of certain violations and procedure therefore; penalties; preservation of certain rights; County Treasurer’s duties and records; fees and expenses; receipts and disbursements of funds; construction; validity and severability; repeal; and

**WHEREAS,** this ordinance was last amended and adopted March 19th, 2018 by resolution #2018-03-053; and

**WHEREAS,** in the continued interest of protecting the public health, safety, convenience, and welfare of the citizens of Livingston County there are several operational and structural changes needed which, to effectuate, will require an update to the Animal Control Ordinance; and

**WHEREAS,** it has been determined that language in the ordinance should be changed to move violations of the ordinance from misdemeanor violations to civil infractions.

**WHEREAS,** the Animal Shelter Director will serve at the pleasure of the Board of Commissioners.

**THEREFORE, BE IT RESOLVED** that the Livingston County Board of Commissioners hereby approves and adopts the changes to the Livingston County Animal Control Ordinance attached hereto.

**BE IT FURTHER RESOLVED** that the Livingston County Clerk is directed to cause notice of the adoption of the ordinance to be published in a newspaper of general circulation.

**BE IT FURTHER RESOLVED** that the ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation.

# # #

**MOVED:** D. Helzerman

**SECONDED:** G. Childs

**CARRIED:** Roll Call Vote: Yes (8): D. Helzerman, R. Bezotte, G. Childs, J. Gross, C. Griffith, K. Lawrence, W. Green, and W. Nakagiri; No (0): None; Absent (0): None