



**RICHLAND
TOWNSHIP**
Kalamazoo County



GENERAL ORDINANCES

July 2026

Township Board

Bear Priest, Supervisor

Tami Penny, Clerk

Jason Ramer, Treasurer

Trey Eldridge, Trustee

Bill Peter, Trustee

David Wendzel, Trustee

Andy Woolf, Trustee

Updated through Ordinance No. 310, adopted June 16, 2026.



**RICHLAND
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Kalamazoo County



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**RICHLAND
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Adopted 1958		
1A	Health Ordinance (Repealed By Ord. No. 149)	
Adopted 1960		
—	Liquor Control	170.000
—	Parking Ordinance No. 1—Base Line Street	65.000
Adopted 1961		
—	Lake Safety	191.000
Adopted 1962		
—	Water Conservation	162.000
Adopted 1964		
—	Cemetery Ordinance (Repealed By 1968 Cemetery Ordinance)	
—	Dismantled Cars (Repealed By Ord. No. 199)	
—	Junk Yard Licensing	15.000
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—	Trash And Leaf Burning	190.000
Adopted 1968		
—	Landfills	164.000
—	Cemetery Ordinance (Repealed By Ord. No. 63)	
Adopted 1969		
—	Landfill Ordinance Amendment—Fees (Repealed By Ord. No. 48)	
Adopted 1970		
—	Uniform Building Code Adoption (Repealed By Ord. No. 71)	
—	Electrical Code Ordinance (Repealed By Ord. No. 86)	
—	Ordinance Enforcement Officer	2.000
—	Moving And Wrecking Buildings	223.000
—	Subdivision Control (Repealed By Ord. No. 201)	
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43	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
44	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
45	Amends Dismantled Cars Ordinance	140.001
46	Amendment To 1968 Cemetery Ordinance (Repealed By Ord. No. 63)	
47	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	

¹Editor's note(s)—Ordinances rezoning property are not included in this Compilation of Ordinances, but may be found on file in the office of the Township Clerk.

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49	Detergents Sales	142.000
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56	Amends Moving and Wrecking Buildings	223.002
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60	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
61	Amendment to Subdivision Control Ordinance (Repealed By Ord. No. 201)	
62	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
63	Cemeteries	165.000
64	Amendment to 1970 Uniform Building Code Adoption (Repealed By Ord. No. 71)	
65	Amendment To Landfill Ordinance	164.002
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68	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
69	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
70	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
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72	Public Water and Sewer Service	161.000
73	Amendment To Ord. No. 71 (Repealed By Ord. No. 88)	
74	Amendment To Ord. No. 71 (Repealed By Ord. No. 88)	
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76	Plumbing Code Amendments	222.000
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78	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
79	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
80	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
81	Litter Ordinance (Repealed By Ord. No. 149)	
82	Energy Code	220.000
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84	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	
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88	Building Code (Repealed By Ord. No. 98)	
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94	Zoning Amendment (Superseded by Zoning Ord. Eff. 1-1-2002)	

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96	Electrical Code (Repealed By Ord. No. 117)	
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288	Ordinance Amending Sewage Disposal System and Water Supply and Connection: Rates, Connection and Enforcement Ordinance – add MARS	160.004 160.005.U.1 160.005
289	Zoning Ordinance Text Amendments – Accessory Building Definitions	300.103
290	Zoning Ordinance Text Amendments – Animal Daycare	300.103.C 300.1803.C.8 300.303A.C.1 300.403C.4 300.1103.C
291	Zoning Ordinance Text Amendments – Agri-tainment SLU	300.103 300.403.C.14 300.303.C.11 300.1103.C 300.1803.C
292	Amendments to Fire and Emergency Services Charges Ordinance	194.002
293	Zoning Ordinance Text Amendment Moratorium on Commercial/Utility Grade Solar Energy Systems	300.1800 300.3.37 300.1803.37.B
294	Police Power; Solar Moratorium	

295	Zoning Ordinance Text Amendments – Animal Protection Shelters	300.703 300.903 300.1803
296	Rezoning of Certain Property in Land Section 16, with Conditions (Shepherd)	Map
297	Wellhead Protection	161.301
298	Zoning – Agri-tainment	300.103; 300.1803.C.
299	Zoning – Exotics, Snakes. Etc.	300.2003
300	Flood Plain	219.000
301	Solar Energy	1800.300
302	Agri-tainment amendment	300.301; 300.1803.C.
303	Consumers Electric Franchise	51.000
304	Large open space amendment	300.103; 300.300
305	Prairie Stewards Rezoning	Map
306	Signs	300.1904
307	Zoning Ordinance renumber	300.1800; 300.2000
308	Farm Stand – Zoning	300.103; 300.300A; 300.400; 300.500; 300.600; 300.1800
309	Conditional Rezoning – Rezone 03-11-35-039	
310	New 100.165 Cemeteries	

1.000 FISCAL YEAR
Ord. No. 92
Adopted: February 6, 1979

1.001 Fiscal year period established.

Sec. I. Commencing in 1979, the fiscal year of the Township shall extend from April 1 of each year until March 31 of the following year. Any pre-existing Township Budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

1.002 Annual settlement day meeting.

Sec. II. [Repealed by Ordinance No. 103 effective May 5, 1981.]

1.003 Annual meeting of electors.

Sec. III. [Repealed by Ordinance No. 103 effective May 5, 1981.]

1.004 Effective date; repeal.

Sec. IV. This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2.000 ORDINANCE ENFORCEMENT OFFICER

Ord. of 7-7-1970 Adopted: July 7, 1970

2.000 ORDINANCE ENFORCEMENT OFFICER

Ord. of 7-7-1970

Adopted: July 7, 1970

2.001 Ordinance enforcement officer.

Sec. 1. There is hereby established the office of Ordinance Enforcement Officer within the Township of Richland, Kalamazoo County, Michigan.

2.002 Appointment.

Sec. 2. The Township Board of Richland Township is hereby authorized by resolution, at any regular meeting of said Board, to appoint any person or persons to the Office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. Said Board may further, by resolution, remove any person from said office, in the discretion of said Board.

2.003 Duties.

Sec. 3. The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township of Richland, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested in the Township Supervisor by state statute. The Ordinance enforcing authority of the Township Supervisor and other officers specifically designated in any township ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.

2.004 Definitions.

Sec. 4. The Ordinance Enforcement duties herein authorized shall include, among others, the following: Investigation of ordinance violations; serving notice of violations; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended; issuing and serving municipal civil infraction citations and municipal ordinance violation notices as authorized under Public Act 12 of 1994; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance enforcing duties as may be delegated by the Township Supervisor or by the Township Board.

(Ord. No. 154, eff. 1-11-1995)

2.005 Authority.

Sec. 5. The Ordinance Enforcement Officer is hereby declared to be a police officer and peace officer under the authority of Michigan Public Act 246 of 1945, as amended, (C.L. '48, §41.181 et seq); Michigan Public Act 181 of 1951, as amended (C.L. '48, §41.851 et seq) and Michigan Public Act 50 of 1919 as amended, (C.L. '48, §41.201 et seq).

2.000 ORDINANCE ENFORCEMENT OFFICER

Ord. of 7-7-1970 Adopted: July 7, 1970

2.006 Severability.

Sec. 6. The provisions of this within Ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of the said ordinance or ordinances.

2.007 Effective date.

Sec. 7. This Ordinance shall take effect on July 7, 1970. All ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance.

3.000 PENSION PLAN
Ord. No. 114
Adopted: December 4, 1984

3.001 Title.

Sec. 1. This ordinance shall be known and cited as the "Richland Township Pension Plan Ordinance."

3.002 Plan created, established, contracted for.

Sec. II. Pursuant to Act 27 of the Public Acts of 1960, as amended, [MCLA 41.901 et seq; MSA 5.48(1) et seq], the Township of Richland hereby creates and establishes a group pension plan to provide retirement benefits for its officers and full-time employees as provided hereafter and also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the Township, subject to the approval of the Township Board, with any company authorizing to transact such business within the State of Michigan for such group pension plan.

3.003 Contribution formula.

Sec. III. The group pension plan created, established and contracted for under this ordinance shall provide the following contribution formula in arriving at the amount of the annual contribution for each elected officer and full-time employee to be made to the plan: The annual contribution for each such person shall be the total of (A) 12 percent of the annual compensation with a minimum annual contribution of \$100.00 and (B) three-fourths of one percent of the annual compensation at the plan's inception date, November 20, 1984, and the same amount on November 20, 1985, November 20, 1986 and November 20, 1987, for each year of eligible past service of said person to a maximum of ten years. Subpart B above shall not be applicable in determining the annual contributions after 1987.

3.004 Annual contributions.

Sec. IV. The annual contributions as specified above shall be secured from the general fund of the Township and paid to the company which has contracted with the Township to provide the pension plan. The calculations shall be made as soon hereafter as practicable after the effective date of this ordinance and as soon after each November 20 of each year hereafter as may be practicable based upon the current salaries of those persons who are paid annual salaries. As to the trustees, constable and any other persons who are paid on a per diem basis, the previous 12 months' earnings ending November 20 shall be determined each year and shall be considered the annual compensation for this purpose for that year. As to the calculation provided in subpart A above, in the event that any increase in annual compensation occurs during the year for which the contribution has been made for any person, such additional compensation shall also be considered and a contribution of 12 percent of this additional compensation shall also be made for such person at the time that the next annual contribution is calculated.

3.005 Provisions of plan.

Sec. V. The pension plan as approved by the Township Board shall provide for a normal retirement age for the receipt of benefits; the accumulation of each beneficiary's pension account; the types of payments of benefits upon becoming eligible; benefits in the event of withdrawal as a result of death, total disability or termination of employment; funding, and investment provisions; and payment of plan expenses.

3.000 PENSION PLAN
ORD. NO. 114 Adopted: December 4, 1984

3.006 Existing insurance.

Sec. VI. The Township of Richland hereby ratifies and confirms any other plans of life, health, hospitalization, medical or surgical service and expense and accident insurance or any one or more of such forms of insurance which may be in existence for the benefit of Township officers and employees on the effective date of this ordinance and same shall not be affected by this ordinance.

3.007 Effective date; repeal.

Sec. VII. This ordinance shall take effect on December 15, 1984. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4.000 DEFERRED COMPENSATION

4.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Deferred Compensation Ordinance".

4.002 Deferred Compensation Plan.

Sec. II. Pursuant to the authority granted by law, the Township of Richland hereby establishes a Deferred Compensation Plan under Section 457 of the Internal Revenue Code of 1986, as amended, whereby an officer or employee of Richland Township may be eligible to defer that individual's compensation or a portion thereof for the purpose of providing for the payment of said compensation in a different manner and at a different time thereby more effectively providing for said officer's or employee's retirement or death, and to defer federal and state income tax liability on said deferred compensation to the time of receipt by said officer or employee or said individual's beneficiary.

4.003 Plan terms.

Sec. III. The Richland Township Board shall have authority, by resolution and/or adoption of a contract pursuant to Section IV herein, to determine the precise terms of all plans of deferred compensation, including but not limited to:

1. The definition of employees and officers eligible to participate in the plan.
2. The requirements for eligibility and enrollment under the plan.
3. Any formula, percentage share, amounts or limitation on the amounts of compensation which eligible officers and employees may elect to defer under the plan.
4. The normal retirement age under the plan.
5. Administration of the plan.
6. Investment of deferred compensation.
7. The obligation of the Township for the payment of benefits to plan participants.

4.004 Implementation, administration and interpretation of the Plan.

Sec. IV. In order to implement the Deferred Compensation Plan, the Richland Township Board may enter into a contract(s) with an insurance company authorized to do business within the State of Michigan to provide for the administration of the Deferred Compensation Plan. The Township Board shall have full power and authority to adopt rules and regulations for the administration of the Deferred Compensation Plan. The Township Board shall have full power and authority to adopt rules and regulations for the administration of the Deferred Compensation Plan and may, in its discretion, adopt the said rules and regulations. However, to the extent that any rules and regulations adopted, interpreted, altered, amended or revoked by the Township Board shall be inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall supercede said rules and regulations.

4.005 Tax exemption.

Sec. V. It is contemplated that all plans provided for herein for deferment of compensation comply with Section 457 of the Internal Revenue Code of 1986, as amended, pertaining to deferred compensation plans. Any compensation of a plan participant which is deferred hereunder is intended to not be taxable until actually received by said participant or beneficiary of the participant. The administration of all plans and their operation and interpretation shall not be accomplished in such a manner as to result in said deferred compensation becoming taxable before the time of receipt by said participant or beneficiary. Any provision contained herein or in any plans or contracts established hereunder resulting in the taxability prior to receipt of said deferred compensation shall be deemed to be null and void. However, although it is the belief of the Township of Richland that all plans established hereunder result in deferment of federal income tax and Michigan income tax for compensation deferred hereunder, no guarantee is given to any participant or beneficiary as to its nontaxability and Richland Township assumes no responsibility in the event of any adverse tax consequences to any participant or beneficiary. Any provision of any plans or any Township regulations pertaining to deferred compensation which are contrary to Internal Revenue Code sections or regulations shall be deemed to be superceded by such Internal Revenue Code sections or regulations.

4.006 Severability.

Sec. VI. This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses herein are severable. If any part of this Ordinance is found to be unconstitutional or invalid, it is declared that the remainder of this Ordinance shall not be affected thereby.

4.007 Effective date and repeal of inconsistent ordinances.

Sec. VII. This Ordinance shall take effect immediately upon publication after adoption. All ordinances or parts of ordinances inconsistent herewith shall be deemed to be repealed by this Ordinance and shall be of no further force and effect.

5.000 HEALTH BENEFITS
Ord. No. 207
Adopted: March 1, 2005

5.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Health Benefits Ordinance".

5.002 Benefit programs.

Sec. II. The Township Board shall, by resolution, determine all health related benefit programs to be offered to certain Township officers and employees, including but not limited to:

1. The type, term and circumstances of any particular health related benefit program including but not limited to life, accident, health, hospitalization, medical insurance and cafeteria programs.
2. The definition and classes of officers and employees, and their dependants, eligible to receive such benefit(s).
3. The age, length of service and any other requirements for eligibility for such benefit(s).
4. The amounts, if any, which the Township will expend to procure such benefit(s).
5. The formula, amounts, and/or limitations on amounts which may be deducted from the compensation of eligible officers and employees in payment of any portion of the premiums or charges established by the Township Board as being payable by the officers and employees for such benefit(s).
6. Any method for voluntary nonparticipation for officers and employees otherwise eligible for any such benefit(s).
7. The appropriate Township personnel who shall be responsible for daily administration, accounting, reporting and/or supervisory functions for such benefit(s) on the Township's behalf.

5.003 Ratification.

Sec. III. The Township hereby ratifies and confirms the validity of all health related benefit programs for the benefit of certain officers and employees and their dependants, in existence on the adoption of this Ordinance, including but not limited to life, accident, health, hospitalization, medical insurance and cafeteria programs.

5.004 Authority to modify or terminate programs.

Sec. IV. The Township Board shall have authority, by resolution, to amend, modify or even terminate any health related benefit programs at any future time as may be needed or desired to conform with applicable federal and state statutes, regulations and common law, or otherwise as the Township Board may determine in its sole discretion.

5.005 Repeal.

Sec. V. All ordinances or parts of ordinances in conflict herewith are hereby repealed and shall be of no further force and effect.

5.006 Severability.

Sec. VI. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

5.007 Effective date.

Sec. VII. This Ordinance shall become effective immediately upon publication after adoption.

6.000 PLANNING COMMISSION

Ord. No. 234

Adopted: October 7, 2008

6.001 Scope, purpose and intent.

Sec. 1. This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Richland Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Richland Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

6.002 Establishment.

Sec. 2. The township board hereby confirms and ratifies the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Richland Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Richland Township Planning Commission shall have 7 members. Members of the Richland Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

6.003 Appointments and terms.

Sec. 3. The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each. A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning Commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health,

government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township shall be eligible to be a member of the planning commission.

6.004 Removal.

Sec. 4. The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

6.005 Compensation.

Sec. 5. The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

6.006 Officers and committees.

Sec. 6. The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws. The planning commission may also appoint advisory committees whose members are not members of the planning commission.

6.007 Bylaws, meetings and records.

Sec. 7. The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

6.008 Annual report.

Sec. 8. The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

6.009 Authority to make master plan.

Sec. 9. Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and any other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

6.010 Zoning powers.

Sec. 10. The township board hereby confirms the transfer of all powers, duties and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Richland Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

6.011 Subdivision and land division recommendations.

Sec. 11. The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notices of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

6.012 Capital improvements program.

Sec. 12. To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall, to the extent required by law, prepare or cause to be prepared by

the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The planning commission is hereby exempted from preparing a capital improvements program.

6.013 Severability.

Sec. 13. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

6.014 Repeal.

Sec. 14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution establishing the Richland Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

6.015 Effective date.

Sec. 15. This ordinance shall take effect immediately upon publication after adoption.

Reserved

15.000 JUNK YARD LICENSING
Ord. of 7-10-1964
Adopted July 10, 1964

15.001 General requirements.

Sec. 1. Any and all and every person engaged in the operation of a junk yard or junk yards within the Township of Richland, Kalamazoo County, Michigan, shall be required to obtain a license for each and every location of such business within said Township and shall be subject to the conditions, terms and operational regulations hereinafter provided.

15.002 License required.

Sec. 2. All persons engaged in the junk business within the said Township shall obtain a license for each junk yard operated or maintained within the said Township, from the Township Board.

15.003 License fee, period.

Sec. 3. The license fee shall be in the amount of \$20.00 and the license shall extend for a period of one year unless revoked for failure to comply with the terms under which it was granted and the terms of these regulations. The annual license fee shall be the sum of \$20.00 for each junk yard maintained or operated.

15.004 Definitions.

Sec. 4. The term "junk dealer" shall mean any person who buys, stores, sells, receives at a fixed location, used rags, paper, used bags, used brass, used copper, used tin, used iron or any other used metal, or, used machinery and/or automobiles acquired for the purpose of dismantling or stripping for the sale of used metals and parts. The term "junk yard" shall mean any place within the Township used as a site for the activities of a junk dealer. The term "person" when used herein shall mean any one or more natural persons, firms, co-partnerships, corporations and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by servant, agent or employee. All persons who violate the terms of this ordinance whether as owner, or as agent, servant or employee shall be equally liable as principals.

15.005 License application.

Sec. 4A. Applications for a junk yard license shall be in writing and directed to the Township Clerk. The application shall contain the names of all persons interested in the operation and ownership of the junk yard. The application shall contain the addresses of all persons interested in the junk yard, the mailing address of the business and the exact location of the junk yard. The name under which the business shall operate shall be given and in the event that the business is to be operated by a corporation, the names and addresses of the officers of the corporation shall be disclosed, together with the corporate authorization for the application. The application shall contain a statement that the applicant will abide by the terms and rules of this resolution and regulations if granted a license.

15.006 Application investigation.

Sec. 5. Upon receipt of an application for a junk yard license by the Township Clerk, such application shall be referred to the Township Board. Upon receipt of the application by the Township Board, the Township Board shall direct the Township Supervisor and/or the Building Inspector to make a full and complete investigation of the applicant and site where the applicant proposes to conduct the junk yard business. The Supervisor may call upon the Michigan State Police and the Office of the State Fire Marshal for assistance in the investigation. The Supervisor shall report the results of his investigation to the Township Board as soon as possible. The Township Board shall thereupon act upon the application.

15.007 Regulations and conditions for granting license.

Sec. 6. The following regulations and conditions for the granting of a license to operate a junk yard shall be complied with:

- (a) No junk yard or junk dealers shall operate his business or use the junk yard so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris.
- (b) The junk yard or business shall not be operated or conducted in a manner that could cause a nuisance to adjoining properties by the burning of tires or other substances.
- (c) All places within the junk yard for the storage of junk shall be completely and suitably screened or fenced from view of any public street or highway and no junk or cars intended to be dismantled, shall be placed, so as to openly be visible from any public street or highway.
- (d) All persons having a license under this resolution shall comply with all the rules, regulations and laws of the State of Michigan, or other governmental regulations relating to the operation of their business.

15.008 Restrictions on purchase, receipt of junk.

Sec. 7. No licensee under this resolution shall purchase, receive or take any junk from any person under the age of 17 years, from any intoxicated person, or from any person known by reputation or suspected by him to be a thief or any associate of thieves or a receiver of stolen property.

15.009 Penalty.

Sec. 8. Any person violating any of the provisions of this resolution regulating the licensing or the operation of junk yards or failing to comply with its requirements, shall upon conviction be punished by a fine not exceeding \$100.00 or by imprisonment of not more than 90 days in the county jail, or both, at the discretion of the court. Upon conviction of any person failing to comply with the terms of this regulation, the Township Board shall revoke the junk yard license held by such convicted person and such a person shall not be granted a license to maintain and operate a junk yard in the said Township for a period of two years.

15.010 Effective date.

Sec. 9. This resolution and rules and regulations shall be effective on the 18th day of July, 1964.

16.000 OUTDOOR ASSEMBLY
Ord. No. 42
Adopted: September 10, 1970

16.001 Title.

Sec. 1.1. This Ordinance shall be known as the Township Outdoor Assembly Ordinance.

16.002 Purpose.

Sec. 1.2. The purpose of this Ordinance is to require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the township.

16.003 Authority.

Sec. 1.3. This Ordinance is enacted pursuant to the authority of Act 246 of Public Acts of 1945 as amended, which authorizes the township board to adopt ordinances, to secure the public health, safety and general welfare.

16.004 Definitions.

Sec. 2.

- a. *Outdoor assembly*, hereinafter referred to as "assembly" means any event, attended by more than 5,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:
 1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. § 501(c)(3) as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or
 3. An event held entirely within the confines of a permanently enclosed and covered structure.
- b. *Person* means any natural person, partnership, corporation, association or organization.
- c. *Sponsor* means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- d. *Attendant* means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e. *Licensee* means any person to whom a license is issued pursuant to this Ordinance.

16.005 License required.

Sec. 3. A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

16.006 Application for license; fee.

Sec. 4. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.)
- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

16.007 Application information.

Sec. 5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

16.008 Application; review and investigation.

Sec. 6. On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township and the state fire marshal, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the township board.

16.009 Time limit for acting on application.

Sec. 7. Within 30 days of filing of the application, the township board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The township board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in case of denial, the reasons thereof shall be stated in the notice.

16.010 Denial of license.

Sec. 8. A license may be denied if:

1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

16.011 License information; posting.

Sec. 9. A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

16.012 Minimum requirements.

Sec. 10. In processing an application the township board shall, as a minimum, require the following:

- a. *Security personnel.* The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the township board in cooperation with the county sheriff and the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- b. *Water facilities.* The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.

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- c. *Restroom facilities.* The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the township board may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male		Female
Toilets	1:300		1:200
Urinals	1:100		
Lavatories	1:200		1:200
Drinking Fountains		1:500	
Taps Faucets	or	1:500	

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Kalamazoo County Health Department.

- d. *Food service.* If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

- e. *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the township board.
- f. *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Kalamazoo County Health Department. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the

licensee shall provide the township board with a true copy of an executed agreement in force and effect with a license pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

- g. *Solid waste disposal.* The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

- h. *Public bathing beaches.* The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- i. *Public swimming pools.* The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of state or local law.
- j. *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.
- k. *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.
- l. *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
- m. *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township board.
- n. *Insurance.* Before the issuance of a license, the licensee shall obtain bodily injury and property damage insurance with limits of not less than \$5,000,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amount for the duration of the license. The Township, its agents, officers, and employees shall be named as an

additional insured under the insurance policy. The evidence of insurance shall contain an endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least ten days before the expiration or cancellation of said insurance. In addition to the above, the licensee shall sign a written agreement agreeing to indemnify the Township, its agents, officers and employees against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and to indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly.

- o. [Repealed by Ord. No. 174 eff. Nov. 15, 2000.]
- p. *Fire protection.* The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.
- q. *Sound producing equipment.* Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.
- r. *Fencing.* The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which all have sufficient gates properly located so as to provide ready and safe ingress and egress.
- s. *Communications.* The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- t. *Miscellaneous.* Prior to the issuance of a license, the township board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

(Ord. No. 174, eff. 11-15-2000)

16.013 Revocation of license.

Sec. 11. The township board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

16.014 Violations.

Sec. 12. It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

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Any of the above enumerated violations is a separate offense and shall be a nuisance per se immediately enjoined in the circuit courts. Further, any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

(Ord. No. 152, eff. Jan. 20, 1995)

16.015 Severability.

Sec. 13. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

16.016 Effective date; repeal.

Sec. 14. This Ordinance shall be effective from and after October 12, 1970. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

17.000 LIQUOR CONTROL
Ord. of 1-5-1960
Adopted: January 5, 1960

17.001 Title.

Sec. 1. This Ordinance shall be known and cited as the Richland Township Liquor Control Ordinance.

17.002 Liquor Control Act of the State of Michigan.

Sec. 2. All alcoholic liquor traffic, including among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within Richland Township, Kalamazoo County, Michigan, shall comply with the provisions of the Michigan Liquor Control Act, being Act No. 8 of the Michigan Public Acts of 1933, as amended.

17.003 Enforcement.

Sec. 3. For the purpose of the enforcement of said Michigan Liquor Control Act within said Township, there is hereby established a Liquor Control Enforcement Department with full power, authority and duty to see that the provisions of said Act and the rules and regulations of the Michigan Liquor Control Commission, adopted pursuant to said act, are enforced within said Township. Such Department shall consist of not less than one Constable or Deputy Sheriff appointed by the Township Board and such other personnel as the Township Board may, in its discretion, appoint. The personnel in such Department shall be entitled to such compensation as the Township Board may determine. Such Department or a member thereof shall be available at all times to investigate complaints received under this Ordinance and enforce the provisions hereof.

17.004 Inspection.

Sec. 4. The Township Liquor Control Enforcement Department shall inspect not less than monthly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of all inspections promptly to the Township Board. The Township Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act, or improper operations and practices concerning alcoholic liquor traffic within the Township, and report the same to the Township Board and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All inspectors shall carry appropriate cards issued by the Township Clerk, clearly identifying them as Township Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported, or where the Inspector suspects the same is being thus manufactured, sold, offered for sale, kept for sale, possessed, or transported. Whenever possible, all inspection reports shall be made on Liquor Law Enforcement Inspection forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

17.000 LIQUOR CONTROL
ORD. of 1-5-1960 Adopted: January 5, 1960

17.005 Appropriation.

Sec. 5. For the purpose of carrying out the provisions of this Ordinance and establishing the Liquor Control Enforcement Department herein provided for, the Township Board hereby appropriates the sum of \$800.00 for such use, and is hereby authorized and directed to annually appropriate such an amount as will, in its discretion, be sufficient to maintain and operate such Liquor Control Enforcement Department for the ensuing fiscal year of the Township, not exceeding, however, ten mills of the assessed valuation of the Township in any one year for vehicles, apparatus and equipment and housing for the same, and not exceeding 2½ mills of the assessed valuation of the Township per year for the maintenance and operation of the Department.

17.006 Penalties.

Sec. 6. Any person, other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Any licensee who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the Township Liquor Control Enforcement Department shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 90 days or by a fine of not more than \$100.00, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

It is the intent of the Township Board that the court, in imposing punishment under the provisions of this Ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this Ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Act.

17.007 Effective date.

Sec. 7. This Ordinance shall take effect on the 22nd day of February, 1960. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

18.000 LIQUOR LICENSES
Ord. No. 108
Adopted: December 6, 1983

18.001 Title.

Sec. I. This Ordinance shall be known and may be cited as the "Richland Township Liquor License Ordinance".

18.002 Applications for new license.

Sec. II.

- A. *Application.* Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:
1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
 2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
 3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed and the experience of the applicant in operating any liquor related business.
 4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
 5. The location and description of the premises of place of business which is to be operated under such license.
 6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
 7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
 8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the Township in the conduct of its business.
 9. The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall show any areas proposed for pool, billiards or other games, dance floors and areas where any type of entertainment will be provided, including a description thereof. The plans shall

18.000 LIQUOR LICENSES
ORD. NO. 108 Adopted: December 6, 1983

demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

B. *Restrictions on licenses.* No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.
2. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the license.
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or does not have a binding agreement for the purchase or lease of such property, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. Any law enforcing public official or any member of the Township Board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable zoning regulations, applicable public health regulations, or any other applicable Township ordinance.
10. For any new license or for the transfer of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
11. For premises where it is determined by a majority of the Board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
12. Where the Board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of an inconsistent zoning classification; and accessibility from primary roads or state highways.
13. An applicant or prospective transferee who refuses to enter into a written agreement with Richland Township, in a form approved by the Township Board, restricting the sale or transfer of the license to any person or entity for use outside the jurisdiction of Richland Township.

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- C. *Term of license.* Approval of a license shall be for a period of one year subject to annual renewal by the Township Board upon continued compliance with the regulations of this ordinance. The Township reserves the right to withdraw an approval if the application is still pending with the Liquor Control Commission longer than one year after Township approval; however, notification of such proposed action shall be given in writing to the applicant who shall be given an opportunity to justify the reasons for such delay to the Township Board, before the decision on withdrawal of the approval is made. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the Township Board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.
- D. *Reservation of authority.* No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the Township Board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the Township Board further reserves the right to defer action with respect to any application filed with the Township Board. The Township Board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens.
- E. *License hearing.* The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the Township at large and for the needs and convenience of its citizens. As to an application for transfer of an existing license, the Board must conduct a hearing, on such proposed transfer. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Paragraph B.1 through 13 above.

(Ord. No. 200, adopt. 1-6-2004)

18.003 Objections to renewal and request for revocation.

Sec. III.

- A. *Procedure.* Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the licenseholder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:
 - 1. Notice of proposed action.
 - 2. Reasons for the proposed action.
 - 3. Date, time and place of hearing.
 - 4. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the Township Board shall submit to the licenseholder and the Commission a written statement of its findings and determination.

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B. *Criteria for nonrenewal or revocation.* The Township Board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing any of the following exist:

1. Violation of any of the restrictions on licenses set forth in paragraph B.1 through 13 above.
2. Maintenance of a nuisance upon the premises.
3. Failure to commence or complete remodeling as required under Section II [18.002] C.

(Ord. No. 200, adopt. 1-6-2004)

18.004 Severability.

Sec. IV. Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

18.005 Effective date.

Sec. V. This Ordinance shall take effect on the day after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

19.000 MEDICAL MARIHUANA MORATORIUM

Ord. No. 242

Adopted: April 28, 2011

19.001 Title.

Sec. I. This Ordinance shall be known and may be cited as the "Richland Township Medical Marihuana Moratorium Ordinance".

19.002 Findings.

Sec. II.

- A. On November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marihuana Act (MMMA) which has been codified at MCL 333.26421 et. seq. and allows the possession, use and cultivation of marihuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations and restrictions.
- B. The cultivation, storage, sale and/or distribution of marihuana for medical purposes were not envisioned when the current Richland Township Zoning Ordinance and Richland Township Master Land Use Plan were adopted.
- C. Processing zoning, building and other license and permit requests for uses associated with the cultivation, storage, sale and/or distribution of marihuana for medical purposes prior to the amendment of the Richland Township Zoning Ordinance and/or the adoption or amendment of other Richland Township ordinances would be detrimental to the public health, safety and welfare and would not ensure that the use is situated in appropriate locations and relationships and has the proper regulation.
- D. The MMMA permits registered qualifying patients and primary caregivers to possess certain amounts of marihuana and to cultivate a specific number of plants, but the MMMA does not specifically address the zoning of these activities.
- E. The MMMA does not address that federal law at 21 USC §841 makes it a crime to manufacture, cultivate or distribute marihuana.
- F. The Township of Richland desires to ascertain the fairest, safest and best path to compliance with the MMMA, the Michigan Zoning Enabling Act, P.A. 2006, No. 110, MCL 125.3010, et. seq. and all other applicable laws in order to best represent and protect the public health, safety and welfare.
- G. The Township of Richland through its Township Board finds it is in the best interest of the Township at this time that the Township's officials have further time to study this matter and to prepare and adopt an ordinance or ordinances to accomplish the above goals, such additional time to not exceed 180 days.
- H. Richland Township through its Township Board also deems it prudent and desirable to temporarily defer any consideration or action taken by any Township official, appointed body and/or agent regarding rezoning, special exception use, site plan, certificate of occupancy and other proposals, submissions and applications pertaining to medical marihuana land uses.

19.003 Definitions.

Sec. III. All words and phrases in this Ordinance shall have the meaning ascribed to them by the MMMA.

19.004 Prohibition and moratorium on use of property and structures for medical marihuana.

Sec. IV.

- A. Based on the findings set forth above and for the protection of the public health, safety and welfare, the Township hereby prohibits the cultivation, storage, sale and/or distribution of marihuana for medical purposes and declares a moratorium on the issuance of any and all Township permits, licenses and approvals including, but not limited to, building permits, special exception use permits, site plan approvals, zoning compliance permits and certificates of occupancy for such uses.
- B. The moratorium and prohibition imposed hereunder shall not be applicable to the following:
 - 1. The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the MMMA and the administrative rules adopted thereunder.
 - 2. The cultivation, storage and/or distribution of marihuana in accordance with the MMMA by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
 - 3. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the MMMA and the administrative regulations adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
 - 4. The cultivation, storage, sale and/or distribution of marihuana for medical purposes by not more than one primary caregiver per lot or parcel in accordance with the MMMA and the administrative rules adopted thereunder. This exception shall only apply to a primary caregiver who is operating on the subject lot or parcel in conformance with the MMMA as of the effective date of this Ordinance.

19.005 Severability.

Sec. V. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

19.006 Enforcement.

Sec. VI. In addition to having authority to seek any sanctions that may be imposed under the Richland Township Zoning Ordinance or other Township Ordinance for any violation thereof, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance.

19.000 MEDICAL MARIHUANA MORATORIUM

ORD. NO. 242 Adopted: April 28, 2011

19.007 Expiration of ordinance and moratorium.

Sec. VII. Prior to the expiration of the 180 day period, the Township may, by resolution, extend this Ordinance and the moratorium imposed thereunder for up to an additional 180 days to allow sufficient time to adopt a new Township ordinance or ordinances addressing this matter. A notice of extension shall be published in a newspaper of general circulation within the Township following adoption of such a resolution.

19.008 Effective date.

Sec. VIII. This Ordinance shall take effect one day following publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

20.000 RECREATIONAL MARIJUANA FACILITIES OPT OUT ORDINANCE NO. 273

Adopted: December 18, 2018

Effective: January 26, 2019

20.001 Title.

Sec. I. This ordinance shall be known as and may be cited as the Richland Township Recreational Marijuana Facilities Opt Out Ordinance.

20.002 Definitions.

Sec. II. Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

20.003 No authorized recreational marijuana facilities.

Sec. III. Richland Township does not permit recreational marijuana facilities to operate within the township, and pursuant to the requirements of Initiated Law 1 of 2018, MCL 222.27951 et seq., as may be amended, and the Rules promulgated thereunder, hereby prohibits all recreational marijuana facilities and establishments within the boundaries of Richland Township.

20.004 Violations and penalties.

Sec. IV.

1. Any person, firm, corporation or other entity who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. Any person, firm, corporation or other entity who establishes a recreational marijuana facility in Richland Township shall be deemed to be in violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Zoning Administrator or Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

20.000 RECREATIONAL MARIJUANA FACILITIES OPT OUT ORDINANCE NO. 273

Adopted: December 18, 2018, Effective: January 26, 2019

20.005 Severability.

Sec. V. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marijuana facilities pursuant to Initiated Law 1 of 2018, as may be amended.

20.006 Repeal.

Sec. VI. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

20.007 Effective date.

Sec. VII. This ordinance shall take effect January 26, 2019.

**21.000 – 49.000
reserved**

51.000 GAS FRANCHISE

Ord. No. 303

Effective: June 5, 2024

51.001. GRANT and TERM. The TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN, for a period of thirty years.

51.002 CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

51.003 HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

51.004 EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

51.005 FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

51.006 RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

51.007 REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

51.008 MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

51.009 REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Township including any amendments.

51.000 GAS FRANCHISE

Ord. No. 303

Effective: June 5, 2024

51.001. GRANT and TERM. The TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN, for a period of thirty years.

51.002 CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

51.003 HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

51.004 EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

51.005 FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

51.006 RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

51.007 REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

51.008 MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

51.000 GAS FRANCHISE
ORD. NO. 138 Effective: November 5, 1991

51.009 REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Township including any amendments.

52.000 -64.000
(Reserved)

65.000 PARKING ORDINANCE NO. 1—BASE LINE STREET
Ord. of 9-6-1960
Adopted: September 6, 1960

65.001 Title.

Sec. 1. This Ordinance shall be known and cited as the Richland Township Parking Ordinance No. 1—Base Line Street.

65.002 Regulations.

Sec. 2. Hereafter, the following regulations shall govern the parking and operation of vehicles and trailers on Base Line Street and the use of said Street within the Township of Richland, Kalamazoo County, Michigan:

- (1) No vehicles or trailers shall be parked upon the West 217 feet of Base Line Street within the Township of Richland at any time, except for vehicles and trailers of municipalities, public utilities, and the State of Michigan and for such parking as is necessary to launch and remove boats, or to place on the ice, or remove fishing shanties.
- (2) No rubbish or debris shall be deposited upon said Base Line Street, but shall either be placed in containers therefor, or shall be removed completely by the owner.
- (3) No docks, ice fishing shanties, boats, or other structures or materials shall be allowed to be parked or stored upon the said West 217 feet of Base Line Street at any time.
- (4) The primary purpose of the West 217 feet of said Base Line Street is for access to Gull Lake, and any person using the same for any other primary purpose shall be in violation of this Ordinance.
- (5) No person driving upon the West 217 feet of said street shall drive in excess of 10 miles per hour, which is hereby declared to be the maximum safe speed upon said part of said street.
- (6) All persons using the West 217 feet of said street shall do so with a minimum of noise and disturbance to adjoining property owners, commensurate with the residential character of the neighborhood within which said Street is located.
- (7) No intoxicating liquor shall be consumed upon said street.

65.003 Validity.

Sec. 3. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

65.004 Sanctions.

Sec. 4. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

65.000 PARKING ORDINANCE NO. 1—BASE LINE STREET
ORD. of 9-6-1960 Adopted: September 6, 1960

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

65.005 Effective date.

Sec. 5. This Ordinance shall take effect on the 17th day of October, 1960. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

66.000 PARKING VIOLATIONS BUREAU ORDINANCE
ORDINANCE NO. 267

Adopted: February 20, 2018

Effective: March 29, 2018

66.001 Establishment of parking violations bureau.

Pursuant to Acts 154 of 1968; 246 of 1945 and 236 of 1961, as amended, the Richland Township, Kalamazoo County, Michigan, hereby establishes a Parking Violations Bureau to accept admissions of responsibility in parking violation cases, which bureau shall have such powers, duties and responsibilities as set forth in this Ordinance.

66.002 Purpose of ordinance.

The provisions of this Ordinance shall control the parking of vehicles on public highways, streets, roads and parking areas and drives and also on private parking lots, private drives, and private roads which are open to the public and for the use of patrons of any public schools, community college, business, apartments, stores, offices, and clinics; provided that the owner or owners of said private parking lots, private roads or private drives consent to the enforcement of parking ordinances of the Township concerning parking violations occurring on said lots, roads, or drives.

66.003 Parking offenses and civil fines.

The following shall be deemed to be parking offenses in violation of this Ordinance and the civil fine for each violation shall be as follows:

VIOLATION		FINE
(a)	Parking in an area in violation of a no parking sign or street marking as authorized by the County Road Commission concerning county roads, by the State Department of Transportation concerning state highways, or by Richland Township concerning public and private roads, drives or parking lots.	\$15.00
(b)	Parking within 15 feet of a fire hydrant.	20.00
(c)	Parking in a marked fire lane.	25.00
(d)	Parking within 25 feet of a corner.	15.00
(e)	Parking within five feet of a driveway or alley.	15.00
(f)	Parking upon a sidewalk or crosswalk.	15.00
(g)	Parking within ten feet of the center of a street.	15.00
(h)	Parking a vehicle for longer than permitted.	15.00
(i)	Parking a vehicle more than one foot from a curb or curb line.	15.00
(j)	Parking a vehicle in violation of any other parking provisions of any ordinance of Richland Township.	15.00
(k)	Parking a vehicle within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a highway, road or street.	15.00
(l)	Parking a vehicle within 50 feet of the nearest rail of a railroad crossing.	15.00
(m)	Parking a vehicle within 20 feet of the driveway entrance to any fire station.	15.00
(n)	Parking a vehicle along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.	15.00

(o)	Parking a vehicle on the highway side of any vehicle stopped or parked at the edge or curb of a street.	15.00
(p)	Parking a vehicle on a highway, road, street, private road, private drive or private parking lot which has been signed or marked for angle parking at an angle different from the curb or edge of such highway.	15.00
(q)	Parking a vehicle within 500 feet of a fire, or an accident at which police officers are in attendance.	15.00
(r)	Parking a vehicle upon any bridge or any elevated structure upon a street or within a street tunnel.	15.00
(s)	Parking in a parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property or private property available for public use, unless the person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following:	75.00
	(i) A certificate of identification issued pursuant to the Michigan Motor Vehicle Code to a handicapper on the lower left corner of the front windshield.	
	(ii) A special registration plate issued pursuant to the Michigan Motor Vehicle Code to a handicapper.	
	(iii) A similar certificate of identification issued by another state to a handicapper.	
	(iv) A similar special registration plate issued by another state to a handicapper.	
	(v) A special registration plate to which a handicapper tab is attached issued under the Michigan Motor Vehicle Code.	
	(vi) A card or other official documentation of handicapper status hung on the mirror or otherwise properly displayed inside the motor vehicle identifying the driver or a passenger of that motor vehicle as a handicapper but only if the person that the documentation or card was issued to is actually the driver or a passenger in the vehicle at the time it was parked or left in the handicapper parking spot.	
(t)	Parking a vehicle in a position such that it is facing the flow or direction of traffic of the lane of travel closest to the parked vehicle.	15.00
(u)	Parking in any area on the grounds of any public school other than areas designated as parking spaces.	20.00
(v)	A card or other official documentation of handicapper status hung on the mirror or otherwise properly displayed inside the motor vehicle identifying the driver or a passenger of that motor vehicle as a handicapper but only if that person that the documentation or card was issued to is actually the driver or a passenger in the vehicle at the time it was parked or left in the handicapper parking spot.	

The above civil fines shall (except for the parking offense identified in subsection (s) above) be doubled concerning any violator who fails to appear within ten days of the date of the violation. The above civil fine for violation of the parking offense set forth in subsection (s) above shall be increased to \$100.00 for any violator who fails to appear within ten days of the date of the violation. In cases where a Defendant has been found responsible by a court of law, the court may assess in addition to the civil fines provided above, costs and judgment fees as provided by law.

(Ord. No. 268, adopt. 3-20-18)

66.004 Citation requirements and admission of responsibility.

Any person receiving any citation alleging the violation of a township parking ordinance shall be advised on the citation as to all matters required by law including, at a minimum, the offense, the vehicle registration number (license plate number), date and place of the offense and the time within which the owner or driver of the vehicle must appear at the Township hall for purposes of admitting or denying responsibility; or, in the alternative, when

he or she may pay the civil fine as stated thereon. Such person may admit responsibility to such charges before the clerk or other designated employee, of the Parking Violations Bureau. The clerk shall be a township employee and shall be appointed to such position by resolution of the Township Board.

The clerk or other designated employee of the Parking Violations Bureau shall indicate on the citation that the admission of responsibility to the citation was made and accepted, and the person so pleading shall sign the citation as proof that such admission was made.

Upon accepting such admission of responsibility, the clerk or other designated employee shall collect from the person the civil fine for such violation as provided in this Ordinance, and shall give such person a receipt acknowledging payment of said civil fine.

66.005 Denial of responsibility.

Concerning any person who denies responsibility before the clerk or other designated employee of the Township, such clerk or other employee shall advise the complainant to file said citation and to swear out a complaint with the District Court for the 8th Judicial District of the State of Michigan or such other court having jurisdiction of said matter and said alleged parking violation shall then be processed as a civil infraction as provided by law. In any proceeding for a violation of this Ordinance, proof that the particular vehicle described in the complaint was parked in violation of any such provision of this Ordinance, together with proof that the person named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

66.006 Accounting of citations.

The Parking Violations Bureau clerk or other designated employee shall retain all citations and shall account to the Township Board once a month concerning the number of admissions and denials of responsibility made concerning parking violations and the amount of fines collected. The clerk or other designated employee shall be entitled to be paid such compensation as may be determined from time to time by resolution of the Township Board. The amounts collected in civil fines shall be turned over to the Township Treasurer to be placed in the general fund of the Township.

66.007 Severability.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reasons, it shall not affect any other part or portion thereof.

66.008 Effective date and repeal of conflicting ordinances.

This ordinance shall take effect 30 days following publication after its adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

67.000—89.000
(Reserved)

90.000 PUBLIC SCHOOL PROTECTION

Ord. No. 59

Adopted: February 6, 1973

90.001 Name and definition.

Sec. 1. This Ordinance shall be known and cited as the "Township Public School Protection Ordinance." It shall regulate and protect all public school property within the Townships of Ross and Richland, including that property owned or under the jurisdiction of the Gull Lake Community School Board and Michigan State University and known as W. K. Kellogg Biological Station and the Kellogg Forest area.

90.002 Protection of property.

Sec. 2. No person shall willfully or maliciously damage, injure, destroy or deface any building, portion of a building, out building, playground equipment, trees, or landscaping, fencing or any other property owned or used by the Public Schools located within the Township.

90.003 Disorderly persons.

Sec. III. No person shall while upon public school property conduct himself or herself in an offensive, insulting or derisive manner or speak, utter or publish any offensive, insulting or derisive language or gesture which conduct, language or gesture has a natural tendency to incite others to violence, provoke fights or provoke assaults.

90.004 Unauthorized persons.

Sec. IV. Unauthorized persons shall not enter or remain upon public school property or within school buildings at any time. Unauthorized persons are all persons other than the following:

- (a) Students in attendance at the school for school scheduled or authorized education, recreation or other activities.
- (b) Teachers and employees of the public schools.
- (c) Persons having business with the school authorities or otherwise present through express or implied invitation.

90.005 Motor vehicles—Uniform Traffic Code.

Sec. V.

- (a) The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14th, 1958 and published in supplements 13 as amended both on February 14th, 1961 and published in supplement number 25 and on February 26, 1968 and published in supplement number 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, as amended of the State of Michigan, is hereby adopted by reference to govern all public school properties as specified hereafter and with the modifications contained hereafter.

90.000 PUBLIC SCHOOL PROTECTION
ORD NO. 59 Adopted: February 6, 1973

- (b) The Uniform Traffic Code adopted herein by reference shall be deemed to regulate all traffic and the parking of motor vehicles on all public school properties located within the township or upon the portion of such properties within the township. These public school properties shall include all properties owned by or under the jurisdiction of the Gull Lake Community School Board and the Michigan State University Board of Trustees (including the W. K. Kellogg Biological Station and the Kellogg Forest Area). No other areas of the township shall be governed by the provisions of the Uniform Traffic Code adopted herein, unless provided by separate ordinance, and anything to the contrary contained in said code is hereby amended accordingly.
- (c) Any reference in the Uniform Traffic Code to a traffic engineer shall be deemed to mean a school superintendent or any person appointed by a school board or board of trustees as a traffic engineer and having the duties and authority provided in the Uniform Traffic Code concerning the investigation and issuance of various traffic and parking orders governing the particular school property under his or its jurisdiction. Copies of any traffic or parking order shall be furnished to the secretary of the particular school board or board of trustees as well as to the township clerk and the Kalamazoo County Clerk as provided in the Uniform Traffic Code.

90.006 Enforcement of ordinance.

Sec. VI. The provisions of this Ordinance may be enforced by any person who has qualified as a township police officer, sheriff's deputy, or special deputy, or as a township ordinance enforcement officer appointed by the township board. It shall be lawful for any such person and also for any employee or other person authorized specifically by the appropriate public school authority to order from any school property any person whom he observes violating a provision or provisions of this Ordinance. Any person refusing to leave shall be deemed an unauthorized person under the provisions of Section IV [90.004] of this Ordinance.

90.007 Costs of enforcement.

Sec. VII. The particular school authority shall reimburse the township for any and all costs arising out of enforcement or prosecution pursuant to this ordinance concerning a violation of the ordinance which occurred on any school property within the township owned by or under the control of said school authority, which said costs shall include, but shall not be limited to, attorney fees, court costs and service fees. In addition, all costs concerning the investigation or erection of traffic control devices, signs or signals as determined by the traffic engineer in accordance with this ordinance and the Uniform Traffic Code shall be paid by the appropriate school authority.

90.008 Sanctions.

Sec. VIII. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	1st Offense within 3-year period*	\$ 75.00	\$500.00
—	2nd Offense within 3-year period*	150.00	500.00
—	3rd Offense within 3-year period*	325.00	500.00
—	4th or More Offense within 3-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

90.000 PUBLIC SCHOOL PROTECTION
ORD NO. 59 Adopted: February 6, 1973

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. Jan. 20, 1995)

90.009 Saving clause.

Sec. IX. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

90.010 Effective date.

Sec. X. This Ordinance shall take effect on March 15, 1973.

**91.000 to 119.000
(Reserved)**

120.000 PARK REGULATION

Ord. No. 193

Adopted: June 3, 2003

120.001 Title and definitions.

Sec. I. This Ordinance shall be known and cited as the Richland Township Park Regulation Ordinance. The following definition applies to this Ordinance:

Service Dog. Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Service dogs (or other animals) perform some of the functions and tasks that an individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. Service dogs (and other animals) also assist persons with other kinds of disabilities in their day-to-day activities such as alerting persons with hearing impairments to sounds, pulling wheelchairs or carrying and picking up things for persons with mobility impairments; and assisting persons with mobility impairments with balance. Service dog, for purposes of this definition need not be a canine, however, it must be a trained service animal utilized by a person with a disability to carry on a day-to-day task. If a question arises as to whether a particular animal is a "service dog" as defined by this Ordinance, the Parks Director or Field Director appointed by the Parks Director may require proof of legitimacy of the disability and/or training level of such animal.

(Ord. No. 260, § II, 8-18-2015)

120.002 Use of park facilities.

Sec. II. The following regulations shall, unless otherwise provided, apply to all persons using and/or coming onto (1) the Richland Township Park at 6996 N. 32nd Street in Richland Township, (2) the Village Green Park at 8987 E. D Avenue in Richland Township and (3) the Passive Park at 9978 E. D Avenue in Richland Township:

- A. Stoves, grills and picnic tables may not be used or held for a longer time than necessary to permit their use by a maximum number of people.
- B. Any fires for cooking in the Richland Township Park must be made within the stoves or grills provided for the purpose or within other privately owned grills that are designed to retain the ashes and prevent their deposit on the ground. Fires in the Richland Township Park must be extinguished after use. No fire in the Richland Township Park shall be built directly upon the ground.

No fires, including but not limited to fires on the ground and fires for cooking within stoves or grills, shall be allowed in the Passive Park and the Village Green Park. The Richland Township Board and the Richland Township Parks Director shall each have authority to grant a waiver from this prohibition so as to allow the establishment of one or more fires in connection with special short-term events being conducted on the Village Green Park or the Passive Park premises if the Township Board or the Parks Director determines that:

- (1) The proposed fire(s) would be conducted in a manner that will not endanger public safety or otherwise have a material adverse impact upon the general public's use and enjoyment of the park; and
- (2) The fire(s) will be conducted in compliance with all applicable laws, ordinances and regulations.

120.000 PARK REGULATION
ORD. NO. 193 Adopted: June 3, 2003

- In issuing any such waiver, the Township Board or the Parks Director shall have the right to impose such conditions as the Township Board or the Parks Director reasonably believe necessary to ensure that the above-referenced standards are satisfied.
- C. No person shall dispose of trash or debris anywhere on the park premises except within containers provided for that purpose.
- D. No person shall damage or destroy park property.
- E. Dogs or other domestic "pet" animals are permitted in the parks subject to these limitations:
1. All dogs or other domestic "pet" animals must be on a leash of no more than 6' (six feet) in length and must be in the control of an adult at all times.
 2. A person in control of any dog or other domestic "pet" animal shall not permit that dog's feces to remain on the ground in the park. Feces shall be disposed of in a sanitary manner.
 3. The Parks Director or Field Director appointed by the Parks Director shall have the authority to require the removal of any dog or other domestic "pet" animal (excepting a service dog in use) that is dangerous, annoying, barks repeatedly and continuously, bites, nips, attacks or chases children, persons or other animals that are on the park premises.
 4. The Parks Director or Field Director appointed by the Parks Director in the absence of the Parks Director shall have the authority to disallow the entry of any dog or other domestic "pet" animal (excepting a service dog in use) that has been removed from the park premises under Section 3, above more than 2 (two) times in any calendar year.
 5. Dogs or other domestic "pet" animals may be prohibited during certain events or from certain locations. The Parks Director or Field Director appointed by the Parks Director in the Parks Director's absence shall have the authority to prohibit dogs (except service dogs in use) from entering into the parks or into certain areas of the park as may be required for events or by event sponsors by the placing of at least 4 temporary signs at various locations in the park notifying the public that dogs are temporarily not permitted in the park or in certain areas of the park. The Parks Director or Field Director appointed by the Parks Director in the absence of the Parks Director shall cause such signs to be removed and shall authorize use of the parks for dogs within two hours after the event has been closed or discontinued.
- F. The use of profane or obscene language within the park premises is prohibited.
- G. Except as otherwise provided herein, no alcoholic beverages shall be consumed on the park premises. The Richland Township Board shall have authority to grant a waiver from this prohibition so as to allow the consumption of alcoholic beverages in connection with special short-term events being conducted on the park premises if the Township Board determines, in its sole reasonable discretion, that:
- (1) The proposed consumption of alcoholic beverages in conjunction with the event would not have a material adverse impact upon the general public's use and enjoyment of the park;
 - (2) All necessary governmental licenses and permits for the activity have been obtained;
 - (3) The activity will be conducted in compliance with all applicable laws, ordinances and regulations; and
 - (4) Liability insurance in an amount and form deemed adequate by the Richland Township Board has been obtained for the event naming Richland Township, its officers, agents and employees as additional insured parties.

120.000 PARK REGULATION
ORD. NO. 193 Adopted: June 3, 2003

In issuing any such waiver, the Township Board shall have the right to impose such conditions as it reasonably believes necessary to insure that the above-referenced standards are satisfied.

In no circumstances shall any person be on the park premises while under the influence of intoxicating liquor and/or a controlled substance.

- H. No glass containers shall be used upon the park premises.
- I. There shall be no smoking on the park premises.
- J. Except as otherwise provided herein, overnight camping within the park premises is prohibited. The Richland Township Board shall have authority to grant a waiver from this prohibition for short-term camping activity conducted in connection with a recreational event being conducted on the park premises if the Township Board determines, in its sole reasonable discretion, that such camping activity (1) would not have a material adverse impact upon the general public's use and enjoyment of the park and (2) would not significantly damage the park premises. In issuing any such waiver, the Township Board shall have the right to impose such conditions as it reasonably believes necessary to ensure that these standards are satisfied.
- K. Motor vehicles shall be parked only within designated parking areas.
- L. Washing, polishing or repairing a motor vehicle within the park is prohibited without specific permission from the Richland Township Board or the Richland Township Parks Director.
- M. No unauthorized person shall be in any portion of the park from sunset to sunrise or at any other time that the park is closed to the public by direction of the Township Board, the Parks Director or other authorized party. This restriction shall only apply to the Richland Township Park.
- N. No person shall place upon or affix to any vehicle parked within the park premises a pamphlet, brochure, flyer or similar document. This provision shall not be deemed to apply to ordinance violation warnings or citations.
- O. No person shall post, fasten or affix any placard, notice or sign upon any building or other permanent structure within the park premises. This prohibition shall not apply to (1) postings upon message boards placed on park structures by Richland Township or, in the case of the Village Green Park, the Village of Richland for that purpose or (2) any placard, notice or sign pertaining to the operation or management of the park placed upon park premises with the authorization of the Richland Township Board, the Richland Township Parks Director or, with respect to the Village Green Park, the Richland Village Council.
- P. No snowmobiles and 3 or 4 wheel all terrain vehicles ("ATVs") shall be operated upon the park premises. This prohibition shall not apply to any such vehicles used in the improvement or maintenance of the park premises.
- Q. Inflatable jumping recreational devices shall be prohibited within the park premises unless approved in advance by the Township Board or the Richland Township Parks Director. Any such approval shall be conditioned upon:
 - (1) Proof of adequate adult supervision of the use of the device.
 - (2) The provision of liability insurance in an amount and form deemed adequate by the Township Board and/or the Richland Township Parks Director. The insurance shall name Richland Township, its officers, agents and employees as additional insureds.

120.000 PARK REGULATION
ORD. NO. 193 Adopted: June 3, 2003

- (3) The applicant's agreement to require all persons using the recreational device to first sign a form releasing Richland Township, its officers, agents and employees from any and all liability for any injury or damage resulting from use of the recreational device. In the case of a minor, the waiver form must be signed by the minor's parent or other legal guardian.

(Ord. No. 260, § I, 8-18-2015)

120.003 Liability and assumption of risk.

Sec. III. Any person using any of the Richland Township parks referenced in Section II of this Ordinance shall assume the risk of any injury, damage or loss suffered or incurred while within such park and the Township of Richland shall have no liability as a result of any such injury, damage or loss.

120.004 Sanctions.

Sec. IV. Any person, firm or corporation that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which the Township of Richland has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Additionally, any person, firm or corporation violating any of the provisions of this Ordinance may be required to leave the particular Township park by the Richland Township Parks Director, by any law enforcement officer or Ordinance Enforcement Officer authorized to enforce Richland Township Ordinances.

120.005 Severability.

Sec. V. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

120.006 Effective date and repeal of conflicting ordinances.

Sec. VI. This Ordinance shall take effect thirty (30) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith, including but not limited to the prior Richland Township Park Regulation Ordinance (Ordinance No. 193, as amended) are hereby repealed.

**121.000 through 139.000
(Reserved)**

140.000 MOTOR VEHICLE STORAGE

140.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Motor Vehicle Storage Ordinance".

140.002 Purpose.

Sec. II. The purpose of this Ordinance is to limit and restrict the outdoor storage and parking of unused, partially dismantled or nonoperating motor vehicles or new or used parts thereof upon premises within Richland Township; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of same upon adjoining residents and property owners.

140.003 Definitions.

Sec. III. For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. A motor vehicle shall be deemed "inoperable" where any of the following conditions exist:
 - 1. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - 2. Where it does not have all of its main component parts properly attached.
 - 3. Where any other or additional conditions exist which cause the vehicle to be incapable of being driven under its own power, lawfully upon the public streets.
- B. "Main component parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts and equipment as are necessary for the vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.
- C. "Person" shall mean an individual, firm, corporation, or other entity of any kind.
- D. "Agricultural vehicle" shall mean a motor vehicle or conveyance designed and intended for agricultural use.

140.004 Regulations.

Sec. IV. No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises owned, rented or occupied by such person any motor vehicle, including a motor vehicle for sale or new or used motor vehicle parts, or agricultural vehicle, unless one or more of the following conditions exist:

- 1. Such vehicle has displayed upon it a current and valid license plate or temporary registration certificate issued for that vehicle, is not inoperable and is, in fact, regularly operated for its designed purpose.
- 2. Such vehicle or parts are located in a duly licensed and properly zoned junk yard, salvage yard, or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Richland Township Zoning Ordinance, and are conducted in conformance therewith.

140.000 MOTOR VEHICLE STORAGE

3. Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Richland Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 P.A. 300, as amended, and is locked and has displayed upon it a current and valid license plate or temporary registration certificate issued for that vehicle.
4. Such vehicle is an agricultural vehicle as defined in this Ordinance and is used or usable for agricultural purposes on the premises where located.
5. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, has displayed upon it a current and valid license plate or temporary registration certificate issued for that vehicle, and is not in any manner a dismantled vehicle; provided that the premises shall not contain any such vehicle for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than said 14 day period.
6. A special permit is first obtained therefore for a period of not to exceed 45 days from the Supervisor of Richland Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed.

140.005 Nuisance.

Sec. V. Any motor vehicle parking or storage in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and sanctions herein provided.

140.006 Sanctions.

Sec. VI. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a violation of a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	1st Offense within 5-year period*	\$ 75.00	\$500.00
—	2nd Offense within 5-year period*	150.00	500.00
—	3rd Offense within 5-year period*	325.00	500.00
—	4th or More Offense within 5-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

140.007 Severability.

Sec. VII. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

140.008 Repeal.

Sec. VIII. All ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed, including the Richland Township Ordinance of June 2, 1964, as amended. This Ordinance shall not be construed as repealing the Richland Township Litter Ordinance (Ordinance No. 149). However, legal proceedings presently pending on an ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

140.009 Effective date.

Sec. IX. This Ordinance shall become effective thirty days after publication following adoption.

Ordinance No. 269
Adopted: August 21, 2018
Effective: September 29, 2018

THE TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN ORDAINS:

141.001 Title.

This Ordinance shall be known and cited as the Richland Township Litter Ordinance.

141.002 Definitions.

"Litter" as used in this Ordinance means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and discarded appliances and equipment, cut or broken tree branches, broken or discarded plaster, concrete, brick, building materials, scrap metal, pipe, discarded motor vehicle parts, and tires.

"Personal use items" as used in this Ordinance shall include lawn maintenance equipment; children's toys, sporting equipment and bicycles which can be used on the property itself.

"Litter" as used in this Ordinance shall also include personal use items but only if one or more of the following conditions exist:

1. Such personal use item is not regularly used for its intended purposes (at least one time per season of intended use); or
2. Such personal use item is in a state of disrepair and is not usable in its present condition; or
3. Such personal use item has broken or missing parts.

141.003 Regulations.

- a. Prohibition and Storage Regulations for items defined as "Litter". It shall be unlawful for any person to dump, deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other material on any public or private property or waters within the Township other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
- b. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.
- c. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:

141.000 LITTER

ORD. NO. 269 Effective: September 29, 2018

- d. 1) Such litter is temporarily stored outdoors for not more than 7 days while awaiting regularly-schedule pick-up by a waste hauler and in no event shall litter be stored for such duration as it becomes odoriferous or a breeding place for insects or rodents'
- 2) Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only between regular, not less than weekly litter collection by a public or private litter or garbage collection;
- 3) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 2,500 cubic feet in area, (2) is not located within any required building setback areas as specified in the Richland Township Zoning Ordinance, and (3) complies with all applicable Township ordinance requirements (the limitation of 2,500 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with an industrial or commercial operation on the site).
- 4) Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Richland Township Zoning Ordinance; and
- 5) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Richland Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of this Ordinance are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.
- e. Storage of personal use items not considered litter. Personal use items which are not defined as "litter" herein shall only be stored in the rear or side yard of residentially- used structures when not in current active use. Large scale sporting installations such as trampolines; hockey arenas; and soccer goals shall not be required to be stored in the side or rear yard if the location/placement of such use is in the front yard and the item is used at least one time per season.

141.004 Sanctions.

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	1st Offense within 3-year period*	\$75.00	\$500.00
—	2nd Offense within 3-year period*	150.00	500.00
—	3rd Offense within 3-year period*	325.00	500.00
—	4th or More Offense within 3-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs

of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

141.005 Severability.

Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

141.006 Repeal.

All Ordinances and parts of Ordinances in conflict herewith, including Ordinance 1A, Health Ordinance, adopted June 13, 1958, and Ordinance 81, Litter Ordinance, adopted August 1, 1977, are hereby repealed and shall have no further force or effect.

141.007 Effective date.

This Ordinance shall take effect 30 days after publication of the Ordinance.

142.000 DETERGENTS SALE
Ord. No. 49
Adopted: September 7, 1971

142.001 Phosphorus content restricted.

Sec. I. It shall be unlawful for any person, firm or corporation within the limits of the Township of Richland to sell, exchange, give, deliver or use any detergent or synthetic detergent in any form for household or domestic use containing more than 8.7 percent phosphorus by weight, expressed as elemental phosphorus.

142.002 Sanctions.

Sec. II. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

142.003 Effective date; repeal.

Sec. III. This Ordinance shall take effect on October 15, 1971. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

142.004 Severability.

Sec. IV. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

143.000 ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

Ord. No. 161

Adopted: October 1, 1996

143.001 Title.

Sec. I. This Ordinance shall be known and cited as the Township Anti-Noise and Public Nuisance Ordinance.

143.002 Anti-noise regulations.

Sec. II.

- A. *General regulation.* No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township.
- B. *Specific violations.* The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not hereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
 - 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 - 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
 - 4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 - 5. The operation of any automobile, motorcycle or other vehicle so out of repair or loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 - 6. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

143.000 ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

ORD. NO. 161 Adopted: October 1, 1996

7. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Building Inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.
8. The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
9. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
10. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
11. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort and repose of any person.
12. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.
13. Low decibel sounds or any sound from electronically amplified or produced music or loudspeakers causing actual damage to neighboring property, including damage to fixtures, windows, cabinets and wall hangings, shall create a presumption of an unreasonable disturbance to neighboring property owners.

143.003 General exceptions.

Sec. III. The prohibition hereinbefore enumerated shall not apply to the following general exceptions:

- A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- B. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, County of Kalamazoo, or any municipal governmental body, between sundown and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
- C. Warning devices emitting sound for warning purposes as authorized by law.
- D. Noises emanating from the discharge of firearms are excluded, providing the discharge of firearms was authorized under Michigan law and all local Ordinances.
- E. The Township Board shall have authority to grant permits, for short-term outdoor recreational or holiday activities generating noise in excess of the limits set forth in this ordinance. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the

143.000 ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

ORD. NO. 161 Adopted: October 1, 1996

proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Board shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area.

143.004 Public nuisance regulations.

Sec. IV. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

143.005 Validity.

Sec. V. The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

143.006 Sanctions.

Sec. VI. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine	
—	1st Offense within 3-year period*	\$ 75.00	\$500.00
—	2nd Offense within 3-year period*	150.00	500.00
—	3rd Offense within 3-year period*	325.00	500.00
—	4th or More Offense within 3-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation exists shall constitute a separate offense.

143.007 Effective date and repeal of conflicting provisions.

Sec. VII. This Ordinance shall take effect 30 days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Parts 144—159
(Reserved)**

160.000 SEWAGE DISPOSAL SYSTEM: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT

Ord. No. 232

Adopted: July 7, 2008

160.001 Title.

Sec. 1. This Ordinance shall be known as the SEWAGE DISPOSAL SYSTEM ORDINANCE: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT.

160.002 Purpose.

Sec. 2. *Purpose, Objectives and Findings.* It is hereby determined to be desirable and necessary for the public health, safety, and welfare of the Township of Richland (hereinafter "Municipality") being served with public sewer service by the Gull Lake Sewer and Water Authority under Act 233 of 1955, as amended, Act 185 of 1957, as amended, and Act 7 of 1967, as amended, and in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and of existing agreements between the parties, to establish an ordinance to regulate the construction, operation and maintenance of the Public Sewer System.

Findings Re: Public Health, Safety and Welfare. The Municipality hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Municipality. This determination is based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code, which reads as follows:

"Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination."

Findings Re: Measure of Sewer Use by Metering of Water Supply. The Municipality hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Municipality recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for the residential users of the Public Sewer System. To the extent practicable, the Municipality will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Municipality declares, as its goal, the eventual use of metering of domestic water supply for all users of the Public Sewer System at the time when (a) all or substantially all Users of the Public Sewer System are connected to a public water supply system and/or (b) in the opinion of the Municipality, the cost for using and maintaining the metering technology is practical and cost effective for residential users of the Public Sewer System. In the interim, the Municipality finds that the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System, particularly with respect to detached single family residential users.

160.003 Operation.

Sec. 3. *Management, Operation and Maintenance.* The management, operation and maintenance of the System shall be under the supervision and control of the Gull Lake Sewer and Water Authority. The Gull Lake Sewer and Water Authority, in performing all of its duties and obligations hereunder and pursuant to the

aforementioned contract, is acting as agent for the Municipality. In this regard, the Authority may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of rates and charges, and to assure the efficient management and operation of the System.

160.004 Definitions.

Sec. 4. Definitions.

Unless the context specifically indicates otherwise, the meaning for terms used in this ordinance shall be as follows:

Accessory Buildings: shall mean subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s), use of which is incidental to the use of the main building.

Authority: shall mean the Gull Lake Sewer and Water Authority, acting as agent for the Municipality.

Authority Board: shall mean the governing body of the Authority under Act 233 of 1955, as amended, created by the Townships of Richland, Ross, Barry and Prairieville.

Basin: The portion of a Grinder Pump System that collects wastewater from the home, storing it until sufficient volume exists to engage the pump to discharge domestic sewage from the home to the Lateral Main.

BOD Biochemical Oxygen Demand: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/l).

Building Sewer: shall mean the pipe extension from the building or structure to the Public Sewer or other accepted place of disposal.

Claimant: shall mean a property owner that claims that a Sewage Disposal System Event as defined in Public Act 170 of 1964, as amended, caused damage to the owner's property, a physically injured individual who claims that a Sewage Disposal System Event caused the physical injury, or a person making such a claim on behalf of a property owner or physically injured individual. Claimant includes a person that is subrogated to a claim of a property owner or physically injured individual as described in this definition.

Classes of Users: shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

Residential user: shall mean any individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multi-family dwelling units, etc., that discharges only Domestic Sewage.

Commercial user: shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only Domestic Sewage.

Institutional user: shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only Domestic Sewage.

Governmental user: shall mean any federal, state, or local government office of governmental facility that discharges only Domestic Sewage.

Industrial user: shall mean any user of the System which is identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the "Industrial User" class if it is determined that such user will discharge only Domestic Sewage.

Appendix A: shall apply in determining the applicable Connection Fee and User Fee of all of these "classes of users".

Combined Sewer: shall mean a sewer receiving both surface run-off and Domestic Sewage.

Commodity Fee: shall mean a fee charged for use of the System based upon a measured amount of water as measured by a water meter or sewer meter on the premises or as estimated based upon past readings of the meter, set from time-to-time by the Municipality pursuant to recommendation of the Authority.

Compatible Pollutant: shall mean those pollutants which the wastewater System is or may be designed to reduce or remove from wastewater in accordance with its NPDES permit.

Connection Fee: shall mean the charge imposed by the Municipality to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the Municipality's ability to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of private Sewage Disposal Facilities and the contamination of groundwater. See also Direct Connection and Indirect Connection.

Control Manhole: Publicly accessible manhole required for certain connections to the Public Sewer System, to allow access by public officials and their agents to sample and test for restricted constituents that may be deleterious to the System.

Debt Retirement Fee: shall mean charges imposed for the purpose of paying costs of retiring contracted debt, including principal, interest and administrative costs of retiring the debt incurred for acquisition and construction of the Public Sewer.

Direct Connection: shall mean the connection of the Building Sewer directly to the Public Sewer System in a manner such that the premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

Director: shall mean the Director of the Gull Lake Area Sewer and Water Authority or the Authority Board's authorized representative.

Domestic Sewage: The liquid wastes from all habitable or occupied buildings, structures and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

Full Special Assessment: shall mean the formal special assessment levied by the Municipality within a Sewer Special Assessment District upon a premise or property for the benefit of public sewer service, provided the assessment applicable to the property allowed for the connection of at least one Single Family Residential Equivalent Unit.

Garbage: shall mean solid wastes from the domestic and commercial preparation, cooking, dispensing, storage and handling of food, and from the handling, storage and sale of produce.

Gravity Sewer: shall mean wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

Gravity System: The publicly-owned gravity Service Lead which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Gravity System and the connection of a premise thereto is attached to this Ordinance as Appendix B.

Grinder Pump System: The publicly-owned grinder pump, Basin, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A diagram of a typical Grinder Pump System and the connection of a premise thereto is attached to this Ordinance as Appendix C.

Health Department: shall mean the Kalamazoo County Health and Community Services Department or the Barry/Eaton District Health Department, dependent upon which department has jurisdiction.

Hydraulic Loading; Hydraulic Impact: shall mean the effect of new or additional water flows upon a continuing System of transportation and/or treatment.

Incompatible Pollutant: shall mean any pollutant that is not a Compatible Pollutant.

Indirect Connection: shall mean the connection of a house, building or structure connecting to a sewer line serving more than one property which was constructed with private funds and then subsequently transferred to the Municipality and/or Authority to become a part of the System. (example: if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

Industrial or Commercial Wastes: shall mean the liquid waste from the place of the User's business, trade or profession.

Infiltration: shall mean water other than wastewater that enters the System from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, Inflow.

Infiltration/Inflow: shall mean the total quantity of water from both Infiltration and Inflow without distinguishing the source.

Inflow: shall mean water other than wastewater that enters a sewer system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from spring and swampy areas, and storm drain cross connections.

Inspection and Administration Fee - or Permit Fee:

The amount charged to each applicant by the Authority at the time an application is made to the Authority for connection to the Public Sewer System to cover the actual routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, the issuance of a connection permit, the witness of the installation and related administrative expenses.

Inspector: shall mean any person or persons authorized by the Authority to view the installation of sewers.

Lateral Main: shall mean any sewer line of the System to which a Service Stub connects or may be connected.

Mg/l or mg/l: shall mean parts per million as used in reference to quantitative analysis of water and wastewater (sewage).

Michigan Department of Environmental Quality; MDEQ: shall mean the Michigan Department of Environmental Quality or any other agency designated by Michigan state law to regulate matters pertaining to the environment.

Miscellaneous User Fee: shall mean a fee charged to Users for miscellaneous services and related administrative costs associated with the System incurred by the Authority.

Municipalities: shall mean the Townships and Villages which are served by the Gull Lake Sewer and Water Authority. When used in the singular, the term shall mean the Municipality adopting this Ordinance.

Natural Outlet: shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New Construction: shall mean any house, building, or improvement or any other Structure in which Sanitary Sewage Originates, which is constructed after the public sewer line to which such house, building, improvement or structure connects.

Normal Strength Sewage: shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

NPDES Permit: shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of treated wastewater into the waters of the State.

O, M, and R Charge: shall mean that portion of the User Fee levied on all Users of the System for the cost of operation and maintenance of the System, including replacement and depreciation or a portion thereof.

Operation and Maintenance Costs: shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the System. Operation and maintenance costs may, to a certain extent, include a portion of replacement costs.

Owner: shall mean the person responsible for the property taxes as shown on the current tax roll of the township or a tenant or other party who may consent in writing to be responsible for the property in accordance with Section 6. Subsection K hereafter.

Person: shall mean any individual, firm, company, association, society, corporation or group.

PH: shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PPM: shall mean parts per million, equal to milligrams per liter.

Pressure System; Pressure Sewer: shall mean a sewer line in which Sewage is transported solely by means of attached pumps and appurtenances.

Pretreatment: shall mean the application of physical, chemical and/or biological processes to reduce the amount of pollutants on or alteration of the nature of the pollutant properties in privately owned pretreatment facilities prior to discharge into the Public Sewer System.

Properly Shredded Garbage: shall mean garbage that has been shredded to such a degree that no particle shall be larger than one-half inch in any dimension and all particles can be carried freely in the wastewater under the flow conditions normally prevailing in the System.

Public Sewer: shall mean a Lateral Main sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Replacement Costs: shall mean expenditures made during the service life of the System to replace equipment and appurtenances necessary, maintaining the intended performance of the System.

Residential Equivalent Unit (REU): shall mean a factor established for each type of User as shown on Appendix A. It represents the quantity of sanitary sewage ordinarily arising from the occupancy of a freestanding single-family residential dwelling by a single family of ordinary size and the benefit derived from the disposal thereof. It is based upon an average daily Sewage discharge of 200 gallons. A listing of the relative relationships between the various Users of the System is hereby determined by the Municipality and set forth in Appendix A. The assignment of REU(s) to a particular User shall be determined from time to time by the Authority, based upon available information, studies and investigation of the use to which the User's property is put. The assignment of REU(s) for any use not enumerated in Appendix A shall, in the sole discretion of the Authority, be based upon the most similar use enumerated in Appendix A.

Revenues, Net Revenues: shall be defined as set forth at Section 3, Act 94, Public Acts of Michigan, 1933 as amended.

Sanitary Sewer: shall mean a pipe or system of pipes that convey wastewaters from residences, commercial buildings, industrial plats, institutions, or other structures as a part of the wastewater collection System.

Service Area: shall mean any area in Richland Township in which public sewer service has been authorized by the Township Board as is shown on the service area map, Section 160.005.U.1 herein. Any extensions of public sewer service to properties not shown on the service area map in Richland Township shall require approval of the Township Board and a service area map amendment prior to implementation.

Service Lead, Sewer Lead, Stub or Lateral: shall mean that portion of the Public Sewer extending perpendicular to the property line or edge of easement wherein the Public Sewer lies.

Service Connection: The portion of the Public Sewer System which extends perpendicular either to or onto the parcel of land adjacent to the path of the Public Sewer, and includes the tee/wye, the Service Lead or Lateral, a Grinder Pump System, a Gravity System, related pumping facilities and appurtenances, but not including the Building Sewer.

Sewage Disposal Facilities: Any on-site, private septic tank, subsurface disposal system or other devices used in the disposal of Sewage and which are not part of the System.

Sewer District or Sewer Service District: Properties designated by the Municipality via special assessment proceedings, contract(s) and/or permit to receive the benefit of service by the Public Sewer System.

Sewage: shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of Sewage are:

Domestic Sewage: shall mean the combination of liquid and water carried waste discharged from toilet and other sanitary plumbing facilities.

Industrial or Commercial Waste: shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined Sewage: shall mean wastes including Domestic Sewage, Industrial or Commercial Waste, storm water, and Infiltration and Inflow carried to the System by a Combined Sewer.

Sewage System Disposal Event: An overflow or backup of the Public Sewer as defined by Act 222 of the Public Acts of Michigan of 2001.

Sewage Treatment Facility: shall mean any arrangement of devices and structures used for treating Sewage.

Sewer: shall mean a pipe or conduit for carrying sewage.

Shall, May: "Shall" is mandatory; "May" is permissive.

Slug: shall mean any discharge of Sewage or Industrial Waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hours concentration during normal operation.

Storm Drain (Storm Sewer): shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage, other than unpolluted cooling water.

Storm Water: shall mean water from rain events, including surface waters and drainage.

Structure in which Sanitary Sewage Originates: A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

Suspended Solids: shall mean solids that either float on the surface of, or in suspension in, water, Sewage or other liquids and which can be removed by laboratory filtering.

"System" or "Public Sewer System": shall mean the complete facilities of the Authority and Municipalities, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be made.

United States Environmental Protection Agency; USEPA: shall mean the United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment.

User: A recipient of services provided by the System, including premises which are connected to the System.

User Fee: shall mean the monthly charge to Users of the System. The User Fee consists of O, M, & R Charge and the Debt Retirement Fee, if any.

Watercourse: shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Wye Branch: shall mean a local Service Connection to the Lateral Main that is made at an angle similar to a "y" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

(Ord. No. 255, § 1, adopt. 11-19-2013)

160.005 Connection to and extension of public sewer system.

Sec. 5.

- A. Permit to Connect Generally. Permits for connections to sanitary sewers shall be issued by such person as shall be designated by the Authority. Such a permit shall not be issued until all assessments due and/or the charges for sewer connections have been paid as provided for herein and until the Director has determined there is capacity available for the wastewater to be discharged in System facilities and the wastewater treatment plant, including capacity for compatible wastes. The Director may require a compatibility study at the expense of the User to demonstrate to the satisfaction of the Director that the wastewater to be discharged is compatible with and will not adversely affect the System.
- B. Building Sewer Permits. There shall be three classes of building sewer permits:
 - 1. Residential permits: For connection of a premise's building sewer to the available Public Sewer Service Lead.
 - 2. Tear-down permits: For the tear-down of a premises, including the excavation to the Service Lead in order that it may be properly capped (i.e., sealed against foreign debris, dirt, Inflow and Infiltration).
 - 3. Commercial permits: For connection of commercial, industrial, governmental and institutional uses to the System and also for required installation of grease, oil or other interceptors to protect the Owner's building sewer and the downstream portion of the System from damage.

In each respective case, the Owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director and/or the Authority's engineers. The Permit Fees (also known as the Inspection and Administration Fees) for the above permits shall be determined from time-to-time by the Authority based upon Authority costs incurred for such inspection and permit handling.

- C. Costs to be Borne by Owner. All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the Owner. The Owner or the person installing the Building Sewer for said Owner shall indemnify the Municipalities and the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- D. Separate Sewer for Every Building; Exceptions. A separate and independent Building Sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. Other exceptions may be allowed only by special permission granted by action of the Authority. Plumbing fixtures installed in accessory buildings and drains carrying Sewage shall be connected to the Public Sewer System.

- E. Work on Sewer System; Permit, Bond, Insurance Required. No Person shall uncover, make any correction with or opening into, use, alter or disturb any portion of the System or appurtenances thereof, without first obtaining a written permit from the Authority. The Permit Fee shall be established from time to time by resolution of the Authority Board. The Person applying for such permit shall execute unto the Authority and deposit with the Authority, a bond with corporate surety in a sum to be determined by the Authority conditioned that all work will be faithfully performed with due care and skill, and in accordance, with the laws, rules and regulations established by the Authority and the Municipality pertaining to connections to and use of the System. The amount of the bond shall be established from time to time by resolution of the Authority Board. This bond shall state that the permittee will indemnify and save harmless the Authority, the Municipalities and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of willful misconduct or negligence in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one year or such other period as shall be authorized by the Authority; except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The permittee shall also provide public liability insurance for the protection of the Authority and the Municipalities, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of \$300,000.00 for one Person, \$500,000.00 for bodily injuries per accident, and \$100,000.00 for property damages or as otherwise set by resolution of the Authority Board.
- F. Installation and Pipe Specifications. The Building Sewer shall be constructed using methods and types of pipe meeting the written requirements of the Authority at the time of connection.
- G. Excavations; Pipe Laying. Whenever possible, the Building Sewer shall be brought to the buildings at an elevation below the basement floor. No Building Sewer shall be laid parallel to, or within three feet of, any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill shall be performed in accordance with the current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Authority inspector and state and local inspectors as otherwise may be required.
- H. Lifting Sewage by Artificial Means. In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, Sewage carried by such drains may be lifted by approved artificial means and discharged to the Building Sewer. Costs for installation and connection shall be borne by the Owner.
- I. Grinder Pump Pressure System Requirements. For installations requiring Grinder Pump Systems connecting to Pressure Sewer systems, the Authority shall install the Service Lead at the Authority's cost. The Authority shall provide the Grinder Pump System (components) for installation pursuant to Authority policy, and costs for installation and connection of the Service Connection shall be borne by the owner, including any interior electrical upgrades necessary to provide appropriate power to the Grinder Pump System, said power being provided by the property owner being serviced. Upon proper installation of the approved Grinder Pump System and appurtenances per Authority policy, the Authority shall own, operate and maintain the Service Connection from the street up to and including the Basin, including the underground electrical line from the home (control box) to the Basin, subject to appropriate access granted by the property owner to the Authority.
- J. Connection to Public Sewer. The connection of the Building Sewer to the System shall be made at the Service Lead or Service Connection location designated for the property by the Authority. Any connection not made at the designated Service Lead or Service Connection in the Lateral Main shall be made only as authorized by the Authority.

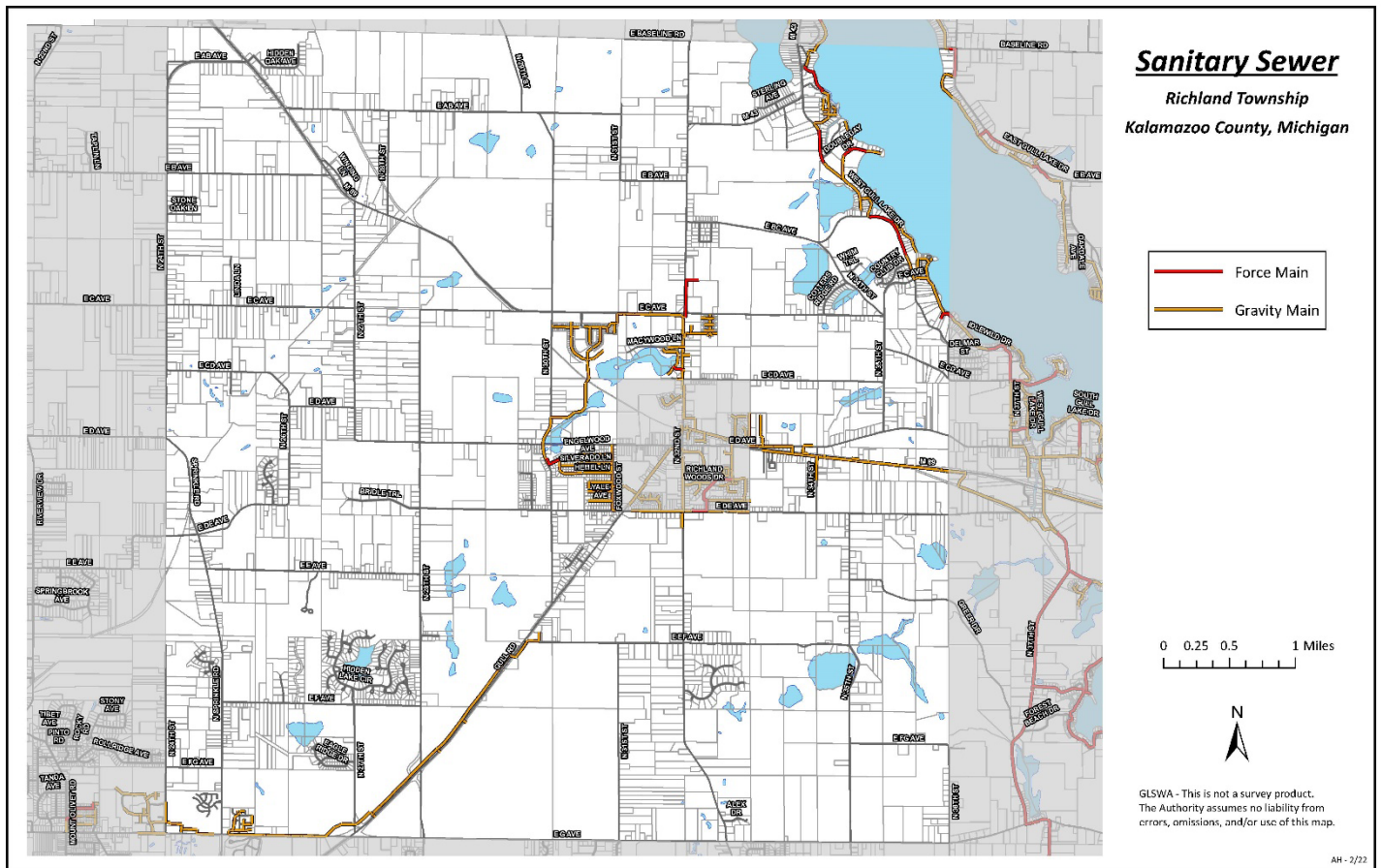
- K. Inspection. An applicant for connection of a Building Sewer to the System shall notify the Authority when the Building Sewer is exposed and ready for inspection and connection to the public sewer.
- L. Authority Responsibility for Repairs; Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System (including the Service Connection) shall be a budgeted expense of the System, subject to sub-section N below. Grinder Pump Systems owned, operated and maintained by the Authority shall be provided power from the property owner's power system (electric meter) at the premises. The Authority shall not be responsible for the electrical operations cost of the Grinder Pump System.
- M. Property Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacements of a Building Sewer and its connection to the Public Sewer (even if a portion thereof is located in a public right-of-way) shall be borne by the property owner. Grinder Pump Systems owned, operated and maintained by the Authority shall be provided power from the property owner's power system (electrical supply) at the premises.
- N. On-Lot Access Requirements - Grinder Pump System. Prior to the approval and issuance of a Service Connection permit for a Service Connection to a Grinder Pump System, the property owner will be asked to sign a form prepared by the Authority granting permission for the Authority, its contractors and service technicians to have access to the property for the purposes of installation, maintenance, repair and replacement of the Grinder Pump System Service Connection and, without limit, its components. If the Owner or his/her agent fails to sign the approval form or thereafter declines to provide appropriate and timely access to the property for the purposes listed above, then one of the following will occur at the sole discretion of the Authority: (i) The Authority shall offer the property owner and the Owner shall accept an appropriate bill of sale conveying from the Authority to the Owner title to all components comprising the Service Connection. The Owner shall, at his or her expense, install, repair, operate, maintain and replace the Service Connection in accordance with the same standards followed by the Authority with respect to Grinder Pump Systems owned, operated and maintained by the Authority; (ii) the property shall no longer be connected to the Public Sewer.
- O. Excavations; Regulations. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority and other public bodies having jurisdiction over such matters.
- P. Connections Allowed Only if Capacity Available. No connection to the System will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional BOD and Suspended Solids loadings. Determinations of such hydraulic impact are made by the Authority's engineers and may be subject to approval of the MDEQ of the State of Michigan.
- Q. Service Lead Installation: The Authority shall be responsible to install, at Authority cost, the Service Lead or Stub extending perpendicular to the Lateral Main to and/or onto the property. The cost of this installation shall be borne solely by the Authority, unless, upon review by the Authority and its engineers, the Authority determines that there are special circumstances (e.g., terrain, highway crossings, pipe sizing, redundancy or other similar considerations) that add to the cost of the installation. The Authority, in such a circumstance, may require the property owner to pay all or a portion of this added cost of installation.
- R. Connection to Sewer; Disconnection of Private Facilities. At such time as connection shall be made to the public sewer, any septic tanks, cesspools and similar private Sewage Disposal Facilities shall be abandoned and filled with suitable material as may be required by the State Health Department, County Health Department, the Authority or the Municipality.

- S. Disconnection of Service. Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
1. Misrepresentation in the permit application as to the property or Residential Equivalent Units to be serviced by the System.
 2. Unsafe or improper construction methods as determined by the Authority or other regulatory agency.
 3. Failure or refusal to keep a Building Sewer in a suitable state of repair.
 4. Nonpayment of any Connection Fee, User Fee, or any other rate, charge or fee authorized by this Ordinance.
 5. Violation or attempted violation of any provision of this ordinance or of any rule or regulation promulgated by the Authority or the Director, or failure to appear at a hearing under this Ordinance when required.

The Authority shall provide 30 day[s] written notice to the User at its last known address prior to disconnection. The Authority shall provide written notice of the disconnection to the Owner and the Municipality.

- T. Interceptors. Exterior grease, oil, sand or other interceptors shall be provided at the Owner's expense for industrial, commercial and residential (excluding single family dwelling units) premises where it is determined by the Authority that the wastewater discharge from said premises is deleterious to the System or causes excessive or unnecessary System maintenance. The Owner of a building existing prior to the effective date of this Ordinance may, with the prior written approval of the Director, be permitted to install and operate an interior type interceptor until such time as the Director determines that an exterior interceptor is required in order to avoid adverse impact downstream. All interceptors shall be properly maintained and operated by the Owner, shall be of a type and capacity approved by the Authority's engineers, shall be subject to approval by State or Local Plumbing Code Inspectors, and shall be located as to be readily and easily accessible for cleaning and inspection. Proof of proper maintenance and operation may be required by the Authority.
- U. Service Area, Service Map, and Extension of Sewer Service. Public sewer service has been approved, provided, and is subject to all of the provisions of this Ordinance to the Service Area as depicted on the Service Area Map. Any extensions of public sewer service to properties not on the service area map shall require the prior approval of the Richland Township Board and an Ordinance amending the service area map.

1. Current Service Area Map



(Ord. No. 232, amended, § 5, adopt. 3/15/2022)

160.006 Rates; connection fees; user fees; debt retirement fees; miscellaneous user fees.

Sec. 6.

Purpose. The System is an integrated wastewater operation consisting of Lateral Mains, trunk sewers, pump stations, lift stations and appurtenances thereto, which operate as a whole, providing for the collection, transportation and treatment of Sewage, and must be viewed as such when establishing rates for the System. The purpose of establishing rates for connection and use of the System is primarily to regulate the use of the System and to ensure the equitable allocation of the costs of construction, operation and maintenance of the System, including the risk of liability, including long-term operation and replacement associated with the System, and including the acquisition of adequate treatment capacities from contractual third-parties.

- A. The specific amounts/rates of the various fees and charges imposed under this Ordinance shall, except as otherwise set herein, be the same as were in effect under the prior SEWAGE DISPOSAL SYSTEM ORDINANCE: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT. The rates/amounts of all fees and charges imposed under this Ordinance may hereafter be amended from time-to-time by resolution of the governing body of the Municipality or, where applicable, the Authority Board.

The fees established herein shall be divided into four categories: Connection Fees, User Fees, Debt Retirement Fees and Miscellaneous User Fees.

1. *Connection Fees.* The Connection Fees shall be set in order to regulate the management of connections and to meet the immediate and long term capital requirements of the System. The Connection Fees ensure the integrity of the System by raising sufficient funds to pay for the long-term management of new connections and to meet the System capital requirements for replacement, improvement and/or expansion of the System which charges shall be in reasonable proportion to the costs of the services provided. Such fees shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality as may be necessary to produce these amounts. The Municipality may charge differing Connection Fees for different sewer districts based upon cost of construction, maintenance and/or replacement.
 2. *User Fees.* The User Fees shall be set in order to regulate the buildings and structures which are connected to, and are currently using the System, and to provide for the payment of the expenses of administration, operation and maintenance and replacement of the System as necessary to preserve the same in good repair and working order; and to provide for the payment of the contractual obligations of the Municipalities served by the Authority; and to provide for such other expenditures and funds for the System as established by the Authority; which charges shall be in reasonable proportion to the cost of the services provided. Such fees shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality. Each User other than a single family residence shall pay the User Fee at a rate based upon multiplying the User Fee by a factor representing a rate of sewer use by such class of Users to normal single family residential sewer use as reflected in Appendix A. Based upon cost of service, the Municipality may charge differing User Fees for designated Sewer Districts.
 3. *Debt Retirement Fees.* The Debt Retirement Fees shall be set in order to provide for the cost of capital expenditures for which debt has been incurred for the construction, expansion, improvement and/or replacement of the System and to assist in the equalization and leveling of the Connection Fees charged for construction, expansion and replacement of the System, thereby avoiding the spiking of rates which further the regulatory purpose associated with Connection and User Fees for use of the System. Such rates shall be fixed and revised from time-to-time upon recommendation of the Authority Board to the Municipality and subsequently by resolution of the governing body of the Municipality as may be necessary to produce these amounts. Based upon cost of debt for certain districts, the Municipality may charge different fees for different Sewer Districts.
 4. *Miscellaneous User Fees.* The Authority shall, from time-to-time, establish by resolution and impose on one or more Users a Miscellaneous User Fee, as necessary, for the cost of miscellaneous service, repairs and costs associated with the System and incurred by the Authority as a result of the intentional or negligent acts of such User or Users, including, for example and without limitation, excessive inspection or other services not covered by other fees, costs of repairing and/or replacing a Grinder Pump, costs incurred by the Authority to shut off and turn on sewer service and costs incurred by the Authority for the treatment of Storm Water, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water improperly diverted into the System.
- B. *User Classes.* All Users of the System will be included in a User class and each User class will pay for its proportionate share of the use of the System in terms of volume and pollutant loading. The components of sewer use charges levied to defray the cost of operation, maintenance and replacement (including depreciation) of the System shall also be proportionate, with the Municipality having the authority to charge a higher User Fee to reflect the higher operation, maintenance and replacement costs within a specific User Class and/or a Sewer District. The classes of Users shall be as defined in Section 4 of this Ordinance.

- C. *Connection Fees.* Each person desiring to connect to the System shall pay a fee for the privilege of using the facilities and receiving the service of the System in the amounts given below:
1. *Direct Connection.* For each house, building, or structure connecting directly to the System, there shall be charged a Direct Connection Fee per Residential Equivalent Unit. Those parcels located in a special assessment district and subject to a Full Special Assessment shall be credited for a Direct Connection Fee for each Residential Equivalent Unit assessed.
 2. *Indirect Connection.* For each house, building, or structure connecting indirectly to the System there shall be charged an Indirect Connection Fee per Residential Equivalent Unit. Indirect connection fees defray proportionate shares of necessary oversizing of the System.
- D. *Payment of Connection Fees / Installment Plan with interest.* Connection Fees as set forth herein shall be due and payable in cash upon application for connection to the System; provided, however, that pursuant to resolution of the Authority Board, said fees may be payable in installments plus accrued interest to be paid annually on the unpaid balance. The terms of payment, amount of initial down payment, rate of interest and other characteristics of installment payment plans for respective Sewer Districts shall be determined from time-to-time by resolution of the Authority Board. All installment agreements shall be in writing. The Authority Board may, based upon cost of funds and financing arrangements/commitments, determine that allowing installment payments within certain Sewer Districts for a given period of time may negatively impact the ability of the Authority to meet its short-term obligations, and therefore, the Authority Board may deny the use of installment plans for a Sewer District for a given period of time.
- E. *Industrial Users; Normal Strength Sewage.* Each industrial User that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Authority in amounts based on the actual waste volume and strength from such User as stated elsewhere in this ordinance.
- F. *Industrial Users to Pay Proportionate Share.* Each industrial User shall pay the proportionate share of the operation, maintenance and replacement/ depreciation costs of the System that are allocable to the treatment of said User's Industrial or Commercial Waste.
- G. *Sewage Exceeding Normal Strength.* Each User that proposes to discharge wastewater to the System which exceeds the limits of Normal Strength Sewage will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to Normal Strength Sewage, or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to Normal Strength Sewage. Said surcharge shall be established from time-to-time by resolution of the governing body of the Municipality.
- H. *Special Rates.* For miscellaneous services or where a premise receives sewer service for which a special rate need be established, such rates shall be recommended by the Authority and fixed by resolution of the governing body of the Municipality.
- I. *Delivery of Bills.* All bills and notices relating to the conduct of the business of the Authority and of the System will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Authority. The Authority, as agent for the Municipality, shall not otherwise be responsible for delivery of any bill or notice, nor will the person be excused from nonpayment of a bill or from any performance required in said notice.
- J. *Billing.* Bills will be rendered as follows:
1. For Users whose charges do not exceed \$120.00 per quarter, bills will be rendered quarterly.
 2. For Users whose charges are \$120.00 per quarter or more, bills may be rendered monthly.

All bills shall be payable without penalty within 30 days after the date thereon. Payments received thereafter shall bear a penalty of five percent of the amount of the bill.

- K. *Enforcement.* All rates, charges and fees established by this Ordinance for connection to and use of the System shall be a lien on the property in accordance with the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, are made a lien on all property served thereby, and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall certify annually on August 1 of each year to the tax assessing officer for the Municipality, the facts of such delinquency, whereupon such charge including penalties shall be by him/her entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and services. In addition to the foregoing, the Municipality and the Authority shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties plus a turn-on charge, to be specified by resolution of the Authority Board, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Municipality by court action, together with such attorney fees and costs as authorized by law.
- L. *Re-establishing Service; Deposit Required.* In addition to the foregoing, where the sewer service supplied to a house, building, or structure has been discontinued for nonpayment of delinquent bills, the Authority reserves the right to require by Resolution that a sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit.
- M. *Appeals.* Any person has the right to appeal the basis for any charges developed in accordance with this ordinance. Appeals shall be directed to the Authority Board, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal shall be obtained by said person at his expense. Resolution of appeals shall be made within 30 days by action of the Authority after receiving written recommendation from the Director in accordance with best available data and the formulations presented in this ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force throughout the System. All bills for any rates, charges or fees for services provided under the terms of this Ordinance, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Upon resolution of the appeal and if necessary, the Authority shall adjust said charges accordingly including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.
- N. *Audit Review; Adjusting Charges.* The Authority Board shall have an independent annual audit performed of the System operation and maintenance costs plus all other revenue and expense obligations. Such an audit shall be conducted annually by the Authority on or before September 1st, and a copy thereof provided to the Municipality's Clerk. The Municipality shall review the audit and if necessary, adjust rates at least annually to the users of the System in accordance with applicable USEPA regulations and contracts with the Authority.
- O. *No Free Service.* No free service shall be furnished by said System to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.
- P. *Interruptions of Service.* The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all persons affected by such interruptions will be notified in advance whenever it is possible to do so.

160.007 Revenues.

Sec. 7.

- A. *Depository Funds.* The revenues of the System (excluding collections of special assessments for the System) shall be set aside, as collected and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated Sewer System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified. Collections of special assessments for the System shall not be deposited in the Receiving Fund or the Operation and Maintenance Fund but shall be deposited in the Contract Payment Fund so designated for the respective debt repayment.
1. *Operation and Maintenance Fund.* Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
 2. *Contract Payment Fund.* There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the obligations pursuant to contracts for payment of bonds or other obligations issued to finance the costs of System facilities. There shall be deposited in said fund the collections of Special Assessments imposed by the Municipality to defray part of the costs of System improvements which were financed by the aforementioned bonds or other obligations plus, to the extent necessary to meet contract obligations, Connection Fees received by the Authority for connections to said System improvements which were financed by the aforementioned bonds or other obligations. Should the Connection fee revenues from connections within the Municipality, together with the Special Assessment collections prove insufficient to pay the contractual obligations when due, such revenues may be supplemented by any other funds of the Municipality legally available for that purpose.
 3. *Replacement Fund.* There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major planned repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Authority shall deem necessary for this purpose.
 4. *Capital Improvement Fund.* There shall next be established and maintained a Capital Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Authority shall determine, including funds necessary in reserve for future unforeseen major capital expenses, replacements and upgrades of the System.
- B. *Surplus Monies.* Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may at the option of the Authority be transferred to the Capital Improvement Fund or used in connection with any other project of the Authority reasonably related to purposes of the System.
- C. *Bank Accounts.* All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Authority within this single bank account, in the manner above set forth. The Authority, as operating agent for the Municipalities shall be authorized to act for the Municipalities to establish, maintain and fund the

aforesaid accounts. The Authority Board may fix names for the various accounts different from those set out above, and may establish such accounts for the common benefit of all public corporations in the service area, so long as the essential purpose of the aforesaid System of accounts is preserved and so long as the Authority maintains a system of accounting which permits it to determine which public corporations' charges have produced monies in its various accounts.

- D. *Transfer of Funds.* In the event that monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the System, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.
- E. *Monies May be Invested.* Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.
- F. *Operating Year.* The System shall operate on the basis of an operating year commencing on April 1, and ending on the last day of March next following.

160.008 Hardship application.

Sec. 8.

- A. *Basis for Application.* The Owner or Owners of a single-family residence in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Authority Board seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:
 - 1. The Owner of the premises shall, under oath, complete a hardship application provided by the Authority, and file said application, together with all other information and documentation reasonably required by the Authority with the Authority Board not less than 60 days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
 - 2. Hardship applications shall be reviewed by the Authority Board, and after due deliberation of hardship applications, the Authority Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
 - 3. An applicant aggrieved by the determination of the Authority Board may request the opportunity to appear before the governing body of the Municipality in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship by the governing body of the Municipality shall be final and conclusive.
 - 4. In the event that the Authority Board or governing body of the Municipality (upon appeal) makes a finding of hardship, said Board shall fix the amount of partial or total deferment of the charge so imposed, and in doing so, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Authority so that a further review of the matter may be made by the Authority Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

- a) A change in the financial status of any applicant which removes the basis for financial hardship;
 - b) A conveyance of any interest in the premises by any of the applicants, including execution of a new security interest in the premises or extension thereof;
 - c) A death of any of the applicants.
5. Upon a determination of the Authority Board or governing body of the Municipality (upon appeal) deferring all or part of the charges imposed, the Owners of the premises shall, within one month after such determination, execute and deliver to the Municipality as the secured party a recordable security instrument covering the premises, and such other documents deemed necessary to secure the payment guaranteeing payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

160.009 Other conditions of disposal.

Sec. 9.

- A. *Septic Tank Unlawful: Exceptions.* Except for facilities approved by the County Health Department, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of wastewater within the Municipality after the effective date of this ordinance.
- B. *Depositing Sewage Upon Property: Unlawful.* It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the Municipality or in any area under the jurisdiction of the Municipality, any human or animal excrement, garbage, or objectionable waste.
- C. *Discharging Untreated Sewage: Unlawful.* It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of the Municipality, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with all applicable provisions of Local, State and Federal regulatory agencies.
- D. *Discharge of Unpolluted Drainage to System: Unlawful.* No person shall discharge or cause to be discharged, any Storm Water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer of the System. If a person is found to be discharging such water into the System, the person shall be given written notice to disconnect within 90 days or be subject to a Miscellaneous User Fee for such discharge.

EXCEPTION: For basement or foundation drain systems (e.g., b-dry type collector systems) should the Owner or occupant of the premises add one or more chemicals to such groundwater or subsurface drainage for maintenance purposes, the groundwater or subsurface drainage from the system may be permitted by the Authority in its sole discretion to be connected to the Public Sewer System, subject to the following conditions:

- 1. The Authority shall be provided by the Owner with annual written verification of the addition of such chemical(s) to the groundwater or subsurface drainage.
- 2. A water meter (or flow meter if a gravity connection is involved) approved by the Authority shall be installed and maintained on the groundwater discharge pipe. If there is more than one groundwater discharge pipe, such a meter shall be installed on each of the pipes or the piping be connected such that one meter can provide measurement of the total discharge from all of the pipes.

3. Installation and maintenance of an Authority-approved water meter on the drinking water well supply (if the premises is not connected to the public water system).

Meters shall be supplied by the Authority at no cost to the Owner. Installation cost of the meters shall be at the expense of the Owner and subject to inspection by the Authority at the time of installation and also at reasonable times as determined by the Authority to read or verify readings and operation of the meters. Meters shall have exterior reading capability. The Authority shall read the meters quarterly or more frequently and shall use the readings to calculate (based upon the surcharge fee rate to be established by the Authority) the quarterly surcharge fee, if any, to be paid by the Owner for the treated groundwater or subsurface drainage discharged into the Public Sewer System. Should the Owner take any action that prevents the Authority from obtaining such meter readings, the Authority, in addition to all other remedies it may be entitled to under law and this Ordinance, shall determine the quarterly surcharge to be paid by the Owner as a Miscellaneous User Fee based upon the Authority's best estimate of the volume of the treated groundwater or subsurface drainage from the subject premises into the Public Sewer System.

- E. *Private System: Regulations.* The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality or Authority.
- F. *Additional Requirements.* No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the State of Michigan or the United States including, but not limited to, the Michigan Department of Environmental Quality.
- G. *Existing Building Sewers.* Existing Building Sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Authority to meet all requirements of this Ordinance and applicable building codes. Upon connection of the premises to the Public Sewer, septic tanks and drywells shall no longer be utilized for the containment or disposal of Domestic Sewage. In the event that a property owner requests reuse of an existing building sewer, the Authority shall provide a closed-circuit televised inspection of the existing building sewer at a fee determined from time-to-time by resolution of the Authority, in order that the Authority may grant or deny permission for reuse of the building sewer. All determinations made by the Authority shall be final.
- H. *Prohibited Discharging.* No person shall convey, deposit or cause or allow to be discharged, conveyed, or deposited into the wastewater System any pollutant other than a compatible pollutant which the System expressly agrees to accept from a User, or any wastewater containing any of the following:
 1. BOD in excess of 200 mg/l.
 2. COD in excess of 450 mg/l.
 3. Chlorine demand in excess of 1 mg/l.
 4. Any pollutant which imparts a color to the wastewater in the wastewater System, which color cannot be removed by the System's treatment process or which is prohibited by the NPDES permit.
 5. Liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion. Such prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, and carbides.
 6. Garbage not properly shredded (no particle size greater than one-half inch).
 7. Grease, oil, wax, or fat, where emulsified or not, in excess of 150 mg/l, or other substances which may solidify or become viscous at temperatures between 0 and 65 C at the point of discharge into the wastewater System, or concentrations or amounts of oil or grease from industrial facilities violating pretreatment standards.

8. Radioactive wastes or isotopes unless their disposal via wastewater is authorized by Federal, State and Local regulations, and then only when discharge into the wastewater System does not cause damage or a hazard to the System, the persons operating the System, or the general public or concentration which may exceed limits established by applicable State and Federal regulations.
 9. Wastes of a temperature less than 3 C. (37.4 degrees F) or greater than 65 C. (149 degrees F).
 10. Solids, liquids, or gases from processes employed in the User's business, trade or profession which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for maintenance or repair.
 11. Any toxic substances in amounts which cannot be handled by the System or which exceed standards promulgated by the USEPA pursuant to Section 307(b) of the FWPCA, or toxic substances included in any regulations of the MDEQ which identify and prohibit discharge of toxic substances into the water of the State.
 12. Any pollutant which deleteriously affects the wastewater System or process, or any pollutant which is regulated by the NPDES permit issued to the City of Kalamazoo and which will pass untreated or unaffected by the treatment System.
 13. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the wastewater System such as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, fleshings or entrails.
- I. *Limitations on Wastewater Discharging.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection H, and which in the judgment of the Director may deleteriously affect the wastewater System or carry through the System untreated any pollutant regulated by the NPDES permit issued to the City of Kalamazoo; or constitute a hazard to human or animal life or to any water course receiving the treated effluent of the wastewater System; or violate any pretreatment standards hereinafter established; or cause the wastewater System to violate its NPDES permit or other applicable receiving water standards, the Director may:
1. Reject the wastes and/or refuse to accept the waters or wastes into the System,
 2. Require Pretreatment to an acceptable condition for discharge into the public sewers,
 3. Require control over the quantities and rates of discharge and/or,
 4. Require payment to cover added cost of handling and treating the wastes not covered by existing sewer use charges.
- If the Authority permits the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances and laws. The property Owner shall not commence construction of such facility until he has obtained such approvals in writing from the Director and appropriate State agencies.
- J. *Preliminary Treatment Facilities.* Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.
- K. *Control Manholes.* When required by the Authority the Owner of any property serviced by a Building Sewer carrying industrial or other wastes shall install a suitable Control Manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling

and measurement of the wastes. Such a manhole or manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Authority and appropriate state agencies. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- L. *Sampling: Water Analyses.* All measurements, tests, analyses of the characteristics of water and wastes to which reference is made, in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods of the Examination of Water and Wastewater" and shall be determined upon samples taken from the Control Manhole or other necessary locations. Samples shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Authority.
- M. *Commercial Waste Hauling: Regulation.* Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the Public Sewer System except as authorized by the Director (in writing).
- N. *Special Arrangements for Treatment.* No statement contained within this Section shall be construed as preventing any special agreement of arrangement between the Municipality and the Authority, and any industrial or commercial concern whereby an industrial or commercial waste of unusual strength and/or character may be accepted by the Authority for treatment, subject to payment therefore by the industrial or commercial concern.
- O. *Inspection.* Agents of the Authority, Municipality, Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency and other related local, state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage System by any user, such metering to be in the discretion of and at the cost of the user or property Owner.
- P. *City of Kalamazoo Standards.* Notwithstanding anything in this ordinance, all Users shall comply with standards of the City of Kalamazoo concerning wastewater disposal and use of the System, and the Authority is authorized to implement said standards by published rules and regulations from time-to-time.

(Ord. No. 255, § 4, adopt. 11-19-2013)

160.010 Industrial waste treatment.

Sec. 10.

- A. *Discharging Industrial Wastes: Requirements.* Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Authority, and the Authority may also require each Person who applies for or receives sewer service, or who through the nature of the enterprise creates a potential environmental problem as determined by the Authority's engineers, to file the documents listed below:
 - 1. A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of waste discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

2. A plan map of the building, works or complex, with each outfall of the surface waters, sanitary sewer, storm sewer, natural watercourse and/or groundwater noted, described and the waste stream identified.
 3. Sample, test and file reports with the Authority and the appropriate local and State agencies on appropriate characteristics of waste on a schedule, at locations, and according to methods outlined in this ordinance.
 4. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
 5. A report on raw materials entering the process or support System, intermediate materials, final product, and waste by-products, as those factors may affect waste control.
 6. Records and file reports on the final disposal of specific liquid, solids, sludge, oil and radioactive material, solvent or other waste.
 7. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Authority subject to approval.
- B. *Industrial Representative: Duties.* One person from each industrial User shall be designated by the user (subject to approval by the Authority) to be responsible for industrial wastes admitted to the System. The designee shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no Pretreatment is provided, the designee shall be involved with prevention of accidental discharges of process wastes admitted to the System. The designee must become aware of all potential and routine toxic wastes generated by his industry. The designee must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the System.
- C. *Catalog of Chemicals: Discharges.* The industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the Sanitary Sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Director and shall be treated as confidential information.
- D. *Process Alterations.* The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years, one year, two years, five years; and should consult with management to determine if such alterations are scheduled and forthcoming.
- E. *Plant Layout Sketch.* A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the System must be included on the plant layout sketch.
- F. *Pretreatment.* There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed herein, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner-such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the System.

- G. *Secondary Containment.* Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150 percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.
- H. *Sampling.* An adequate sampling vault or Control Manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording over a long duration, or 24-hour composite sampling, then a more complex manhole would be mandatory complete with 110 volt AC, at the expense of the property Owner or User.
- I. *Costs: Surveillance Fee, Surcharge.* A yearly surveillance fee may be initiated by resolution of the Authority Board to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.
- J. *Unpolluted Drainage Where Discharge Allowed.* Storm sewer and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.
- K. *Industrial Cooling Water Containing Pollutants.* Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids, shall be treated for removal of the pollutants and then discharged to the storm sewer.
- L. *Pretreatment Facilities.* All major contributing industrial users shall pretreat any pollutant in its wastewater which may interfere with, pass through untreated, reduce the utility of municipal sludge, or otherwise be incompatible with the treatment works. Pre-treatment of such pollutants shall be in accordance with Section 307 of Public Law 92-500, 40 CFR 403, and as determined by the Director. All owners of and source to which pre-treatment standards apply shall be in compliance within the shortest reasonable time, but not later than the date of compliance required by 40 CFR 403 or the date established by the Director whichever first occurs. All such owners shall submit to the Director semi-annual notices (on April 1 and on October 1 each year) regarding specific actions taken to comply with such standards.

160.011 Protection from damage.

Sec. 11.

- A. *Damaging System: Prohibited.* No Person or Persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.
- B. *Interruption of Service.* The Authority and the Municipality shall in no event be held responsible for claims made against them by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no Person shall be entitled to damages nor have any option of a payment refunded for any interruption.

C. *Overflow or Backup.*

1. *Liability.* Pursuant to Public Act 170 of 1964, and as thereafter amended, neither the Municipality nor the Authority shall be subject to non-economic damages caused by a sewage disposal system event unless the individual making the claim has suffered death, serious impairment of body function or permanent serious disfigurement. Neither the Municipality nor the Authority shall be responsible for economic damages unless Claimant can show that a sewage disposal system event caused property damage or physical injury and the Claimant can show:
 - a) The Municipality or the Authority is the appropriate governmental agency(s);
 - b) The sewage disposal system had a defect;
 - c) The governmental agency knew or, in the exercise of reasonable diligence, should have known about the defect;
 - d) The governmental agency having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect;
 - e) The defect was a substantial proximate cause of the event and the property damage and/or physical injury;
 - f) The Claimant must also show reasonable proof of ownership, value of the damaged personal property, and comply with Section 19 of Public Act 170 of 1964, as amended.
2. *Notice.* The Municipality or its designated representative shall be notified in writing not more than 45 days after the date the damage or physical injury was discovered, or in the exercise of reasonable diligence should have been discovered, and which the property owner believes is attributable to overflow or backup of the sewer system. The notice must contain the following:
 - a) Claimant's name;
 - b) address;
 - c) telephone number;
 - d) address of the affected property;
 - e) the date of discovery of any property damage or physical injuries with a brief description of the claim.
 - f) the notice must be sent to the appropriate Municipality and its designated representative.
3. *Inspection.* The Municipality or its designated representative, upon receipt of the notice of claim, may inspect the damaged property or investigate the physical injury and the Claimant or Owner or occupant of the affected property shall not unreasonably refuse to allow such inspection.
4. *Settlement.* If the Municipality or its designated representative against which a claim is made cannot reach an Agreement for compensation for the property damage or physical injury within 45 days after the receipt of the notice, the Claimant may institute a civil action to recover a claim of damages.
5. *Legal Authority.* The protection and damage provisions provided for in this Section have been instituted pursuant to Public Act 170 of 1964, as amended. In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Public Act 170 of 1964, as amended, the specific requirements of that Act shall control.

160.012 Inspections.

Sec. 12

- A. *Inspection.* Any house, building, or structure receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Authority.
- B. *Authority of Inspectors: Limitations.* The Director and other duly authorized employees of the Municipality or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the System under this Ordinance shall be deemed to have given consent to all such activities including entry upon that Person's property. The Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

160.013 Connection to system.

Sec. 13. It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people in the Municipality and that all premises on which structures in which sanitary sewage originates or are situated shall connect to the System at the earliest reasonable date as a matter for the protection of the public health, safety and welfare of the Municipality. Therefore, all premises on which structures are situated or become situated and from which sanitary sewage originates and as to which sewer services of the System shall be available (or are made available) within 200 feet shall connect to said System as follows:

- A. Upon failure of the existing Sewage Disposal Facilities as determined by the Health Department.
- B. Upon modification of a structure so as to become a Structure in which Sanitary Sewage Originates.
- C. Newly constructed Structures in which Sanitary Sewage Originates shall be connected prior to occupancy.
- D. Within 18 months (or such shorter time period set by the governing body of the Municipality) after notification by the Municipality of the availability of the System to the premises is published in a newspaper of general circulation in the Municipality.

Said notification and enforcement of this section shall be in conformity with Act 368 of the Public Acts of Michigan of 1978, as amended.

160.014 Violations and penalties.

Sec. 14.

- A. *Written Notice of Violation.* Any person violating any provision of this ordinance may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations as determined by the Authority. However, proceedings to enforce this ordinance may be commenced without such written notice.
- B. *Penalties: Violation Declared Nuisance.* Any Person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Municipality has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. A violation of this Ordinance is also declared to be a public nuisance and the Municipality or Authority may also enforce the same by injunction or other relief which might be available or appropriate under the circumstances.

- C. *Violators Liable for Penalties Levied Against Municipality or Authority.* Any business, industry or person violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Municipality or Authority shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in subsection B of this section.

160.015 Validity, severability, effective date, publication.

Sec. 15.

- A. *Previous Ordinances Superseded.* This ordinance supersedes all other ordinances and amendments pertaining hereto. Ordinances and amendments in conflict herewith or portions thereof are hereby repealed.
- B. *Severability.* If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- C. *Publication.* This ordinance or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Municipality within 30 days after its adoption.
- D. *Effective Date.* This ordinance shall become effective September 1, 2008.

APPENDIX A

160.100 RESIDENTIAL EQUIVALENT FACTORS*¹

Occupation Use		Units	Unit Factor
1.	Single Family Residence	1.0	per residence
2.	Auto Dealers—New and/or Used	1.0	per premise per 1,000 sq. ft. of building inc. service area
3.	Auto Repair/Collision	1.0	same as above
4.	Auto Wash (Coin-Operated Do-it-yourself 10 gallons or less per car)	1.0	per stall
5.	Auto Wash (Mechanical—Over 10 gallons per car—Not Recycled)	10.00	per stall or production line including approach and drying area
6.	Auto Wash (Mechanical—Over 10 gallons per car—Recycled)	5.0	per stall or production line including approach and drying area
7.	Barber Shop	1.0	per shop plus 0.1 per chair after 2
8.	Bar	4.0	per 1,000 sq. ft.

¹The Authority may, in its discretion, require any user of the system, other than single family residences, to install a water or sewage meter to measure sewage use and to determine Residence-Equivalent factors at 200 gallons per unit. In this event, the meter reading shall be averaged for at least a three month period as determined by the Authority and then divided by the number of days metered, which resulting amount shall be divided by 200 gallons per day to determine the Residence Equivalence. The metering of the water or sewage flow for this purpose shall be accomplished by a meter approved by the Authority and all installation, repairs and maintenance expense shall be the responsibility of the owner.

9.	Beauty Shops	1.0	per shop plus 0.1 per booth
10.	Bowling Alleys (no bar)	1.0	per premise plus 0.2 per alley
11.	Churches	0.25	per 1,000 sq. ft.—minimum 1 unit
12.	Cleaners (pick-up only)	1.0	per shop
13.	Cleaners (cleaning & pressing facilities)	1.0	per premise plus 0.5 per 500 sq. ft.
14.	Clinics (Medical or Dental)	1.0	per premise plus 0.5 per exam room
15.	Convalescent or Boarding Homes	1.0	per premise plus 0.25 per bedroom
16.	Convents	1.0	per premise plus 0.25 per bedroom
17.	Country Clubs and Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse plus restaurant, bar and pro shop as retail store
18.	Drug Stores	1.0	per premise plus snack bar
19.	Factories (office and production)	0.75	per 1,000 sq. ft. based on Wet Process metered sewage flow
20.	Funeral Home	1.5	per 1,000 sq. ft. plus residence to be computed separately
21.	Grocery Stores and Super Market	1.0	per premise plus 0.8 per 1,000 sq. ft.
22.	Hospitals	1.1	per bed
23.	Hotels and Motels	0.40	per bedroom plus restaurant and bar
24.	Laundry (self-serve)	1.0	per premise plus 0.5 per washer
25.	Two Family Residential	1.0	per unit
26.	Mobile Homes (free standing)	1.0	per unit
27.	Mobile Homes (park or subdivision)	0.75	per pad or site plus laundry, community bldgs. and office to be computed separately per schedule
28.	Marinas—per boat docking space	.06	per space under 25 ft in length
		.1	per space over 25 ft. in length
29.	Multiple Family Residence	1.0	plus
	Duplex, Row Houses or Townhouses	.8	for each dwelling unit in excess of 1
30.	Apartment Residence—	1.0	plus
	unit including laundry facilities in apartment	.8	for each dwelling unit in excess of 1
31.	Apartment Residence—	1.0	plus
	unit not having laundry facilities in apartment	.6	for each dwelling unit in excess of 1
32.	Fraternity Sorority	1.0	plus
	Houses; Dormitories	.6	for each 2 residents in excess of 4

33.	Parks, Recreation Facilities, Campgrounds, Picnic Facilities—no bathing or overnight accommodations	0.2	per parking space
34.	Picnic Facilities—with bathing privileges or swimming pool	0.35	per parking space
35.	Campground Facilities—Recreation vehicles, tents, trailers under 12 feet	0.35	per pad or site picnic facilities
36.	Campground Facilities—Trailer parks or trailers in excess of 12 feet	0.50	per pad or site plus picnic facilities
37.	Post Office	1.0	per 1,000 sq. ft.
38.	Professional Office	0.25	per 500 sq. ft.—minimum 1
39.	Public Institutions	0.75	per 1,000 sq. ft.
40.	Restaurants (meals only)	2.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
41.	Restaurants (meals and drinks)	3.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
42.	Restaurants (public areas, auxiliary dining rooms, dance floors or ballrooms which are not in regular use)	0.5	per 1,000 sq. ft.
43.	Retail Store (other than listed)	1.0	per premise plus 0.1 per 1,000 sq. ft.
44.	Schools	1.0	per classroom
45.	Service Stations	1.5	per 1,000 sq. ft. of building area
46.	Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft.
47.	Theaters (drive-in)	0.04	per car space
48.	Theaters	0.04	per seat
49.	Warehouse and storage	0.2	per 1,000 sq. ft.
50.	Veterinary Facility	1.5	per facility
51.	Veterinary Facility with Kennel	1.5	per facility plus 0.5 per 5 kennels

161.000 PUBLIC WATER AND SEWER AND PROTECTION OF WATER RESOURCES

***CONFLICTING WATER SERVICE PROVISIONS CONTAINED IN SECTION 161.001 et seq were REPEALED AND REPLACED WITH ORDINANCE NO. 281, effective August 27, 2021.**

Ord. No. 72

Adopted: September 3, 1974

161.001 Title.

Sec. I. This Ordinance shall be known and hereafter cited as the Richland Township Public Sewer Service Ordinance.

161.002 Procedure.

Sec. II.

- A. *Application.* Any person, firm, or corporation desiring public sewer service shall file an application therefor with the Township Clerk, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use and/or type of waste to be discharged; the size of the service connection pipes desired; the distance, if known, that the property is located from any existing public or sewer main; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary sewer main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years, together with interest and administrative costs. Such application may take the form of a petition if several different persons are jointly interested in a particular project.
- B. *Special assessment district.* In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed sewer main, special assessment proceedings shall be instituted under Michigan Public Act 188 of 1954, as amended, (M.C.L. 41.721 et seq.), to accomplish the requested project and if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds therefor.
- C. *Cash deposit.*
 - 1. In the event an applicant desires to deposit with the Township, the total cost of the necessary project to furnish the requested sewer service, as determined by the Township Board, the applicant may do so under a contract with the Township, whereby the Township, together with the City of Kalamazoo, will supervise and/or construct the installation, in accordance with the design standards of the said City and Township.
 - 2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from charges collected by the Township from those connecting to the sewer main, who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any

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such reimbursement shall be limited to a period of 15 years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The amount of the connection charge shall be in the discretion of the Township Board but shall approximate the amount a connector would have paid on a benefit assessment basis, had his property been included in a sewer special assessment district created for the purpose of financing the project. The term "connection charge" as used in this Ordinance pertains to a charge for the privilege of connecting premises to a sewer main and does not pertain to the construction cost of such connection.

3. The amount of reimbursement, if any, to an applicant, per connection charge collected by the Township shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total reimbursement shall never be greater than the total cost of the project charged to the applicant.
4. No service connection nor main extension shall be allowed until the full charge has been paid to the Township in such an amount as is determined for each project by the Township Board and the plumbing to be connected has been fully inspected and approved by the Township and the City of Kalamazoo as in compliance with the plumbing codes of both City and Township. Such charges may be changed from time to time by the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects and special assessment districts.

The Township reserves the right to install any required service connection or main extension, to subcontract the same to the City of Kalamazoo or any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.

5. Any contract with an applicant shall contain, in addition to the foregoing, the following:
 - (a) A description of the district within which extensions or connections may be made to the system, entitling the applicant to reimbursement of a portion of his initial project cost.
 - (b) A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.
 - (c) A description of the area, if any, within which no connection charges are to be made by the Township and no reimbursement to be made to the applicant.
 - (d) The amount and condition of any performance bond which shall be required in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be 150 percent of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workmanlike manner in accordance with the plans and specifications of the Township and City and the furnishing of satisfactory evidence of the fact the project is free of present and future liens of contractors, sub-contractors and material men.
 - (e) The amount and condition of any public liability and property damage insurance which shall be required to insure the Township, the City, and the County of Kalamazoo in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be not less than \$300,000.00 and \$500,000.00 respectively.

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- (f) The amount, if any, to be paid the Township for administrative, legal and engineering costs or for the value of the availability of the sewer service to which the property of the applicant is to be connected.

(Ord. No. 277, § 1, adopt. 9-17-2019); as amended by 281 effective August 27, 2021.

161.003 Regulations.

Sec. III.

- A. *Sewer rates.* No free public sewer service shall be allowed and all those properties connected to a public sewer system shall be subject to the payment of such sewer rates and charges as shall be determined by the Township Board, which shall, in no event, be less than 150 percent of similar rates charged within the City of Kalamazoo as set forth in the sewer agreements negotiated between the City of Kalamazoo and the Township.
- B. *Termination of service.* The Township shall have the right to terminate any sewer service to any premises within the Township when any delinquency exists with respect to any sewer payments due under this Ordinance, or otherwise; or where any premises does not comply with all the plumbing codes of the Township and the City of Kalamazoo and with any and all restrictions and limitations on the use of the particular sewer service imposed by the Township Board, the contract between the Township and the City of Kalamazoo, the contract between the Township and any applicant, or otherwise.
- C. *Service deposit.* The Township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for sewer service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent application for such refund, provided no delinquency then exists.
- D. *Lien rights.* All delinquent rates and charges for sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics' liens for non-payment; or after six (6) months' delinquency, may be certified to the Supervisor and Assessing Officer of the Township annually, on or before March 1 of each year and entered by him upon the next tax roll against the property served, for collection in the same manner as the collection of taxes.
- G. *Surplus funds.* Any surplus funds collected from sewer service or from capital improvements or extensions thereto shall be deposited into a sewer improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing the public sewer systems of the Township.
- H. *Unreasonable burden of sewage.* In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the public primary or secondary treatment plants treating such sewage above that imposed by the average sewage entering such treatment plants, the Township shall have the option, upon the request of the City, to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby required to be paid the City; to require the customer, upon demand of the City, to pre-treat such sewage in such manner as the City may order before the same enters the public system; and to terminate sewer service upon the order of the City to any premises which fails to comply with the foregoing.

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- I. *Required time of connection.* Any new buildings, including plats and subdivision, emitting sewage shall be constructed or developed with public sewer mains at the time of construction if public sewer service is available to the building, plat or subdivision. The Township Board shall have the right to determine whether the service is sufficiently near to require such public service main installation.
- J.
- L. *Plans and permits.* No public sewer main construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the Township and the City of Kalamazoo and all required state, county and municipal permits have been obtained.
- N. *Preliminary deposit.* All applications for public sewer service other than by petition for a special assessment district, requiring preliminary engineering analysis, review and plans, shall be accompanied by a cash deposit with the Township in such amount as shall be determined by the Township Board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.
- O. *Printed regulations.* The Township Board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for public sewer service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety and general welfare of the Township.
- P. *Utility board.* The Township Board shall act as a sewer utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement, and application of the within Ordinance and to grant variances from the requirements thereof where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purposes of the within Ordinance would continue to be served.

(Ord. No. 277 , §§ 2, 3, adopt. 9-17-2019); amended by Ordinance No. 281 effective August 27, 2021.

161.004 Prior city sewer contracts.

Sec. IV. Notwithstanding anything contained in this Ordinance to the contrary, sewage treatment contracts, if any entered into prior to the effective date of this Ordinance between the City of Kalamazoo and other private individuals or companies situated within the Township may continue for the period of the same in accordance with their terms and any provisions of this Ordinance in conflict therewith shall not apply to said individuals or companies-during the period said contracts are in force.

161.005 Sanctions.

Sec. V. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

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		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995); amended by Ordinance 281 effective August 27, 2021.

161.006 Saving clause.

Sec. VI. If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

161.007 Effective date.

Sec. VII. This Ordinance shall take effect October 15, 1974. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; repealed sections relative to water are crossed out in this section, see Ordinance No. 281, below.

161.200 Water Supply and Connection Ordinance, Ordinance No. 281
Adopted: July 20, 2021 effective August 27, 2021.

161.201 Title.

Sec. I. This Ordinance shall be known as the "Richland Township Public Water Supply and Connection Ordinance".

161.202 Definitions.

Sec. II. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"City" means the City of Kalamazoo or its city commission.

"City manager" shall mean the City Manager of the City of Kalamazoo.

"Public Water Supply System" means the water supply, treatment and distribution systems, including mains, transmission lines and laterals along with the water treatment plan and pumping facilities, together with related appurtenances thereto, including, but not limited to fittings, valves, hydrants, pumps, pumping equipment, water storage facilities, and related equipment. The City of Kalamazoo is the owner and operator of the public water supply system in accordance with a contract entered into by the Regional Commission and the City in March, 2021.

"Commodity Charge" means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer.

"Cross connection" means any arrangement of piping or other connections, breaks or injury to the water system through which water, including water of questionable quality, waste or other contaminants, can enter the public water supply system.

"Curb Stop" means the point at which the service tap connects to the water main.

"Customer" means any person, party, company or institution which is supplied with public potable water.

"Customer's water service" means any water supply piping from the curb stop to the building's plumbing.

"Department" is the Department of Public Services of the City of Kalamazoo.

"Director" means the City Director of Public Services or his/her authorized agent or representative.

"Disconnect notice" means that form which is mailed to delinquent water customers informing them of the amount due, future service charge and pending disconnection of the customer's water service if payment is not received by the date and time specified within the notice.

"Finalled account" means a customer's water service account that has been billed for services through the last (final) day of use by the customer of that account.

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“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

“Premises” means a parcel of land and the buildings located on it.

“Potable water” means a water supply that does not contain contamination or infectious material and is considered satisfactory for drinking.

“Readiness-to-serve charge” means a charge based on meter size, which does not vary with usage.

“Reduced pressure backflow preventer” means a device to eliminate the potential for backflow or back siphoning of non-potable water into the municipal water supply.

“Service Area” shall mean any area in Richland Township in which public water service has been authorized by the Township Board as is shown on the service area map, Section IIIC.1. of this Ordinance. Any extensions of public water service to unserved areas in Richland Township shall require the prior approval of the Richland Township Board and a service area map amendment prior to implementation. (Ord. No. 288, effective 3-23-22).

“Service tap” means that part of the service from the water distribution main to the curb stop, which is point of connection with the customer site piping at or near the property line. “Service Tap” also includes a shut-off valve and valve box installed by the department behind the curb and at the customer end of the service tap.

“Tampering” means the unauthorized alteration of a water meter or other plumbing facilities to obtain water or to circumvent the measurement of actual water consumption, excluding vandalism or other types of accidental damage.

“Township” means the Township of Richland or its Township Board.

“Township Water Service Representative” shall mean the Gull Lake Sewer & Water Authority, of which Richland Township is a member.

“Water connection” means that part of the water distribution system connecting the water main with the premises served. Such connection ends at the curb stop, provided, however, that the water meter shall be the property of the City.

“Water main” or “Public Water Main” means that part of the water distribution system located within easement lines or streets designed to supply more than one water connection. It is inclusive of water supply piping and connections and the curb stop normally located at the owner’s property line.

“Water rate” means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer

“Water service” means the equipment used to deliver and measure the potable water to the water service customer’s premises.

“Water Service Agreement” means a certain contract entered into by the City of Kalamazoo and the Charter Townships of Comstock, Cooper, Kalamazoo, Oshtemo and Texas, the Townships of Pavilion and Richland, and the Village of Richland approved in March 2021; as it may be amended from time to time.

161.203 Public Water System Control

Sec. III.

- A. **Control of System.** The operation, maintenance, alteration, repair and management of the Public Water System in Richland Township is the responsibility of the City of Kalamazoo in accordance with the Water Service Agreement; and is subject to the terms of such contract and franchise between the Township and the City of Kalamazoo for the exclusive provision of public water in Richland Township, Kalamazoo County, Michigan. Extension of Public Water Service in Richland Township shall be subject to the Water Service Agreement, this Ordinance, and the control of Gull Lake Sewer and Water Authority, to the extent permitted by such agreement.

In accordance therewith the Department and Director have primary oversight, operation, repair, management and maintenance responsibilities for the Public Water System in Richland Township, Kalamazoo County, Michigan.

The Township grants to the City and Department authority to make and issue rules and regulations concerning the water system, connection thereto, meter installation and maintenance, hydrants, and water mains and the appurtenances thereto, not inconsistent with this Ordinance. The rules and regulations in effect at the time of adoption of this Ordinance shall continue until changed in accordance with this provision.

- B. **Wells.** Where, in the determination of the Water Service Provider a health hazard exists or is fairly imminent from the existing water supply and the property has available public water service, the Township may require the discontinuance of the private water supply and the connection to the public water line.

1. Where a well is determined to be a threat to groundwater resources due to contaminants by the Kalamazoo County Health and Human Services Department, the State of Michigan, , the Township Board will accept a written notification from the Kalamazoo County Health and Human Services Department the State of Michigan or as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In the case of such order, arrangements for the provision of safe/bottled water shall be assured by the safe/bottled water supply entity in consultation with the Township.

2. Where a well is deemed a health or safety hazard due to contamination by the Kalamazoo County Health and Human Services Department, , the State of Michigan the Township board will accept notification there from as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In case of such order, arrangements for the provisions of safe/bottled water shall bA private discontinued well shall be abandoned when municipal water is installed and shall be plugged pursuant to the State Administrative Rules implementing the Part 127, 368 of 1978, as amended (MCL 333.12701 et seq.), the "State Well Code".

3. "Contaminant" as used in this subsection means any pesticide or fertilizer originated chemical, radionuclide, ion, synthetic organic compound, microorganism, or other waste that does not occur naturally or that naturally occurs at a lower concentration than detected.

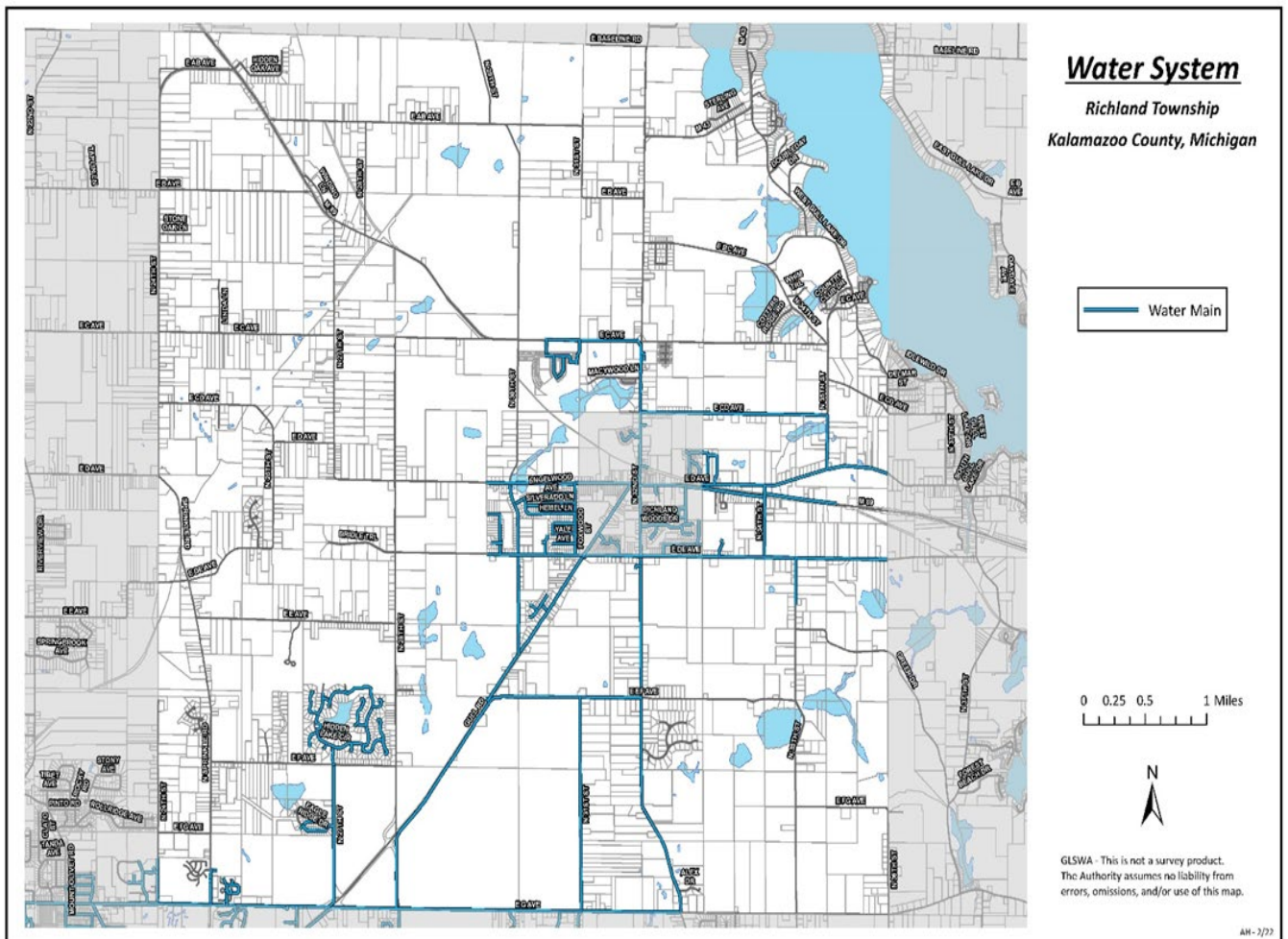
4. "Contamination" as used in this ordinance means the direct or indirect introduction into the environment of any contaminant caused in whole or in part by human activity.

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5. "Discontinued" shall mean the abatement of use of a private well that has been deemed contaminated or unsafe by one of the entities referred to in this subsection. A discontinued well shall be abandoned by the owner upon the provision of municipal water to the premises.

C. Service Area, Service Map, and extension of water service to unserved areas of the Township. Public Water Service has been approved and provided to the Service Areas as show on the service area map in this subsection. Any extensions of public water service to unserved areas of the Township shall require the prior approval of the Richland Township Board and an Ordinance amending the service area map

1. Current Service Area Map.



(Ord. No. 288, effective 3-23-22)

161.204 Rates, Fees, Bills, and Billing for Water

Sec. IV

A. **Recitals and Basis.**

1. All rates for water supply and services are based upon the furnishing of potable water to each customer at the connection point. Meters are used to establish quantity used at each connection point.
2. The amount of fees, rates, and charges shall be set in accordance with the terms of the Water Service Agreement, which shall be effective upon adoption and publication by the City Commission; and may be approved by resolution of the Township Board as they are amended from time to time.

B. **Payment Required.** A person using or otherwise desiring service from the public water system shall pay to the City the rates, charges and fees established by the City Commission and resolution of the Township Board, if any.

C. **Billing Methodology and Payments.** Deposits, Readiness-to-Serve Charges (if any); Water Rate Charges and Miscellaneous Fees shall be billed by the City of Kalamazoo to the individual township customers in the same manner and pursuant to the same system and methodology employed by the City in Chapter 38, Article III of the Kalamazoo City Code. The City is authorized hereunder to employ such billing methods, payment plans, budget plans, NSF check fees and all other billing and collection routines specified in Chapter 38, Article III of the Kalamazoo City Code, as it may be amended from time-to-time and so long as there is no differentiation in billing and collection method applicable to city versus township customers.

D. **Categories of Fees.**

1. **Service Connection Charges.** In accordance with Section 38-8 of the City of Kalamazoo Code of Ordinances, Service Connection Charges may be imposed and advance deposits towards contraction charges established under that Section may be required prior to construction.
2. **Water Rates and Fees.** Rates for water service to Richland Township Customers shall be in accordance with the Water Services Agreement, and Section 38-33 of the Code of the City of Kalamazoo, as may be adjusted from time-to-time in accordance with such documents and may be accepted by Resolution of the Richland Township Board.
3. **Miscellaneous Fees.** Miscellaneous fees and charges including but not limited to hourly charges and fees for field service work, NSF fees, overtime fees, adverse conditions charges, over- and under- charges, tampering charges, and any and all other services and charges referenced elsewhere in this Ordinance and authorized by the Kalamazoo City Code shall be charged to the customer in the amounts referenced within such provisions of the City Code. The City is hereby authorized to charge such fees to Richland Township water customers accordingly.

E. **Due Date; Penalty for Late Payment.**

1. **Monthly Bills, Notices and Disconnection.** Bills for water service charges are due and payable to the City in accordance with the City's regular billing cycles. Failure to receive a bill will not entitle a customer to forego any charge for non-payment within the time specified. The City is authorized to employ those methods for late payment billing, disconnect notices and

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discontinuation of service as indicated in the Kalamazoo City Code and is authorized herein to undertake those procedures.

2. **Voluntary discontinuation.** The customer is responsible for payment of all bills rendered until he or she orders the water service to be discontinued and the City has had reasonable time to affect such discontinuance.

F. Free Service Prohibited.

No free service shall be furnished by the water system to any person, public or private, or to any public agency or instrumentality.

G. Lien Rights

1. The charges for water service which become due and payable pursuant to this Ordinance, or otherwise, are hereby recognized to constitute a lien on the premises receiving such service. Whenever any such charge against any property shall be delinquent for six months, the City shall so notify the Township. The Township Treasurer will certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced. Nothing in this section, however, shall be deemed to prevent the Township or the City from suing in a court of law to collect the amounts due for water services or to pursue any other remedy which the Township or City may have. In addition to the other remedies provided for in this section, the City shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of such charges when due.
2. For Richland Township residential customers, no lien shall attach unless the user of the water service is also the owner of the real estate or unless the owner negotiated or executed an agreement with the tenant stating that the owner is responsible for the water bills and charges. Where notice is given in writing to the City that a tenant is responsible for the water bills and charges, said notice shall include a signed affidavit form that shall be notarized and a true copy of the lease of the affected premises shall be filed therewith. After such notice is received by the city, the city is authorized to refuse service to such premises unless a cash deposit as may be provided in the City's Code of Ordinances is provided by the tenant and all amounts due from the tenant have been paid in full. By filing the notices in the subsection, any charges for water services incurred by a tenant for service beginning with the first day of the billing cycle following the filing of the affidavit with the City shall not be subject to a lien against said premises.

161.205 General Regulations

Sec. V

A. Applications for service/service use change/resale of service.

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1. An application for a water connection shall be made to the Department on forms prescribed and furnished by the Department. No unauthorized person shall uncover, make any connections with or opening onto, use, alter, tamper, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Director. The applicant for a water permit shall notify the city when the water connection is ready for inspection and connection to the public water main.
2. Prospective customers shall be responsible for ascertaining from the City whether the property type and size of service delivery equipment is available at a particular location when planning the purchase and/or installation of any service connection.
3. No quantity of potable water delivered to premises shall be transmitted off of such premises by means of pipes, hoses, or connection to a different transmittal system. Personal-use amounts of drinking water shall not be included in this prohibition.

B. Equipment

1. **Selection.** Prior to the purchase of equipment for use in connection with the water system, the customer should secure from the City information as to the particular characteristics of the available water service (pressure, line size, etc.). The customer shall purchase and implement only that equipment that is authorized and approved by the Department for connection to the water system.
2. **Meters**
 - a. *Installation.* Water meters shall be installed in accordance with the rules and regulations of the Department and the manufacturer's installation instructions. Meter locations shall be provided on the customer's premises as directed by the Department or Director. The customer shall provide, as directed by and free of expense to the city and the township, close to the point of the connection, a suitable space for the installation of the metering equipment and shall, at all time, keep the area about, over and under the meter free and clear so that easy access may be had by authorized personnel of the city. All meters shall be the property of the City, which will determine, the size, type, location and suitability of the equipment.
 - b. *Connection to service tap.* The responsibility for the installation and maintenance of the water connection from the end of the service tap to the owner's premises, including department-supplied meter settings, shall be that of the owner served.
 - c. *Meters required.* All premises using water shall be metered. The appropriate meter size shall be determined by the Department to adequately serve the premises.
 - d. *Meter seals.* No person except a Department employee shall break or damage the seal or change the location of, alter, bypass or interfere in any way with any water meter. Any such unauthorized work on a meter shall be considered tampering under the provisions of this Ordinance.
 - e. *Access to meters.* The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any qualified employee of the Department shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purposes of reading, testing, removing, or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

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- f. *Reimbursement for damaged meters.* Any damage which a meter may sustain, resulting from tampering or carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the premises served to the City on presentation of a bill therefore; and in cases where the bill is not paid, the water will be shut off and shall not be turned on until all charges have been paid to the city. The City and the Township may also seek other damages and remedies, as may be authorized by law.
- g. *Meter failure.* If any meter shall fail to register properly, the department shall estimate the consumption on the basis of former consumption and bill accordingly.
- h. *Return of meter.* No person shall fail to deliver forthwith to the City or the Director any water meter after he/she shall have removed the meter from the premises of a consumer.
- i. *Accuracy and testing.* A customer may require that the water meter be tested. If the meter is found accurate, a charge in an amount established by the City will be made by the City. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
- j. *Determination of accuracy.* The Department shall set accuracy parameters for all meters. A meter shall be considered accurate if when tested it registers within the accuracy parameters set by the Department. If a meter registers in excess of the accuracy parameters set by the Department, it shall be considered fast to that extent. If a meter registers in less than the accuracy parameters set by the Department, it shall be considered slow to that extent.
- k. *Testing by City.* When the Department or Director on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his/her paying the amount due for water used by him/her as provided in this Ordinance if the meter is found to be "slow".
- l. *Adjustments.* If a water meter has been tested at the request of a consumer and shall have been determined to register "fast", the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three months prior to the test. If a meter so tested is determined to register "slow", the City acting as the Township's agent may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three months.
- m. *Remote meter readers.* The City is authorized to provide meter reading services via remote reader, if such services are available for use in Richland Township.

C. Tapping-in.

The Department and/or its agents shall be responsible for the provision of any and all service taps to water mains within the water system. The service taps or connections shall include all materials and labor, including any and all costs associated therewith, required to install the service connection from the water main to the property line up to and including a cumulative length of 66 feet. The City may impose

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higher rates for longer taps, which shall be paid in accordance with the rate schedule adopted by the City, as it may be amended from time to time. This cost allocation shall apply to all water service connections without regard to meter or service diameter size. All required water meters shall be provided by the city and shall be and remain the property of the city.

D. Turning on Water Service.

No person, other than an authorized employee of the Department, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his/her work, after which it must be immediately turned off, or, upon receiving a written permit from the Department, water may be turned on for construction purposes only prior to the granting of a certificate of occupancy for the premises and upon payment of the charges applicable thereto. Any other turn-on or turn-off shall be considered tampering under the provisions of this Ordinance.

E. Limitations on Use.

The City Manager or Director, acting as agent of the Township may, when the public health and safety require it and subject to the approval of the City Commission may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to ensure an adequate supply for essential domestic and commercial needs and for fire fighting, and to effectuate emergency repairs to the water or sewer system. For non-emergency conditions (water storage tanks maintenance, main maintenance, water treatment plant repairs, etc.), no such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the Township. For emergency conditions (i.e. water shortage due to major fire, water contamination, etc.), immediate action may be taken by the City Manager to limit the use of water at different locations in the Township's water system in conjunction with similar efforts being made in the city. It shall be unlawful for any person to violate any such rule or regulation.

F. Wasting Prohibited.

The owner of the premises upon which a water meter is installed shall prevent all unnecessary waste of water.

G. Prohibition on Resale.

No customer shall resell public water to others. The renting of premises shall not be considered a resale of such services as defined herein.

H. Unauthorized Tampering with or Injuring of Facilities.

No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any meter, seal, stopcock, curb box, service pipe, hydrant or other apparatus of the Public Water Distribution System or prevent any water meter from duly registering the quantity of water passing through the meter or in any way hinder or interfere with its proper action or just registration or attach any line or pipe to any line belonging to the system. No person, unless he/she is a fire fighter acting in the line of duty or an authorized Township or City employee, shall willfully open or tamper with a fire hydrant. No person other than the Director or an authorized Township or City employee shall turn on water at the curb box or elsewhere after the water shall be turned off by the Water Department.

I. Permit for Fire Hydrant Use.

No person, except an authorized employee of the Township or the City, shall open or use any fire hydrant, except in an emergency, without first securing a written permit from the Township or the City and paying such charges as shall be prescribed by the City. No tap shall be made in any fire protection line

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unless special written permission is first secured from the Director and the Richland Township Fire Department. If there is evidence that water is being illegally used from such fire lines the City shall have the right to turn off the water or demand that a meter be placed on the line. An owner of such lines shall be liable for the payment of back water fees for water unlawfully used from the lines.

J. Repairs.

- (1) For damage due to freezing, breakage or leaking, the owner or tenant of the premises shall be responsible for the repair of the line from the curb box to his/her premises.
- (2) In the event of loss or damage to the property of the Public Water Supply System through misuse, or the negligence of the customer, the cost of necessary repairs or replacement thereof shall be paid to the City by the customer.
- (3) The customer shall be responsible to ensure that no one makes any internal or external adjustments to or otherwise interferes with or breaks the seals of meters or other equipment of the System which equipment is installed on the customer's premises.

K. Access.

The Department shall have the right at all reasonable hours to enter the premises of the customer and for the purposes established in Section 2 e of this Ordinance.

L. Cross Connections.

- (1) *State rules adopted.* The Township adopts by reference the water supply cross connection rules of the Michigan Department of Natural Resources and Environment, being R 325.1140 to R 325.11407 of the Michigan Administrative Code.
- (2) *Inspections.* The department may cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply is deemed possible.
- (3) *Entry by representative of any property served by a connection.* An authorized representative of the Director shall have the right to enter at any reasonable time any property served by a connection to the public water supply system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- (4) *Discontinuance of water service.* The Director or Department is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.
- (5) *Testing of backflow prevention devices.* All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted by the Department and in accordance with applicable State requirements. Only individuals approved by the City shall be qualified to perform such testing. That individual(s) shall certify the results of the testing to the City.
- (6) *Protection from possible contamination.* The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State Plumbing Code. Any water outlet which could be used for potable or

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domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

- (7) Ordinance supplementary to State Plumbing Code. This Ordinance does not supersede the State Plumbing Code but is supplementary to it.

M. Administrative Liability.

No officer, agent, or employee of the Township or of the City shall render themselves as personally liable for any damages that may occur to any person as a result of any action required or permitted in the discharge of his or her duties under and the enforcement of this Ordinance.

N. City and Township Liability.

Water supply services are subject to shutdowns, variations and interruptions necessitated by improvements, repairs and/or operation of the system. Whenever possible, notice of intent to temporarily discontinue service will be given to the customer. Neither the City nor the Township shall be liable for loss or damage because of temporary interruption in service or because of inadequate or excessive quantity or quality due to events of nature, public enemy, accidents, labor disputes, normal maintenance, or acts of civil or military authorities. Neither the City, nor the Township shall be liable for damages in the event that the water supply is interrupted due to causes or conditions beyond its reasonable control, including extraordinary repairs, breakdowns, or injury to the machinery, transmission lines, distribution lines, or other facilities in the water supply system, or for acts taken by the City, the Township or its Agent, to limit or prevent the extent or duration of interruptions or disturbances of service to the water supply. The City and Township acknowledge that the provision of potable water is a governmental function and both parties reserve all defenses available to them, including but not limited to, the doctrine of governmental immunity in this State. Nothing in this ordinance may be construed as providing a third-party beneficiary claim to a Customer for any damage or injury resulting from the provision of Water Service.

O. Disconnect Procedures.

The City is authorized to employ such disconnect procedures as are contained in the Kalamazoo City Code and authorized by State Statute as to Township water customers.

P. Restoration of Service.

The City is authorized to employ those "restoration of service procedures" and requirements for same as are contained in the Kalamazoo City Code and authorized by State Statute as to Richland Township customers.

161.206 Sanctions and Violation.

Sec. VI

A. Sanctions

Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under this Ordinance and

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Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. A violation of this Ordinance is also declared to be a public nuisance and the Township may also enforce the same by injunction or other relief which might be available or appropriate under the circumstances.

B. Violators Liable for Penalties Levied Against Municipality or Authority.

Any business, industry or person violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or the City shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in subsection A. above.

161.207 Severability.

Sec. VII

If any section, clause, sentence or provision of this Ordinance is declared to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

161.208 Repeal.

Sec. VIII

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

161.209 Effective Date.

Sec. IX

This ordinance shall take effect thirty (30) days following publication after adoption.

161.301 Wellhead Protection

Sec. I

A. Intent/Purpose. The intent of the Township of Richland Wellhead Protection Ordinance is to safeguard the health, safety, and welfare of persons served by the Public Water Supply System by protecting groundwater that serves as drinking water, thus providing a safe potable water supply now and for future generations.

B. Definitions

The following definitions apply to this ordinance:

Best Management Practices (BMP) means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of Regulated Substances entering groundwater and surface water from a particular land use activity.

Capture Zone means that area through which water travels below the surface and reaches a municipal well or wellfield within a specified period of time (under specified conditions set by EGLE). This ordinance addresses both a one-year and ten-year time-of-travel capture zone. The capture zones are shown on the Wellhead Protection Ordinance Capture Zone Map, attached to this Ordinance and incorporated herein by this reference.

City means the City of Kalamazoo.

Groundwater means the water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall include its predecessors and successors.

Performance Standards shall mean those BMPs and engineering controls contained within the document "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management" which is adopted by resolution of the Township Board and which may be amended by resolution of the Township Board as necessary to incorporate new or modified BMPs and engineering controls. The Wellhead Protection Administrator shall maintain the document and shall at times be prepared to consult and distribute the most recently adopted performance standards, a copy of which shall also be retained by the Township Clerk with resolution date indicated thereon.

RCRA means the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Regulated Substances shall include:

1. Substances for which there is a safety data sheet (SDS), as established by the Globally Harmonized System of Classification and Labelling of Chemicals, and the SDS cites possible health hazards for said substance;
2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations;
4. Radiological materials; and
5. Biohazards.

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Regulated Substances shall not, however, include:

1. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
2. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
3. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
4. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
5. Substances contained within electrical utility transformers/switches; or
6. Substances used in construction for which all necessary permits have been obtained, and in accordance with the "Performance Standards."

Release means the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within a capture zone. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:

1. Disposal in accordance with all applicable legal requirements, including those in RCRA and CERCLA, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
4. Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kalamazoo County Environmental Health;
5. A release for which there is no obligation to report under Federal, State, or other local regulations that occurs on an impervious ground surface (e.g., building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g., unpaved), a dry well, a storm sewer, or surface water body; or
6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices," and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and Rural Development (MDARD).

Spill Contingency Plan means a written site-specific plan conforming to the specifications contained in the "Performance Standards," including the documentation of general site operations; Regulated Substance storage areas; potential for releases of Regulated Substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

Township means The Township of Richland Township.

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Wellhead is any individual well used for supplying water.

Wellhead Protection Board of Appeals shall be the Township Of Richland Planning Commission unless the Township Board by resolution designates a separate Wellhead Protection Board of Appeals.

C. Responsibility for Administration

The Township Board shall, by Resolution, designate a person or persons who shall administer, implement and enforce the provisions of this ordinance. That person shall be known as the Wellhead Protection Administrator.

D. Prohibitions within Ten (10) Year Time-of-Travel (TOT) Capture Zone.

Within a ten-year time-of-travel capture zone, no person shall, nor cause or allow another over whom he or she has control to:

1. Release or allow the release of a Regulated Substance, alone or in combination with other materials (such as fill) in such a manner that the substance gains access to the ground, to a storm sewer or surface water or in any other way such that the substance might enter the groundwater if doing so creates a reasonable likelihood of an adverse impact upon the groundwater;
2. Possess a Regulated Substance, including fuels (e.g., gasoline, diesel, kerosene, etc.) exceeding fifty-five (55) gallons aggregate for liquid materials, or four-hundred forty (440) pounds aggregate for dry weights, unless prepackaged and intended for retail sale or for commercial or household use (such as salt used in water softeners, fertilizers, pesticides, herbicides, etc.), or unless engineering controls are designed and implemented consistent with the "Performance Standards," BMPs, the Fire Code, and applicable State of Michigan laws and regulations. The following, however, shall not be considered prohibited activities:
 - a. The use of underground oil and water separators and stormwater treatment structures which meet the conditions of the "Performance Standards;
 - b. The use of current hazardous waste storage areas at RCRA permitted facilities;
 - c. Laboratory activities, consistent with all local, state, and federal regulations.
3. Operate a scrap and recycling yard;
4. Operate a sanitary / solid waste landfill;
5. Use oil, waste oil or similar liquid petroleum-type products for dust suppression;
6. Install a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available;
7. Install or use a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Township that the well owner (or representative) has scientifically demonstrated that the well will not cause an adverse impact to the public water supply;
8. Use any private well if said use is likely to cause an adverse impact to the public water supply;

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9. Excavate, extract, or mine sand, gravel, bedrock or any other type of earth if a permit or site plan review is required unless the property owner has established, to the Township's satisfaction, that the activity will not cause an adverse impact to the public water supply;
10. Allow the presence of an abandoned well, which is defined as any well which has either been discontinued for more than one year, is in such disrepair that its continued use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or is a health or safety hazard. A well shall not be considered abandoned if it has been properly plugged pursuant to The Groundwater Quality Control Act, Part 127, 1978 PA 368; or
11. Drill for natural gas or petroleum, whether for exploration, production or otherwise.

E. Prohibitions Within One (1) Year TOT Capture Zone.

Within a one-year time-of-travel capture zone, no person shall, nor cause or allow another, over whom he or she has control, to:

1. Engage in any activity prohibited in the 10-Year TOT capture zone;
2. Possess Regulated Substances, including fuels (e.g., gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights, such as sometimes occurs with activities such as fueling service establishments, motor vehicle repair, body repair; trucking or bus terminals; primary metal product industries; metal plating, polishing, etching, engraving, anodizing or similar processes; lawn, garden, pesticide and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides and other industry-related chemicals for commercial application; and dry cleaning facilities with on-site cleaning service; or
3. Construct or replace any privy, privy vault, septic tank system, cesspool, or other facility intended or used for the disposal of domestic or non-domestic wastewater if in the determination of the Township, a public sanitary sewer is reasonably available.

F. Well Isolation Distance Restrictions

Within either capture zone, no person shall cause or allow uses or activities that would violate the terms and conditions set forth in the document "Minimum Well Isolation Distances (From Contamination Sources and Buildings), Part 127, Act 368, P.A. 1978 and Act 399, PA 1976" as prepared by the EGLE, Drinking Water and Environmental Health Division (DWEHD), as it may be amended, which, for the purpose of this section, shall be deemed to apply to all persons, unless approved in writing by the Township Wellhead Protection Administrator.

G. Determination of Capture Zone Boundaries

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In determining whether a property is within a capture zone, the following shall apply:

1. Where a capture zone line that delineates the boundary of one or more zones passes through a property, the entire parcel shall be subject to the restrictions that apply to the more restrictive zone.
2. The Township Wellhead Protection Administrator or his or her designee shall have the authority to interpret the capture zone and determine where the boundaries of the different zones fall, if in dispute. Said interpretation may be appealed to the Wellhead Protection Board of Appeals, appointed by the Township Board.

H. Continuation of Existing Facilities and Land Uses

All facilities shall meet the requirements of the "Performance Standards" and/or shall prepare a Spill Contingency Plan within two years from the adoption date of this ordinance.

I. Requirements Regarding Release of Regulated Substance

1. Upon discovery of a release within a capture zone, the owner and person in control of the property on which a release occurred, as well as the person responsible for the release, shall take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Within 24-hours of such release, the owner or person responsible for the release shall notify the Township and the City of Kalamazoo Public Services Director. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Township Wellhead Protection Administrator.
2. All releases shall be documented in writing and notice thereof shall be mailed to the Township within ten (10) business days of said incident. Initial release notification shall include, at a minimum, the following:
 - a. Location of the release (address, and name and phone number of property owner);
 - b. Reporting party's name, address, email address, and phone(s) (if different from above);
 - c. Emergency contact and phone;
 - d. Description and photographs of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released;
 - e. Map showing exact release location, and relevant site features (i.e., paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - f. All measures taken to clean up the release; and
 - g. All measures proposed to be taken to reduce and prevent any future release.

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3. The Township Wellhead Protection Administrator or his/her designee shall use the Regulated Substance Release Report to determine if and where any additional investigative work needs to be completed to assess the potential impact of the release. The owner or operator shall retain a copy of the written notice for at least three years.

J. Inactive Operations

This section applies to any business or other operation ("operation") that is inactive, is within a capture zone, and at which there are regulated substances. For purposes of this section, "inactive" is defined to include those businesses or operations that are unoccupied and have no activity for at least thirty (30) days. Those who own or control such an inactive operation shall do the following:

1. Within 7 days of the operation becoming inactive, take such steps as necessary to secure the site such that vandals and all other persons cannot gain access to the regulated substances;
2. Within 30 days of the operation becoming inactive, provide to the Township Wellhead Protection Administrator a document that identifies the site, the date of inactivity, the regulated substances, quantities and storage conditions that exist on site, and the name, address, email address and phone number(s) of both the owner and the person in control of the site; and
3. Within 6 months of the operation becoming inactive, remove all regulated substances from the site. This does not include those substances used for heating, cooling, or electrical lighting.

K. Enforcement

1. Whenever the Township determines that a person has violated a provision of this Ordinance, the Township may order compliance by issuing a written Notice of Violation to the responsible person/facility.
2. If the Township requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof charged to the violator.
3. Nothing within this section shall limit the Township's authority to seek injunctive relief and/or a search warrant allowing entry onto the premises and abatement of the violation to protect the public health, safety and welfare.

L. Variance / Appeal Rights

1. If an owner of property within a capture zone believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Township Wellhead Protection Administrator (or his or her designee). Such a request must be in writing with enough detail to allow the Township Wellhead Protection Administrator to understand the situation and proposed variance. If the Township Wellhead Protection Administrator determines that additional information is needed, the request for additional information shall be made within 30 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request,

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the Township Wellhead Protection Administrator shall issue a written response to the owner. The response shall grant, deny, or grant partial or different relief than was requested. A grant, partial or complete, may relieve the property owner from strict compliance of this ordinance. Reasonable conditions may be imposed as part of such a grant. The Township Wellhead Protection Administrator shall be guided by the primary goal of protecting the municipal well fields without creating undue hardship upon the property owners affected.

2. Any person receiving a Notice of Violation or whose variance request has been denied in whole or in part may appeal the determination set forth within the Notice or the variance decision to the Township Wellhead Protection Board of Appeals by submitting a written notice of appeal to the Township. The notice of appeal must be received by the Township Wellhead Protection Administrator within 30 days from the date of the Notice of Violation, with enough detail to allow the Township Wellhead Protection Board of Appeals to understand the situation. Within 30 days of the receipt of such an appeal, the Wellhead Protection Board of Appeals shall set the matter for hearing. Notice of the hearing shall be given in writing to the applicant and to the City of Kalamazoo Department of Public Services Director. The applicant shall be given the opportunity to present evidence at the hearing in person or in writing or by representative. The Board of Appeals shall issue a written decision on the appeal. The Township Wellhead Protection Board of Appeals' response shall affirm, reverse, or modify the Notice of Violation being appealed.
3. If the person who has made an appeal does not agree with the Township Wellhead Protection Board of Appeals' decision, said person may appeal the matter by filing an appeal in the Kalamazoo Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the Township Wellhead Protection Board of Appeals' decision.

M. Abatement / Remedial Activities by the Township

1. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The Township is authorized to take any legal action necessary to abate, enjoin, or otherwise compel the cessation of such nuisance.
2. The Township may seek authority to enter the premises to take or may contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.
3. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable local, state, or federal law and it is within the discretion of the Township to seek cumulative remedies.

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N. Violation & Penalty

Any violation of this Ordinance or any order made in accordance with this Ordinance constitutes a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days, together with repayment of costs incurred by the Township in prosecuting the action; in abating the violation or seeking injunctive relief. Each day a violation exists shall be deemed to be a separate violation. A citation under this Ordinance may be issued by a sheriff's deputy, the Township's Ordinance Enforcement Officer or the Township's Wellhead Protection Administrator.

161.302 Repealer

Sec. II

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

161.303 Severability

Sec. III

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

161.304 Effective Date

Sec. IV

This Ordinance is effective on February 26, 2024. Wellhead Protection Ordinance, Ordinance No. 297 Adopted: January 16, 2024; effective February 26, 2024.

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***CONFLICTING WATER SERVICE PROVISIONS CONTAINED IN SECTION 161.001 et
seq were REPEALED AND REPLACED WITH ORDINANCE NO. 281, effective
August 27, 2021.**

Ord. No. 72

Adopted: September 3, 1974

161.001 Title.

Sec. I. This Ordinance shall be known and hereafter cited as the Richland Township Public ~~Water and~~ Sewer Service Ordinance.

161.002 Procedure.

Sec. II.

- A. *Application.* Any person, firm, or corporation desiring public ~~water or~~ sewer service shall file an application therefor with the Township Clerk, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use ~~anticipated for the water and the nature~~, and/or type of waste to be discharged; the size of the ~~water~~, service connection pipes desired; the distance, if known, that the property is located from any existing public ~~water or~~ sewer main; the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary ~~water and/or~~ sewer main extension or wishes to be included in a special assessment district for the payment of such cost over a limited period of years, together with interest and administrative costs. Such application may take the form of a petition if several different persons are jointly interested in a particular project.
- B. *Special assessment district.* In the event an applicant desires to proceed by installment payments and sufficient similar interest is disclosed on the application or petition by those property owners abutting the proposed ~~water or~~ sewer main, special assessment proceedings shall be instituted under Michigan Public Act 188 of 1954, as amended, (M.C.L. 41.721 et seq.), to accomplish the requested project and if successful, the necessary system will be installed by the Township following the completion of such proceedings and the obtaining of the necessary funds therefor.
- C. *Cash deposit.*
 1. In the event an applicant desires to deposit with the Township, the total cost of the necessary project to furnish the requested ~~water or~~ sewer service, as determined by the Township Board, the applicant may do so under a contract with the Township, whereby the Township, together with the City of Kalamazoo, will supervise and/or construct the installation, in accordance with the design standards of the said City and Township.
 2. Any such contract may provide for reimbursement to the applicant of a portion of the project cost from charges collected by the Township from those connecting to ~~the the water or~~ sewer main,

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who did not contribute to the initial cost thereof and are not the successors in title to any such contributor. Any such reimbursement shall be limited to a period of 15 years following the completion of the project requested and any connections made thereafter shall not require any refund to the applicant. The amount of the connection charge shall be in the discretion of the Township Board but shall approximate the amount a connector would have paid on a benefit assessment basis, had his property been included in a ~~water-of~~ sewer special assessment district created for the purpose of financing the project. The term "connection charge" as used in this Ordinance pertains to a charge for the privilege of connecting premises to a ~~water-of~~ sewer main and does not pertain to the construction cost of such connection.

3. The amount of reimbursement, if any, to an applicant, per connection charge collected by the Township shall be specified in the contract with the applicant and shall be based upon a portion of the total project cost, computed on the cost per lineal foot of main installed; provided, however, that the total reimbursement shall never be greater than the total cost of the project charged to the applicant.
4. No service connection nor main extension shall be allowed until the full charge has been paid to the Township in such an amount as is determined for each project by the Township Board and the plumbing to be connected has been fully inspected and approved by the Township and the City of Kalamazoo as in compliance with the plumbing codes of both City and Township. Such charges may be changed from time to time by the Township Board to reflect changes in construction costs and to maintain a fairly uniform charge between different current projects and special assessment districts.

The Township reserves the right to install any required service connection or main extension, to sub-contract the same to the City of Kalamazoo or any private licensed contractor, or to permit the owner or owner's contractor to construct the same, provided that in such latter event, an inspection and supervision fee shall be paid by the applicant to the Township.

5. Any contract with an applicant shall contain, in addition to the foregoing, the following:
 - (a) A description of the district within which extensions or connections may be made to the system, entitling the applicant to reimbursement of a portion of his initial project cost.
 - (b) A map disclosing the design of the system and the location of the mains, valves, fittings, and all other accessories thereto which are to be installed.
 - (c) A description of the area, if any, within which no connection charges are to be made by the Township and no reimbursement to be made to the applicant.
 - (d) The amount and condition of any performance bond which shall be required in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be 150 percent of the total cost of the installation and shall be conditioned upon the completion of the installation in a proper and workmanlike manner in accordance with the plans and specifications of the Township and City and the furnishing of satisfactory evidence of the fact the project is free of present and future liens of contractors, sub-contractors and material men.
 - (e) The amount and condition of any public liability and property damage insurance which shall be required to insure the Township, the City, and the County of Kalamazoo in the event the installation is to be made by anyone other than the Township or the City of Kalamazoo, which shall be not less than \$300,000.00 and \$500,000.00 respectively.

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- (f) The amount, if any, to be paid the Township for administrative, legal and engineering costs or for the value of the availability of the ~~water-or~~ sewer service to which the property of the applicant is to be connected.

(Ord. No. 277, § 1, adopt. 9-17-2019); as amended by 281 effective August 27, 2021.

161.003 Regulations.

Sec. III.

- A. *Sewer ~~and water~~ rates.* No free public sewer ~~or water~~ service shall be allowed and all those properties connected to a public ~~water-or~~ sewer system shall be subject to the payment of such ~~water-and/or~~ sewer rates and charges as shall be determined by the Township Board, which shall, in no event, be less than 150 percent of similar rates charged within the City of Kalamazoo as set forth in the ~~water and~~ sewer agreements negotiated between the City of Kalamazoo and the Township.
- B. *Termination of service.* The Township shall have the right to terminate any ~~water-or~~ sewer service to any premises within the Township when any delinquency exists with respect to any sewer ~~or water~~ payments due under this Ordinance, or otherwise; or where any premises does not comply with all the plumbing codes of the Township and the City of Kalamazoo and with any and all restrictions and limitations on the use of the particular ~~water-or~~ sewer service imposed by the Township Board, the contract between the Township and the City of Kalamazoo, the contract between the Township and any applicant, or otherwise.
- C. *Service deposit.* The Township or its authorized agent shall have the right to require an initial deposit from any owner or tenant who applies for ~~water-or~~ sewer service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent application for such refund, provided no delinquency then exists.
- D. *Lien rights.* All delinquent rates and charges for ~~water-and/or~~ sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics' liens for non-payment; or after six (6) months' delinquency, may be certified to the Supervisor and Assessing Officer of the Township annually, on or before March 1 of each year and entered by him upon the next tax roll against the property served, for collection in the same manner as the collection of taxes.
- ~~E. *Turn-on.* No person other than an authorized employee of the Township or the City of Kalamazoo shall turn-on or off any water service to any public or private premises at the curb box connection of said premises to the water main.~~
- ~~F. *Water meters.* All premises connected to a public water or sewer system shall be equipped with a public water meter, so located that all water entering the premises shall pass through such meter and be measured as to volume consumed for periodic computation of water-and/or sewer charges.~~
- G. *Surplus funds.* Any surplus funds collected from ~~water-or~~ sewer service or from capital improvements or extensions thereto shall be deposited into a ~~water-and~~ sewer improvement revolving fund of the Township for use in further extending, improving, repairing, relocating and/or financing the public ~~water-and/or~~ sewer systems of the Township.
- H. *Unreasonable burden of sewage.* In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the public primary or secondary

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treatment plants treating such sewage above that imposed by the average sewage entering such treatment plants, the Township shall have the option, upon the request of the City, to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby required to be paid the City; to require the customer, upon demand of the City, to pre-treat such sewage in such manner as the City may order before the same enters the public system; and to terminate sewer service upon the order of the City to any premises which fails to comply with the foregoing.

- I. *Required time of connection.* Any new buildings, including plats and subdivision, emitting sewage shall be constructed or developed with public ~~water and/or~~ sewer mains at the time of construction if public ~~water and/or~~ sewer service is available to the building, plat or subdivision. The Township Board shall have the right to determine whether the service is sufficiently near to require such public service main installation.
- J. ~~*Cross connections.* No cross connections between any private water system and the Township water system shall be allowed and no plumbing shall, at any time, be connected to the public system, which is in any manner connected or a part of any private system.~~
- K. ~~*Water service connections.*~~
 - 1. ~~*General.* Where, in the determination of the Township Board, a health hazard exists or is fairly imminent from the existing water supply and the property has available public water service, the Township may require the discontinuance of the private water supply and the connection to the public water line.~~
 - a. ~~Where a well is determined to be a threat to groundwater resources due to contaminants by the Township Engineer, the Kalamazoo County Health and Human Services Department, the State of Michigan, or one of its groundwater consultant contractors, the Township Board will accept a written notification from the County Health Department, the State of Michigan or the Township Engineer as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In the case of such order, arrangements for the provision of safe/bottled water shall be assured by the safe/bottled water supply entity in consultation with the Township.~~
 - b. ~~Where a well is deemed a health or safety hazard due to contamination by the Kalamazoo County Health and Human Services Department, the Township Engineer, the State of Michigan or one of its groundwater consultant contractors, the Township board will accept notification there from as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In case of such order, arrangements for the provisions of safe/bottled water shall be assured by the safe/bottled water supply entity in consultation with the Township.~~
 - 2. ~~*Size and installation.* All water service connections from the public transmission main to the required water meter shall be not less than 1 1/4 inches in size and shall be installed by the Township or the City of Kalamazoo where public highways exist and/or are disturbed by the construction and shall be installed at the expense of the property owner, computed to the center of the abutting highway. All such water service connections required by any customer to be in excess of 1 1/4 inches in size shall be installed and furnished by said City or Township at the full expense of the customer requiring the same.~~

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3. ~~Under road connections.~~ In all residential subdivision developments hereafter commenced or extended where, in the determination of the Township Board, public water service is reasonably available and therefore required, one service connection not less than 1½ inches in size shall be installed under the abutting right-of-way to the center of each lot or building site fronting on the opposite side of such right-of-way and terminating in the right-of-way, not more than seven feet from the property line.
4. ~~Use of fire hydrants.~~ No fire hydrant shall be used for any purpose other than fire protection without the prior approval of the Township and City of Kalamazoo.
5. ~~Abandoned and discontinued wells:~~
- a. ~~A private discontinued well shall be abandoned when municipal water is installed and shall be plugged pursuant to the State Administrative Rules implementing the Part 127, 368 of 1978, as amended (MCL 333.12701 et seq.), the "State Well Code".~~
 - b. ~~"Contaminant" as used in this ordinance means any pesticide or fertilizer originated chemical, radionuclide, ion, synthetic organic compound, microorganism, or other waste that does not occur naturally or that naturally occurs at a lower concentration than detected.~~
 - c. ~~"Contamination" as used in this ordinance means the direct or indirect introduction into the environment of any contaminant caused in whole or in part by human activity.~~
 - d. ~~"Discontinued" shall mean the abatement of use of a private well that has been deemed contaminated or unsafe by one of the entities referred to in paragraphs 161.003 K.1. herein. A discontinued well shall be abandoned by the owner upon the provision of municipal water to the premises.~~
- L. *Plans and permits.* No public ~~water or~~ sewer main construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the Township and the City of Kalamazoo and all required state, county and municipal permits have been obtained.
- M. ~~County Health Department certificate.~~ No public water mains shall be made or become operational until the water flowing therefrom has been certified as safe and free of any harmful contamination by the County Health Department and a written certificate attesting thereto is on file with the Township.
- N. *Preliminary deposit.* All applications for public ~~water or~~ sewer service other than by petition for a special assessment district, requiring preliminary engineering analysis, review and plans, shall be accompanied by a cash deposit with the Township in such amount as shall be determined by the Township Board to be sufficient to cover the foregoing engineering work necessary to develop preliminary cost estimates for the proposed project.
- O. *Printed regulations.* The Township Board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for ~~both public water and~~ public sewer service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety and general welfare of the Township.
- P. *Utility board.* The Township Board shall act as a ~~Water and~~ sewer utility board for the Township until such time as it wishes to delegate such duties and position to a separate appointed board or commission, with authority in either to decide all questions which might arise in the interpretation, enforcement, and application of the within Ordinance and to grant variances from the requirements

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thereof where, in its opinion, the health, safety, and general welfare of the Township would not be thereby impaired and the spirit and purposes of the within Ordinance would continue to be served.

(Ord. No. 277 , §§ 2, 3, adopt: 9-17-2019); amended by Ordinance No. 281 effective August 27, 2021.

161.004 Prior city sewer contracts.

Sec. IV. Notwithstanding anything contained in this Ordinance to the contrary, sewage treatment contracts, if any entered into prior to the effective date of this Ordinance between the City of Kalamazoo and other private individuals or companies situated within the Township may continue for the period of the same in accordance with their terms and any provisions of this Ordinance in conflict therewith shall not apply to said individuals or companies during the period said contracts are in force.

161.005 Sanctions.

Sec. V. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995); amended by Ordinance 281 effective August 27, 2021.

161.006 Saving clause.

Sec. VI. If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

161.007 Effective date.

Sec. VII. This Ordinance shall take effect October 15, 1974. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; repealed sections relative to water are crossed out in this section, see Ordinance No. 281, below.

161.200 Water Supply and Connection Ordinance, Ordinance No. 281
Adopted: July 20, 2021 effective August 27, 2021.

161.201 Title.

Sec. I. This Ordinance shall be known as the "Richland Township Public Water Supply and Connection Ordinance".

161.202 Definitions.

Sec. II. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"City" means the City of Kalamazoo or its city commission.

"City manager" shall mean the City Manager of the City of Kalamazoo.

"Public Water Supply System" means the water supply, treatment and distribution systems, including mains, transmission lines and laterals along with the water treatment plan and pumping facilities, together with related appurtenances thereto, including, but not limited to fittings, valves, hydrants, pumps, pumping equipment, water storage facilities, and related equipment. The City of Kalamazoo is the owner and operator of the public water supply system in accordance with a contract entered into by the Regional Commission and the City in March, 2021.

"Commodity Charge" means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer.

"Cross connection" means any arrangement of piping or other connections, breaks or injury to the water system through which water, including water of questionable quality, waste or other contaminants, can enter the public water supply system.

"Curb Stop" means the point at which the service tap connects to the water main.

"Customer" means any person, party, company or institution which is supplied with public potable water.

"Customer's water service" means any water supply piping from the curb stop to the building's plumbing.

"Department" is the Department of Public Services of the City of Kalamazoo.

"Director" means the City Director of Public Services or his/her authorized agent or representative.

"Disconnect notice" means that form which is mailed to delinquent water customers informing them of the amount due, future service charge and pending disconnection of the customer's water service if payment is not received by the date and time specified within the notice.

"Finalled account" means a customer's water service account that has been billed for services through the last (final) day of use by the customer of that account.

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“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

“Premises” means a parcel of land and the buildings located on it.

“Potable water” means a water supply that does not contain contamination or infectious material and is considered satisfactory for drinking.

“Readiness-to-serve charge” means a charge based on meter size, which does not vary with usage.

“Reduced pressure backflow preventer” means a device to eliminate the potential for backflow or back siphoning of non-potable water into the municipal water supply.

“Service Area” shall mean any area in Richland Township in which public water service has been authorized by the Township Board as is shown on the service area map, Section III.C.1. of this Ordinance. Any extensions of public water service to unserved areas in Richland Township shall require the prior approval of the Richland Township Board and a service area map amendment prior to implementation. ([Ord. No. 288, effective 3-23-22](#)).

“Service tap” means that part of the service from the water distribution main to the curb stop, which is point of connection with the customer site piping at or near the property line. “Service Tap” also includes a shut-off valve and valve box installed by the department behind the curb and at the customer end of the service tap.

“Tampering” means the unauthorized alteration of a water meter or other plumbing facilities to obtain water or to circumvent the measurement of actual water consumption, excluding vandalism or other types of accidental damage.

“Township” means the Township of Richland or its Township Board.

“Township Water Service Representative” shall mean the Gull Lake Sewer & Water Authority, of which Richland Township is a member.

“Water connection” means that part of the water distribution system connecting the water main with the premises served. Such connection ends at the curb stop, provided, however, that the water meter shall be the property of the City.

“Water main” or “Public Water Main” means that part of the water distribution system located within easement lines or streets designed to supply more than one water connection. It is inclusive of water supply piping and connections and the curb stop normally located at the owner’s property line.

“Water rate” means a charge or charges based on the quantity of water measured or estimated as passing to the premises of the customer

“Water service” means the equipment used to deliver and measure the potable water to the water service customer’s premises.

“Water Service Agreement” means a certain contract entered into by the City of Kalamazoo and the Charter Townships of Comstock, Cooper, Kalamazoo, Oshtemo and Texas, the Townships of Pavilion and Richland, and the Village of Richland approved in March 2021; as it may be amended from time to time.

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161.203 Public Water System Control

Sec. III.

- A. **Control of System.** The operation, maintenance, alteration, repair and management of the Public Water System in Richland Township is the responsibility of the City of Kalamazoo in accordance with the Water Service Agreement; and is subject to the terms of such contract and franchise between the Township and the City of Kalamazoo for the exclusive provision of public water in Richland Township, Kalamazoo County, Michigan. Extension of Public Water Service in Richland Township shall be subject to the Water Service Agreement, this Ordinance, and the control of Gull Lake Sewer and Water Authority, to the extent permitted by such agreement.

In accordance therewith the Department and Director have primary oversight, operation, repair, management and maintenance responsibilities for the Public Water System in Richland Township, Kalamazoo County, Michigan.

The Township grants to the City and Department authority to make and issue rules and regulations concerning the water system, connection thereto, meter installation and maintenance, hydrants, and water mains and the appurtenances thereto, not inconsistent with this Ordinance. The rules and regulations in effect at the time of adoption of this Ordinance shall continue until changed in accordance with this provision.

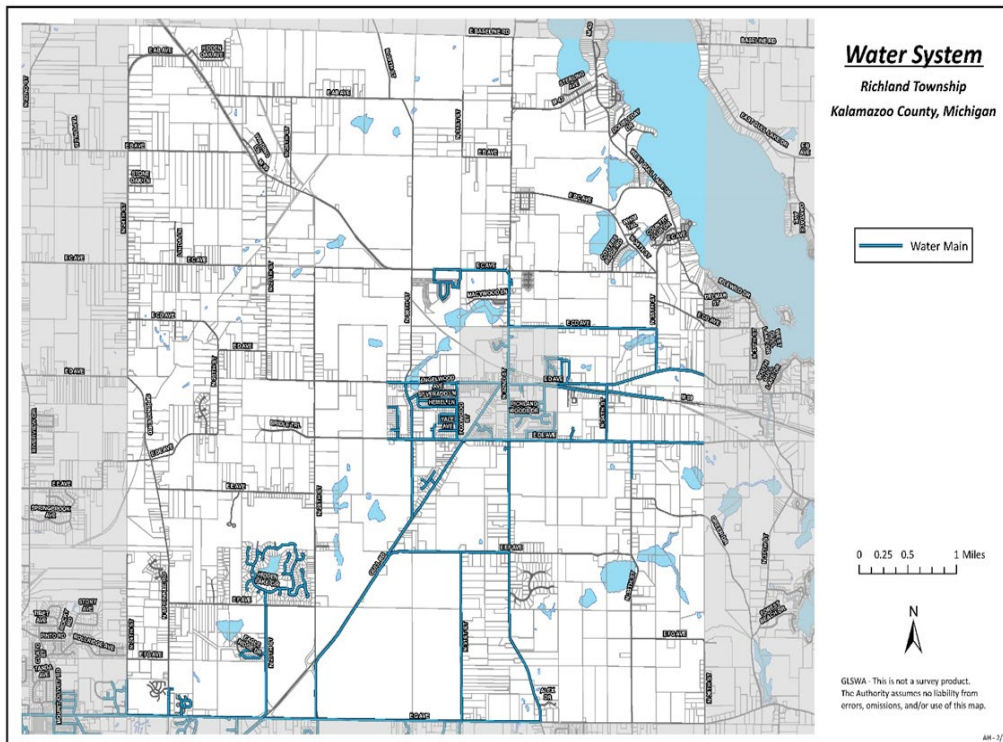
- B. **Wells.** Where, in the determination of the Water Service Provider a health hazard exists or is fairly imminent from the existing water supply and the property has available public water service, the Township may require the discontinuance of the private water supply and the connection to the public water line.
1. Where a well is determined to be a threat to groundwater resources due to contaminants by the Kalamazoo County Health and Human Services Department, the State of Michigan, , the Township Board will accept a written notification from the Kalamazoo County Health and Human Services Department the State of Michigan or as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In the case of such order, arrangements for the provision of safe/bottled water shall be assured by the safe/bottled water supply entity in consultation with the Township.
 2. Where a well is deemed a health or safety hazard due to contamination by the Kalamazoo County Health and Human Services Department, , the State of Michigan the Township board will accept notification there from as prima facie evidence that a health hazard exists and shall order discontinuance of the private water supply (well) and shall require connection to the public water line. In case of such order, arrangements for the provisions of safe/bottled water shall bA private discontinued well shall be abandoned when municipal water is installed and shall be plugged pursuant to the State Administrative Rules implementing the Part 127, 368 of 1978, as amended (MCL 333.12701 et seq.), the "State Well Code".
 3. "Contaminant" as used in this subsection means any pesticide or fertilizer originated chemical, radionuclide, ion, synthetic organic compound, microorganism, or other waste that does not occur naturally or that naturally occurs at a lower concentration than detected.
 4. "Contamination" as used in this ordinance means the direct or indirect introduction into the environment of any contaminant caused in whole or in part by human activity.

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5. "Discontinued" shall mean the abatement of use of a private well that has been deemed contaminated or unsafe by one of the entities referred to in this subsection. A discontinued well shall be abandoned by the owner upon the provision of municipal water to the premises.

C. Service Area, Service Map, and extension of water service to unserved areas of the Township. Public Water Service has been approved and provided to the Service Areas as show on the service area map in this subsection. Any extensions of public water service to unserved areas of the Township shall require the prior approval of the Richland Township Board and an Ordinance amending the service area map

1. Current Service Area Map.



(Ord. No. 288, effective 3-23-22)

Richland Township, Kalamazoo County, Michigan, Code of Ordinances www.richlandtwp.net Created: 2022-02-07 12:47:03 [EST]
(Supp. No. 13)

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161.204 Rates, Fees, Bills, and Billing for Water

Sec. IV

- A. **Recitals and Basis.**
1. All rates for water supply and services are based upon the furnishing of potable water to each customer at the connection point. Meters are used to establish quantity used at each connection point.
 2. The amount of fees, rates, and charges shall be set in accordance with the terms of the Water Service Agreement, which shall be effective upon adoption and publication by the City Commission; and may be approved by resolution of the Township Board as they are amended from time to time.
- B. **Payment Required.** A person using or otherwise desiring service from the public water system shall pay to the City the rates, charges and fees established by the City Commission and resolution of the Township Board, if any.
- C. **Billing Methodology and Payments.** Deposits, Readiness-to-Serve Charges (if any); Water Rate Charges and Miscellaneous Fees shall be billed by the City of Kalamazoo to the individual township customers in the same manner and pursuant to the same system and methodology employed by the City in Chapter 38, Article III of the Kalamazoo City Code. The City is authorized hereunder to employ such billing methods, payment plans, budget plans, NSF check fees and all other billing and collection routines specified in Chapter 38, Article III of the Kalamazoo City Code, as it may be amended from time-to-time and so long as there is no differentiation in billing and collection method applicable to city versus township customers.
- D. **Categories of Fees.**
1. **Service Connection Charges.** In accordance with Section 38-8 of the City of Kalamazoo Code of Ordinances, Service Connection Charges may be imposed and advance deposits towards contraction charges established under that Section may be required prior to construction.
 2. **Water Rates and Fees.** Rates for water service to Richland Township Customers shall be in accordance with the Water Services Agreement, and Section 38-33 of the Code of the City of Kalamazoo, as may be adjusted from time-to-time in accordance with such documents and may be accepted by Resolution of the Richland Township Board.
 3. **Miscellaneous Fees.** Miscellaneous fees and charges including but not limited to hourly charges and fees for field service work, NSF fees, overtime fees, adverse conditions charges, over- and under- charges, tampering charges, and any and all other services and charges referenced elsewhere in this Ordinance and authorized by the Kalamazoo City Code shall be charged to the customer in the amounts referenced within such provisions of the City Code. The City is hereby authorized to charge such fees to Richland Township water customers accordingly.
- E. **Due Date; Penalty for Late Payment.**
1. **Monthly Bills, Notices and Disconnection.** Bills for water service charges are due and payable to the City in accordance with the City's regular billing cycles. Failure to receive a bill will not entitle a customer to forego any charge for non-payment within the time specified. The City is authorized to employ those methods for late payment billing, disconnect notices and

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discontinuation of service as indicated in the Kalamazoo City Code and is authorized herein to undertake those procedures.

2. **Voluntary discontinuation.** The customer is responsible for payment of all bills rendered until he or she orders the water service to be discontinued and the City has had reasonable time to affect such discontinuance.

F. **Free Service Prohibited.**

No free service shall be furnished by the water system to any person, public or private, or to any public agency or instrumentality.

G. **Lien Rights**

1. The charges for water service which become due and payable pursuant to this Ordinance, or otherwise, are hereby recognized to constitute a lien on the premises receiving such service. Whenever any such charge against any property shall be delinquent for six months, the City shall so notify the Township. The Township Treasurer will certify to the tax assessing officer of the Township the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced. Nothing in this section, however, shall be deemed to prevent the Township or the City from suing in a court of law to collect the amounts due for water services or to pursue any other remedy which the Township or City may have. In addition to the other remedies provided for in this section, the City shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of such charges when due.
2. For Richland Township residential customers, no lien shall attach unless the user of the water service is also the owner of the real estate or unless the owner negotiated or executed an agreement with the tenant stating that the owner is responsible for the water bills and charges. Where notice is given in writing to the City that a tenant is responsible for the water bills and charges, said notice shall include a signed affidavit form that shall be notarized and a true copy of the lease of the affected premises shall be filed therewith. After such notice is received by the city, the city is authorized to refuse service to such premises unless a cash deposit as may be provided in the City's Code of Ordinances is provided by the tenant and all amounts due from the tenant have been paid in full. By filing the notices in the subsection, any charges for water services incurred by a tenant for service beginning with the first day of the billing cycle following the filing of the affidavit with the City shall not be subject to a lien against said premises.

161.205 General Regulations

Sec. V

A. **Applications for service/service use change/resale of service.**

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1. An application for a water connection shall be made to the Department on forms prescribed and furnished by the Department. No unauthorized person shall uncover, make any connections with or opening onto, use, alter, tamper, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Director. The applicant for a water permit shall notify the city when the water connection is ready for inspection and connection to the public water main.
2. Prospective customers shall be responsible for ascertaining from the City whether the property type and size of service delivery equipment is available at a particular location when planning the purchase and/or installation of any service connection.
3. No quantity of potable water delivered to premises shall be transmitted off of such premises by means of pipes, hoses, or connection to a different transmittal system. Personal-use amounts of drinking water shall not be included in this prohibition.

B. Equipment

1. **Selection.** Prior to the purchase of equipment for use in connection with the water system, the customer should secure from the City information as to the particular characteristics of the available water service (pressure, line size, etc.). The customer shall purchase and implement only that equipment that is authorized and approved by the Department for connection to the water system.

2. **Meters**

- a. *Installation.* Water meters shall be installed in accordance with the rules and regulations of the Department and the manufacturer's installation instructions. Meter locations shall be provided on the customer's premises as directed by the Department or Director. The customer shall provide, as directed by and free of expense to the city and the township, close to the point of the connection, a suitable space for the installation of the metering equipment and shall, at all time, keep the area about, over and under the meter free and clear so that easy access may be had by authorized personnel of the city. All meters shall be the property of the City, which will determine, the size, type, location and suitability of the equipment.
- b. *Connection to service tap.* The responsibility for the installation and maintenance of the water connection from the end of the service tap to the owner's premises, including department-supplied meter settings, shall be that of the owner served.
- c. *Meters required.* All premises using water shall be metered. The appropriate meter size shall be determined by the Department to adequately serve the premises.
- d. *Meter seals.* No person except a Department employee shall break or damage the seal or change the location of, alter, bypass or interfere in any way with any water meter. Any such unauthorized work on a meter shall be considered tampering under the provisions of this Ordinance.
- e. *Access to meters.* The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any qualified employee of the Department shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purposes of reading, testing, removing, or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

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- f. *Reimbursement for damaged meters.* Any damage which a meter may sustain, resulting from tampering or carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the premises served to the City on presentation of a bill therefore; and in cases where the bill is not paid, the water will be shut off and shall not be turned on until all charges have been paid to the city. The City and the Township may also seek other damages and remedies, as may be authorized by law.
- g. *Meter failure.* If any meter shall fail to register properly, the department shall estimate the consumption on the basis of former consumption and bill accordingly.
- h. *Return of meter.* No person shall fail to deliver forthwith to the City or the Director any water meter after he/she shall have removed the meter from the premises of a consumer.
- i. *Accuracy and testing.* A customer may require that the water meter be tested. If the meter is found accurate, a charge in an amount established by the City will be made by the City. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
- j. *Determination of accuracy.* The Department shall set accuracy parameters for all meters. A meter shall be considered accurate if when tested it registers within the accuracy parameters set by the Department. If a meter registers in excess of the accuracy parameters set by the Department, it shall be considered fast to that extent. If a meter registers in less than the accuracy parameters set by the Department, it shall be considered slow to that extent.
- k. *Testing by City.* When the Department or Director on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his/her paying the amount due for water used by him/her as provided in this Ordinance if the meter is found to be "slow".
- l. *Adjustments.* If a water meter has been tested at the request of a consumer and shall have been determined to register "fast", the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three months prior to the test. If a meter so tested is determined to register "slow", the City acting as the Township's agent may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three months.
- m. *Remote meter readers.* The City is authorized to provide meter reading services via remote reader, if such services are available for use in Richland Township.

C. **Tapping-in.**

The Department and/or its agents shall be responsible for the provision of any and all service taps to water mains within the water system. The service taps or connections shall include all materials and labor, including any and all costs associated therewith, required to install the service connection from the water main to the property line up to and including a cumulative length of 66 feet. The City may impose

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higher rates for longer taps, which shall be paid in accordance with the rate schedule adopted by the City, as it may be amended from time to time. This cost allocation shall apply to all water service connections without regard to meter or service diameter size. All required water meters shall be provided by the city and shall be and remain the property of the city.

D. Turning on Water Service.

No person, other than an authorized employee of the Department, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his/her work, after which it must be immediately turned off, or, upon receiving a written permit from the Department, water may be turned on for construction purposes only prior to the granting of a certificate of occupancy for the premises and upon payment of the charges applicable thereto. Any other turn-on or turn-off shall be considered tampering under the provisions of this Ordinance.

E. Limitations on Use.

The City Manager or Director, acting as agent of the Township may, when the public health and safety require it and subject to the approval of the City Commission may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to ensure an adequate supply for essential domestic and commercial needs and for fire fighting, and to effectuate emergency repairs to the water or sewer system. For non-emergency conditions (water storage tanks maintenance, main maintenance, water treatment plant repairs, etc.), no such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the Township. For emergency conditions (i.e. water shortage due to major fire, water contamination, etc.), immediate action may be taken by the City Manager to limit the use of water at different locations in the Township's water system in conjunction with similar efforts being made in the city. It shall be unlawful for any person to violate any such rule or regulation.

F. Wasting Prohibited.

The owner of the premises upon which a water meter is installed shall prevent all unnecessary waste of water.

G. Prohibition on Resale.

No customer shall resell public water to others. The renting of premises shall not be considered a resale of such services as defined herein.

H. Unauthorized Tampering with or Injuring of Facilities.

No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any meter, seal, stopcock, curb box, service pipe, hydrant or other apparatus of the Public Water Distribution System or prevent any water meter from duly registering the quantity of water passing through the meter or in any way hinder or interfere with its proper action or just registration or attach any line or pipe to any line belonging to the system. No person, unless he/she is a fire fighter acting in the line of duty or an authorized Township or City employee, shall willfully open or tamper with a fire hydrant. No person other than the Director or an authorized Township or City employee shall turn on water at the curb box or elsewhere after the water shall be turned off by the Water Department.

I. Permit for Fire Hydrant Use.

No person, except an authorized employee of the Township or the City, shall open or use any fire hydrant, except in an emergency, without first securing a written permit from the Township or the City and paying such charges as shall be prescribed by the City. No tap shall be made in any fire protection line

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unless special written permission is first secured from the Director and the Richland Township Fire Department. If there is evidence that water is being illegally used from such fire lines the City shall have the right to turn off the water or demand that a meter be placed on the line. An owner of such lines shall be liable for the payment of back water fees for water unlawfully used from the lines.

J. Repairs.

- (1) For damage due to freezing, breakage or leaking, the owner or tenant of the premises shall be responsible for the repair of the line from the curb box to his/her premises.
- (2) In the event of loss or damage to the property of the Public Water Supply System through misuse, or the negligence of the customer, the cost of necessary repairs or replacement thereof shall be paid to the City by the customer.
- (3) The customer shall be responsible to ensure that no one makes any internal or external adjustments to or otherwise interferes with or breaks the seals of meters or other equipment of the System which equipment is installed on the customer's premises.

K. Access.

The Department shall have the right at all reasonable hours to enter the premises of the customer and for the purposes established in Section 2 e of this Ordinance.

L. Cross Connections.

- (1) *State rules adopted.* The Township adopts by reference the water supply cross connection rules of the Michigan Department of Natural Resources and Environment, being R 325.1140 to R 325.11407 of the Michigan Administrative Code.
- (2) *Inspections.* The department may cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply is deemed possible.
- (3) *Entry by representative of any property served by a connection.* An authorized representative of the Director shall have the right to enter at any reasonable time any property served by a connection to the public water supply system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- (4) *Discontinuance of water service.* The Director or Department is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.
- (5) *Testing of backflow prevention devices.* All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted by the Department and in accordance with applicable State requirements. Only individuals approved by the City shall be qualified to perform such testing. That individual(s) shall certify the results of the testing to the City.
- (6) *Protection from possible contamination.* The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State Plumbing Code. Any water outlet which could be used for potable or

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domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

- (7) Ordinance supplementary to State Plumbing Code. This Ordinance does not supersede the State Plumbing Code but is supplementary to it.

M. Administrative Liability.

No officer, agent, or employee of the Township or of the City shall render themselves as personally liable for any damages that may occur to any person as a result of any action required or permitted in the discharge of his or her duties under and the enforcement of this Ordinance.

N. City and Township Liability.

Water supply services are subject to shutdowns, variations and interruptions necessitated by improvements, repairs and/or operation of the system. Whenever possible, notice of intent to temporarily discontinue service will be given to the customer. Neither the City nor the Township shall be liable for loss or damage because of temporary interruption in service or because of inadequate or excessive quantity or quality due to events of nature, public enemy, accidents, labor disputes, normal maintenance, or acts of civil or military authorities. Neither the City, nor the Township shall be liable for damages in the event that the water supply is interrupted due to causes or conditions beyond its reasonable control, including extraordinary repairs, breakdowns, or injury to the machinery, transmission lines, distribution lines, or other facilities in the water supply system, or for acts taken by the City, the Township or its Agent, to limit or prevent the extent or duration of interruptions or disturbances of service to the water supply. The City and Township acknowledge that the provision of potable water is a governmental function and both parties reserve all defenses available to them, including but not limited to, the doctrine of governmental immunity in this State. Nothing in this ordinance may be construed as providing a third-party beneficiary claim to a Customer for any damage or injury resulting from the provision of Water Service.

O. Disconnect Procedures.

The City is authorized to employ such disconnect procedures as are contained in the Kalamazoo City Code and authorized by State Statute as to Township water customers.

P. Restoration of Service.

The City is authorized to employ those "restoration of service procedures" and requirements for same as are contained in the Kalamazoo City Code and authorized by State Statute as to Richland Township customers.

161.206 Sanctions and Violation.

Sec. VI

A. Sanctions

Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under this Ordinance and

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Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. A violation of this Ordinance is also declared to be a public nuisance and the Township may also enforce the same by injunction or other relief which might be available or appropriate under the circumstances.

B. Violators Liable for Penalties Levied Against Municipality or Authority.

Any business, industry or person violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or the City shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in subsection A. above.

161.207 Severability.

Sec. VII

If any section, clause, sentence or provision of this Ordinance is declared to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

161.208 Repeal.

Sec. VIII

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

161.209 Effective Date.

Sec. IX

This ordinance shall take effect thirty (30) days following publication after adoption.

~~161.200 Wellhead Protection Ordinance, Ordinance No. 297 Adopted: January 16, 2024; effective February 26, 2024.~~

161.301 Wellhead Protection

Sec. I

A. Intent/Purpose. The intent of the Township of Richland Wellhead Protection Ordinance is to safeguard the health, safety, and welfare of persons served by the Public Water Supply System by protecting groundwater that serves as drinking water, thus providing a safe potable water supply now and for future generations.

B. Definitions

The following definitions apply to this ordinance:

Best Management Practices (BMP) means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of Regulated Substances entering groundwater and surface water from a particular land use activity.

Capture Zone means that area through which water travels below the surface and reaches a municipal well or wellfield within a specified period of time (under specified conditions set by EGLE). This ordinance addresses both a one-year and ten-year time-of-travel capture zone. The capture zones are shown on the Wellhead Protection Ordinance Capture Zone Map, attached to this Ordinance and incorporated herein by this reference.

City means the City of Kalamazoo.

Groundwater means the water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall include its predecessors and successors.

Performance Standards shall mean those BMPs and engineering controls contained within the document "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management" which is adopted by resolution of the Township Board and which may be amended by resolution of the Township Board as necessary to incorporate new or modified BMPs and engineering controls. The Wellhead Protection Administrator shall maintain the document and shall at times be prepared to consult and distribute the most recently adopted performance standards, a copy of which shall also be retained by the Township Clerk with resolution date indicated thereon.

RCRA means the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Regulated Substances shall include:

1. Substances for which there is a safety data sheet (SDS), as established by the Globally Harmonized System of Classification and Labelling of Chemicals, and the SDS cites possible health hazards for said substance;
2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations;
4. Radiological materials; and
5. Biohazards.

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Regulated Substances shall not, however, include:

1. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
2. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
3. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
4. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
5. Substances contained within electrical utility transformers/switches; or
6. Substances used in construction for which all necessary permits have been obtained, and in accordance with the "Performance Standards."

Release means the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within a capture zone. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:

1. Disposal in accordance with all applicable legal requirements, including those in RCRA and CERCLA, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
4. Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kalamazoo County Environmental Health;
5. A release for which there is no obligation to report under Federal, State, or other local regulations that occurs on an impervious ground surface (e.g., building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g., unpaved), a dry well, a storm sewer, or surface water body; or
6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices," and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and Rural Development (MDARD).

Spill Contingency Plan means a written site-specific plan conforming to the specifications contained in the "Performance Standards," including the documentation of general site operations; Regulated Substance storage areas; potential for releases of Regulated Substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

Township means The Township of Richland Township.

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Wellhead is any individual well used for supplying water.

Wellhead Protection Board of Appeals shall be the Township Of Richland Planning Commission unless the Township Board by resolution designates a separate Wellhead Protection Board of Appeals.

C. Responsibility for Administration

The Township Board shall, by Resolution, designate a person or persons who shall administer, implement and enforce the provisions of this ordinance. That person shall be known as the Wellhead Protection Administrator.

D. Prohibitions within Ten (10) Year Time-of-Travel (TOT) Capture Zone.

Within a ten-year time-of-travel capture zone, no person shall, nor cause or allow another over whom he or she has control to:

1. Release or allow the release of a Regulated Substance, alone or in combination with other materials (such as fill) in such a manner that the substance gains access to the ground, to a storm sewer or surface water or in any other way such that the substance might enter the groundwater if doing so creates a reasonable likelihood of an adverse impact upon the groundwater;
2. Possess a Regulated Substance, including fuels (e.g., gasoline, diesel, kerosene, etc.) exceeding fifty-five (55) gallons aggregate for liquid materials, or four-hundred forty (440) pounds aggregate for dry weights, unless prepackaged and intended for retail sale or for commercial or household use (such as salt used in water softeners, fertilizers, pesticides, herbicides, etc.), or unless engineering controls are designed and implemented consistent with the "Performance Standards," BMPs, the Fire Code, and applicable State of Michigan laws and regulations. The following, however, shall not be considered prohibited activities:
 - a. The use of underground oil and water separators and stormwater treatment structures which meet the conditions of the "Performance Standards;
 - b. The use of current hazardous waste storage areas at RCRA permitted facilities;
 - c. Laboratory activities, consistent with all local, state, and federal regulations.
3. Operate a scrap and recycling yard;
4. Operate a sanitary / solid waste landfill;
5. Use oil, waste oil or similar liquid petroleum-type products for dust suppression;
6. Install a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available;
7. Install or use a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Township that the well owner (or representative) has scientifically demonstrated that the well will not cause an adverse impact to the public water supply;
8. Use any private well if said use is likely to cause an adverse impact to the public water supply;

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9. Excavate, extract, or mine sand, gravel, bedrock or any other type of earth if a permit or site plan review is required unless the property owner has established, to the Township's satisfaction, that the activity will not cause an adverse impact to the public water supply;
10. Allow the presence of an abandoned well, which is defined as any well which has either been discontinued for more than one year, is in such disrepair that its continued use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or is a health or safety hazard. A well shall not be considered abandoned if it has been properly plugged pursuant to The Groundwater Quality Control Act, Part 127, 1978 PA 368; or
11. Drill for natural gas or petroleum, whether for exploration, production or otherwise.

E. Prohibitions Within One (1) Year TOT Capture Zone.

Within a one-year time-of-travel capture zone, no person shall, nor cause or allow another, over whom he or she has control, to:

1. Engage in any activity prohibited in the 10-Year TOT capture zone;
2. Possess Regulated Substances, including fuels (e.g., gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights, such as sometimes occurs with activities such as fueling service establishments, motor vehicle repair, body repair; trucking or bus terminals; primary metal product industries; metal plating, polishing, etching, engraving, anodizing or similar processes; lawn, garden, pesticide and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides and other industry-related chemicals for commercial application; and dry cleaning facilities with on-site cleaning service; or
3. Construct or replace any privy, privy vault, septic tank system, cesspool, or other facility intended or used for the disposal of domestic or non-domestic wastewater if in the determination of the Township, a public sanitary sewer is reasonably available.

F. Well Isolation Distance Restrictions

Within either capture zone, no person shall cause or allow uses or activities that would violate the terms and conditions set forth in the document "Minimum Well Isolation Distances (From Contamination Sources and Buildings), Part 127, Act 368, P.A. 1978 and Act 399, PA 1976" as prepared by the EGLE, Drinking Water and Environmental Health Division (DWEHD), as it may be amended, which, for the purpose of this section, shall be deemed to apply to all persons, unless approved in writing by the Township Wellhead Protection Administrator.

G. Determination of Capture Zone Boundaries

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In determining whether a property is within a capture zone, the following shall apply:

1. Where a capture zone line that delineates the boundary of one or more zones passes through a property, the entire parcel shall be subject to the restrictions that apply to the more restrictive zone.
2. The Township Wellhead Protection Administrator or his or her designee shall have the authority to interpret the capture zone and determine where the boundaries of the different zones fall, if in dispute. Said interpretation may be appealed to the Wellhead Protection Board of Appeals, appointed by the Township Board.

H. Continuation of Existing Facilities and Land Uses

All facilities shall meet the requirements of the "Performance Standards" and/or shall prepare a Spill Contingency Plan within two years from the adoption date of this ordinance.

I. Requirements Regarding Release of Regulated Substance

1. Upon discovery of a release within a capture zone, the owner and person in control of the property on which a release occurred, as well as the person responsible for the release, shall take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Within 24-hours of such release, the owner or person responsible for the release shall notify the Township and the City of Kalamazoo Public Services Director. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Township Wellhead Protection Administrator.
2. All releases shall be documented in writing and notice thereof shall be mailed to the Township within ten (10) business days of said incident. Initial release notification shall include, at a minimum, the following:
 - a. Location of the release (address, and name and phone number of property owner);
 - b. Reporting party's name, address, email address, and phone(s) (if different from above);
 - c. Emergency contact and phone;
 - d. Description and photographs of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released;
 - e. Map showing exact release location, and relevant site features (i.e., paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - f. All measures taken to clean up the release; and
 - g. All measures proposed to be taken to reduce and prevent any future release.

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3. The Township Wellhead Protection Administrator or his/her designee shall use the Regulated Substance Release Report to determine if and where any additional investigative work needs to be completed to assess the potential impact of the release. The owner or operator shall retain a copy of the written notice for at least three years.

J. Inactive Operations

This section applies to any business or other operation ("operation") that is inactive, is within a capture zone, and at which there are regulated substances. For purposes of this section, "inactive" is defined to include those businesses or operations that are unoccupied and have no activity for at least thirty (30) days. Those who own or control such an inactive operation shall do the following:

1. Within 7 days of the operation becoming inactive, take such steps as necessary to secure the site such that vandals and all other persons cannot gain access to the regulated substances;
2. Within 30 days of the operation becoming inactive, provide to the Township Wellhead Protection Administrator a document that identifies the site, the date of inactivity, the regulated substances, quantities and storage conditions that exist on site, and the name, address, email address and phone number(s) of both the owner and the person in control of the site; and
3. Within 6 months of the operation becoming inactive, remove all regulated substances from the site. This does not include those substances used for heating, cooling, or electrical lighting.

K. Enforcement

1. Whenever the Township determines that a person has violated a provision of this Ordinance, the Township may order compliance by issuing a written Notice of Violation to the responsible person/facility.
2. If the Township requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof charged to the violator.
3. Nothing within this section shall limit the Township's authority to seek injunctive relief and/or a search warrant allowing entry onto the premises and abatement of the violation to protect the public health, safety and welfare.

L. Variance / Appeal Rights

1. If an owner of property within a capture zone believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Township Wellhead Protection Administrator (or his or her designee). Such a request must be in writing with enough detail to allow the Township Wellhead Protection Administrator to understand the situation and proposed variance. If the Township Wellhead Protection Administrator determines that additional information is needed, the request for additional information shall be made within 30 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request,

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the Township Wellhead Protection Administrator shall issue a written response to the owner. The response shall grant, deny, or grant partial or different relief than was requested. A grant, partial or complete, may relieve the property owner from strict compliance of this ordinance. Reasonable conditions may be imposed as part of such a grant. The Township Wellhead Protection Administrator shall be guided by the primary goal of protecting the municipal well fields without creating undue hardship upon the property owners affected.

2. Any person receiving a Notice of Violation or whose variance request has been denied in whole or in part may appeal the determination set forth within the Notice or the variance decision to the Township Wellhead Protection Board of Appeals by submitting a written notice of appeal to the Township. The notice of appeal must be received by the Township Wellhead Protection Administrator within 30 days from the date of the Notice of Violation, with enough detail to allow the Township Wellhead Protection Board of Appeals to understand the situation. Within 30 days of the receipt of such an appeal, the Wellhead Protection Board of Appeals shall set the matter for hearing. Notice of the hearing shall be given in writing to the applicant and to the City of Kalamazoo Department of Public Services Director. The applicant shall be given the opportunity to present evidence at the hearing in person or in writing or by representative. The Board of Appeals shall issue a written decision on the appeal. The Township Wellhead Protection Board of Appeals' response shall affirm, reverse, or modify the Notice of Violation being appealed.
3. If the person who has made an appeal does not agree with the Township Wellhead Protection Board of Appeals' decision, said person may appeal the matter by filing an appeal in the Kalamazoo Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the Township Wellhead Protection Board of Appeals' decision.

M. Abatement / Remedial Activities by the Township

1. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The Township is authorized to take any legal action necessary to abate, enjoin, or otherwise compel the cessation of such nuisance.
2. The Township may seek authority to enter the premises to take or may contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.
3. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable local, state, or federal law and it is within the discretion of the Township to seek cumulative remedies.

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N. Violation & Penalty

Any violation of this Ordinance or any order made in accordance with this Ordinance constitutes a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days, together with repayment of costs incurred by the Township in prosecuting the action; in abating the violation or seeking injunctive relief. Each day a violation exists shall be deemed to be a separate violation. A citation under this Ordinance may be issued by a sheriff's deputy, the Township's Ordinance Enforcement Officer or the Township's Wellhead Protection Administrator.

161.302 Repealer

Sec. II

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

161.303 Severability

Sec. III

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

161.304 Effective Date

Sec. IV

This Ordinance is effective on February 26, 2024.

~~161.300~~ Wellhead Protection Ordinance, Ordinance No. 297 Adopted: January 16, 2024; effective February 26, 2024.

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162.000 WATER CONSERVATION
Ord. of 12-11-1962
Adopted: December 11, 1962

162.001 Title.

Sec. 1. This Ordinance shall be known as the "Water Conservation Ordinance of the Township of Richland" and shall be referred to herein as "this Ordinance".

162.002 Definitions.

Sec. 2.

- (a) The word "person" whenever used herein shall be held and construed to mean and include one or more persons, firms, co-partnerships, corporations (private or public), and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by servant, agent or employee.
- (b) The term "Township Board" whenever used herein shall mean the Richland Township Board or such committee or commission to whom the Richland Township Board's authority has been duly, legally and properly delegated.
- (c) The term "water pumping facilities or equipment" when used herein shall mean and include, but not be limited to, pumps, pipes, wells, transmission lines, appurtenances thereof and any other equipment for the extraction from the soil and transmission of water, and when such facilities or equipment are all part of one system or are in any way combined, it shall mean the total system or network of pumps, pipes, transmission lines, appurtenances thereof and any other equipment.

162.003 Regulations.

Sec. 3. No person shall construct, erect, put down, or by any other means install or maintain water pumping facilities or equipment of any nature for the purpose of obtaining water for other than the domestic, agricultural, recreational or industrial use of the premises upon which such water pumping facilities, or equipment, or appurtenances are located, within the Township of Richland, Kalamazoo County, Michigan, except as hereinafter provided.

- (a) Any person feeling aggrieved by the foregoing regulation because of peculiar circumstances necessitating the use of water on premises other than those from which such water is obtained, may apply to the Township Board for a waiver of compliance with this Ordinance and the Township Board shall have the authority, upon cause therefor being shown, to grant such waiver; provided however, no water pumping facilities or equipment shall be constructed, erected, put upon, installed or maintained having a maximum pumping capacity in excess of 3,000,000 gallons for a 24-hour day.

Before such waiver of compliance with this Ordinance is granted by the Township Board, it shall determine that the contemplated use of the water for which the waiver is sought is necessary, cannot be reasonably furnished from another source or other sources and will not unreasonably lower or deplete the head, pressure or supply of water of any other well or spring, or source of water, dependent upon the same head, vein or stratum.

162.000 WATER CONSERVATION
ORD. of 12-11-1962 Adopted: December 11, 1962

To assure compliance with this provision of this Ordinance, the Township Board may require any person to whom a waiver of compliance has been given to furnish data with respect to the pumping capacity of such water pumping facilities or equipment and as a condition of the granting of such waiver, the Township Board shall have the right to enter upon the premises where such facilities or equipment are located and make such inspections, tests or metering of the water as it deems necessary to determine compliance with this Ordinance.

- (b) Notwithstanding anything herein to the contrary, the provisions of this Ordinance shall not be applicable to a Community Water System owned and operated by the Township of Richland, for its residents, businesses, farms, and any and all industries.

162.004 Violation deemed a nuisance.

Sec. 4. The obtaining of water through use of water pumping facilities, appurtenances thereof, or any equipment other than for the uses and subject to the limitations set forth herein is hereby determined to be unreasonable and unnecessary and shall be deemed to be a nuisance.

162.005 Enforcement.

Sec. 5.

- (a) All persons who violate any of the regulations or provisions of this Ordinance whether as owner, lessee, licensee, agent, servant or employee, shall be liable as principals.
- (b) The violation of any of the regulations or provisions of this Ordinance is hereby deemed a nuisance and such violation, in addition to the other means of enforcement of this Ordinance as set forth herein, shall, constitute a basis for injunctive relief and, at the option of the Township Board, said Board may proceed to obtain an injunction requiring any person to cease and desist in the activity claimed to be in violation of the regulations and provisions of this Ordinance.
- (c) Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	1st Offense within 3-year period*	\$ 75.00	\$500.00
—	2nd Offense within 3-year period*	150.00	500.00
—	3rd Offense within 3-year period*	325.00	500.00
—	4th or More Offense within 3-year period*	500.00	500.00
Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. The foregoing fines and sanctions shall be in addition to the right of termination of Public Sewer Service to a violator and the right to obtain injunctive relief in a court of competent jurisdiction. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

162.000 WATER CONSERVATION
ORD. of 12-11-1962 Adopted: December 11, 1962

162.006 Validity.

Sec. 6. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

162.007 Repeal.

Sec. 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

162.008 Effective date.

Sec. 8. This Ordinance shall become effective on the 6th day of February, A.D. 1963.

The foregoing Ordinance was duly adopted at a regular meeting of the Township Board of the Township of Richland held on the 11th day of December, A.D., 1962.

163.000 REFUSE BINS
Ord. No. 85
Adopted: August 2, 1977

163.001 Title.

Sec. I. This Ordinance shall be known as the Township Refuse Bin Ordinance.

163.002 Definitions.

Sec. II.

As used in this Ordinance, the following terms shall have the following meanings:

- A. *Refuse bins* means those refuse receptacles with more than a 20 gallon capacity designed to be transported by or mechanically emptied into a refuse collection vehicle.
- B. *Substandard refuse bins* means those refuse bins which do not meet the stability requirements established in Section IV [163.004] of this Ordinance.
- C. *Person* means and includes a natural person, firm, partnership, association, or corporation and their legal successors.

163.003 Substandard refuse bins.

Sec. III. All persons owning, leasing or using substandard refuse bins or permitting the placement of such substandard refuse bins on private property within their custody or control are hereby encouraged to assure the early modification or retrofitting of such substandard refuse bins or, in the alternative, removal of such bins from areas to which the public may have access.

163.004 Refuse bin requirements.

Sec. IV. From and after the dates established in Section VI [163.006], each refuse bin shall be placed or stored on a horizontal hard surface and shall meet the following stability requirements:

- A. Be reasonably secured in some manner, such as, secured to a stake, fence, wall or other stationary object in a manner to prevent its tipping over, or
- B. Be enclosed with a fence or barrier at least four feet high with an access gate which is kept locked or otherwise reasonably protected from unauthorized access, or
- C. Be designed, constructed or modified so that it will not tip when subjected to 191 pounds hanging vertically from the leading edge thereof or to a pull force of 70 pounds exerted horizontally from any edge thereof.

163.005 Conditions for placement.

Sec. V. In testing for compliance with Section IV [163.004] (C) of this Ordinance, the following conditions shall be observed:

- A. The refuse bin shall be resting on a hard, level surface, and

163.000 REFUSE BINS
ORD. NO. 85 Adopted: August 2, 1977

- B. Lids or covers shall be placed in the forward-most (or most adverse) position, and
- C. Swivel-type castors shall be turned toward each other and all other wheels or castors shall be turned to the most unstable lateral position, and
- D. Hanging weight and pull force tests shall be done separately, and
- E. Castors shall be chocked or secured in such a manner that said refuse bin cannot roll.

163.006 Regulations; effective date.

Sec. VI. Except on the basis of an extension previously granted in accordance with the provisions of Section VII [163.007] hereof, no person shall rent, lease, place upon the property of another, or permit to remain upon property within his custody or control, any refuse bin which is not secured or protected from unauthorized access or which does not meet the stability requirements established in Section IV [163.004] hereof on or after September 15, 1977.

163.007 Extension.

Sec. VII. The Township Board of this Township may accept and consider an application from a person for an extension of the period in which to comply with the provisions of Section IV [163.004] regarding the security of refuse bins. The said Township Board, upon showing by the applicant of diligent effort, unnecessary hardship, practical difficulties or other good cause for inability to comply with such security requirements may approve an extension not to exceed three months.

163.008 Sanctions; severability.

Sec. VIII. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense. Should any part of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

(Ord. No. 152, eff. 1-20-1995)

163.009 Effective date.

Sec. IX. This ordinance shall take effect September 15, 1977. All ordinances or parts of ordinances in conflict with any of the provisions contained herein are hereby repealed.

164.000 LANDFILLS*
Ord. of 10-9-1968
Adopted: October 9, 1968¹

164.001 Name.

1. This Ordinance shall be known and cited as the "RICHLAND TOWNSHIP LANDFILL ORDINANCE".

164.002 Regulations.

2.
 - (a) No person, firm or corporation shall dump or deposit any waste, rubbish, junk or debris in any area of said Township of Richland, except in and upon the Township landfill area maintained and operated for such purposes.
 - (b) The landfill area shall be open hereafter on specific days and at specific times which are approved by Resolution of the Township Board and dumping may not occur at any other time unless authorized by the Township Board or a designated officer or employee of the Township.
 - (c) When directed by an authorized person in charge of said Sanitary Landfill Area, said dumping of waste, rubbish, junk and debris, or other material, shall only be deposited where directed by the person in charge of said Sanitary Landfill Area.
 - (d) Depositing of waste, rubbish, junk and debris, or other material, shall be permitted at other times than heretofore designated, provided however, permission is secured from a member of the Township Board or from an authorized person in charge of Sanitary Landfill Area of said Township.
 - (e) No paper manufacturing waste, explosives or odoriferous materials shall be deposited in such Landfill Area, except upon written approval of the Supervisor of said Township. Further, no brush shall be deposited in said Landfill Area unless permission is received from the person in charge of said Landfill Area, and said brush shall further be deposited only in the area designated by said person in charge of said Landfill Area.
 - (f) No garbage, human or animal excretion, shall be deposited in said Landfill Area, and there shall be no exception to this prohibition.
 - (g) The depositing of any waste, rubbish, junk and debris, or other materials, shall be considered a violation of this Ordinance, if said dumping or depositing of said materials is made other than in the Richland Township Landfill Area.
 - (h) The herein mentioned Landfill Area of Richland Township shall be only available to and used by persons, firms and corporations either/or the residents or property owners within said Township.

¹Editor's note(s)—An Ordinance entitled Richland Township Landfill Ordinance Amendment enacted October 7, 1969, effective November 14, 1969, which set forth certain fees for the use of the Township landfill area, determined the users of said landfill area and provided for penalties for violation thereof, was repealed by Ordinance No. 48 effective September 10, 1971.

164.000 LANDFILLS*

ORD. of 10-9-1968 Adopted: October 9, 1968

- (i) Any person entering upon said landfill area shall be guilty of trespassing and in violation of this Ordinance if said entry upon said landfill area is for any other purpose than for the deposit of waste, rubbish, junk or other materials. Any person found within said landfill area at such times as said landfill area is not open for public use shall be prima facie guilty of violation of this Ordinance.
- (j) Any person, firm or corporation depositing waste, rubbish, junk or debris, or other materials, in said municipally operated Landfill Area, shall do so as his, its or their own risk. The Township of Richland shall not be liable for any injuries or damages occurring therein.
- (k) *Presumption as to violators.* Any waste, rubbish, junk, debris or other material which is deposited or discarded in, about or near the landfill area and which contains the name and address within or on any of said material, shall be presumed to have been placed or discarded by said person, firm or corporation or by an agent of said person, firm or corporation with his, her or its approval. Such evidence produced in Court shall establish a legal presumption that such person, firm or corporation has violated the Ordinance as the result of such discarding or placement of said material.
- (l) *Fees.* No person, firm or corporation shall be entitled to use the Township Landfill Area for the purpose of dumping without paying the fee which may be provided hereafter by Resolution of the Township Board at any regular meeting or any special meeting called for that purpose.

(Ord. No. 65, eff. 5-15-1973)

164.003 Penalties for violations.

3. Any person, firm or corporation which violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00, or by imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment.

164.004 Effective date.

4. This Ordinance shall take effect on the 16th day of November, 1968. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

165.000 CEMETERIES
Ord. No. 310
Adopted: June 16, 2026

165.001 Repeal of previous ordinances.

The Cemetery Ordinance of the Township adopted October 9th, 1968, and effective November 16th, 1968, the amendment to the Cemetery Ordinance being Ordinance No. 46 adopted June 1, 1971, and effective immediately, and Ordinance No. 63, adopted March 6, 1973 are hereby repealed and shall have no further force or effect.

165.002 General provisions.

- a. *Rules and regulations.* All rules and regulations concerning the operation, maintenance, burial and management of cemetery funds shall be made by the Richland Township Board.
- b. *Definitions of lots and burial spaces.* A lot shall consist of a burial space sufficient to accommodate from one to eight burial spaces. The size of a burial space shall be determined by the Township Board. Grave sites are for interment of human remains only.
- c. *Termination of right of burial.* Any purchased grave site not having a burial for a period of 40 years from date of purchase, shall have the right of burial on that site vacated; provided the following have taken place:
 - 1. Notice shall be sent by the Township Clerk by First Class mail to the last known address of the last owner of record, informing him of the expiration of the 40-year period and forfeiture of burial rights to said lots. The owner shall have 60 days from the date of mailing to notify the Clerk, in writing, of his desire to retain said burial rights.
 - 2. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.
- d. *Records.* All records concerning burials, holders of burial lots and management of cemetery funds shall be maintained in a separate record by the Clerk of Richland Township Board shall be open to inspection.
- e. *Official.* As used in this Ordinance shall mean the Township Clerk or other designee of the Township Board.

165.003 Cost of lots.

The price of a burial lot shall be determined by Resolution of the Richland Township Board hereafter, and the price may be altered or amended hereafter also by resolution of the Richland Township Board. Upon payment of fees for burial lots as indicated herein, a certificate shall be issued by the Clerk of Richland Township Board granting to the holder of said certificate the right of burial in the designated Township Cemetery, and within the designated burial

lots as stated on the certificate. The Richland Township Board shall retain the legal title to said land within the cemeteries of said Township and shall grant by said certificate only the right of burial.

165.004 Regulations for burial lots.

a. Sale of lots. Burial lots shall be sold only to the residents and property owners of Richland Township. One family shall be entitled to have a burial lot or burial lots with a total of eight burial spaces, but shall not be entitled to purchase any additional burial lots or burial spaces without the consent of the Richland Township Board and then only when additional spaces are required due to the size of the family or for other exceptional circumstances.

b. Assignment of burial lots. The certificate or certificates of right of burial covering a cemetery lot or lots may not be assigned; however, the certificates may be sold to the Township at the same price as was paid originally by the holder of the certificate, if approved by the Richland Township Board.

c. Persons who may be buried. The holder(s) of a burial lot may authorize the burial of any person, regardless of whether such person is a resident of the Township or a property owner in the Township.

165.005 Grave opening and interment service charges.

The cost of opening and closing graves and the cost of interment shall be determined hereafter by Resolution of the Richland Township Board and may be further amended hereafter also by Resolution of the Richland Township Board.

165.006 Markers and memorials.

All monuments or markers must conform to the general plan of the cemetery and said Richland Township Board shall have final determination as the monument or marker being in conformance.

Standards and Limitations: All permanent markers or memorials must be made of stone, marble, granite or bronze and shall be seated on a foundation collar of at least 2 inches surrounding the same. A single marker shall not be wider than 44 inches (48 inches including the foundation) or up to 20 inches in depth (24 inches including the foundation) including collar.

In the event that one upright monument or marker or memorial is dedicated to the use of two or more burial spaces, such monument, marker or memorial shall be centered, as nearly as practical, among these contiguous burial spaces to which such monument, marker, or memorial is dedicated. The marker shall be no larger than 92 inches in length (96 inches including the foundation) and 20 inches in depth (2 inches including the foundation). A monument shall stand upright no higher than 48".

Suitable solid foundations must be provided for markers or memorials having not less than a 16-inch concrete base and shall be subject to the supervision of the sexton. All costs in the repair of a marker or memorial shall be paid by the holder of said burial lot.

Only one upright monument or marker may be placed on any one burial site. In the case of a subsequent cremains burial, a flush marker may be placed.

No cremation markers placed directly on grave sites are authorized.

Veteran's Medallions may be placed in the center of the grave space flush to the ground. No cremation markers placed directly on grave sites are allowed.

Monuments or markers in disrepair. If any monument or marker falls into disrepair, the same may be removed after having given 30 days' written notice to the holder of said burial lot, at the address given at the time of purchase or of any new address subsequently furnished to the Richland Township Clerk.

165.007 Interment regulations.

- a. Only one body may be buried in a grave site, except in the case of parent and infant or two children buried at the same time or four cremains. A container of the cremated remains of a single person may be placed on a site in which a prior interment has been upon the request of the next of kin.
- b. 36-hour notice shall be given in advance before the time of the funeral to allow the grave to be opened.
- c. The conduct of the funeral shall be governed by the rules of the Richland Township Board.
- d. The burial permit must be presented to the cemetery sexton prior to interment.
- e. All the graves shall be so located as to present a neat and orderly appearance as set forth in the rules and regulations of the Richland Township Board.
- f. An area shall be set forth in each cemetery within the cemeteries of Richland Township for the burial of stillborns, and no monuments or memorials will be permitted in said section.
- g. A burial vault shall be required for all burials except for the interment of stillborn babies and cremains.
- h. No Sunday burials are allowed.

165.008 Disinterment

“Disinterment” means the removal of human remains from its place of burial. All disinterment or reinterment of human remains from cemeteries shall be accomplished in accordance with the Michigan Public Health Code and this Ordinance. The handling, disposition, or disinterment of human remains shall be under the supervision of a person licensed to practice mortuary science in the State of Michigan. MCL 333.333.2801 to 333.2899, as amended. A permit for disinterment and/or reinterment is required before disinterment of a dead body from a grave in Richland Township. Disinterment and/or digging up of an occupied grave shall only occur after receipt of a disinterment permit from the Richland Township Board.

An applicant for disinterment of a grave in the Richland Township Cemetery shall first obtain and present all necessary permits, licenses and written authorizations required by law obtained from the authorized governmental agency, including but not limited to the Kalamazoo County Health Department or its successor agency. Such documentation shall be presented to the Township Official responsible for cemetery record-keeping along with any application fee that is required for the same as shall be approved by resolution of the Richland Township Board.

The Richland Township Board has the authority to grant approval for disinterment (“disinterment permit”) upon application and submittal of all required documents. Permission for disinterment shall not be unreasonably withheld; however, the Township Board shall have the authority to refuse to allow a disinterment from an occupied grave without a court order allowing the same.

165.009 Ground Maintenance and Decorations.

- A. *Township authority.* The Township Official and/or the cemetery sexton have the authority to request and/or to perform ground maintenance in the cemetery. All grading, leveling or excavating shall be accomplished only by the Township through its sexton or other designee. Only the Township, its sexton or other designee is permitted to utilize lawn maintenance equipment or excavating equipment in the

cemetery. No other person shall be permitted to undertake ground maintenance or plantings in the cemetery unless specific written permission is obtained from the Official.

1. No personal lawn maintenance equipment shall be used, except by the Township.
2. No edging, stones, coping, fence, railing, hedge, or material of any sort shall be established or maintained to define a cemetery lot or burial space or portion thereof.
3. No flowers, shrubs, trees, or vegetation of any type shall be planted within the township cemetery, including on graves or burial spaces or around markers or monuments. Any such planting may be removed and disposed of by the Township Official or the cemetery sexton without prior notice.
4. No surfaces other than earth or sod are permitted.

B. Regulations as to Decorations.

1. One (1) decorative item per gravesite is permitted to include a container or flowerpot to hold cut flowers, artificial flowers or any other non-season-specific items that fit within the container. The item shall be placed on the side of the monument on a patio stone. Alternatively, one (2) shepherd's hook with up to two (2) hooks and constructed of heavy metal shall be permitted per gravesite. The base must insert flush into the ground and abut the foundation of the side of the monument.
2. One additional temporary (1) holiday decoration is permitted per gravesite two (2) weeks prior to and two (2) weeks following the holiday. The term "holiday" as used in the Section refers to New Year's Day, Valentine's Day, Easter, Mother's Day, Memorial Day, Father's Day, Independence Day, Labor Day, Halloween, Veterans Day, Thanksgiving; and Christmas, Kwanzaa or Hanukkah.
3. Items such as dried up or wilting flowers, balloons, statues or other items left as part of the burial process must be removed within 14 days of the burial.
4. Permanent receptacles integrated as part of the permanent marker, memorial, monument or foundation for use of holding cut flowers are permitted. However, no jars or glass containers may be used for cut flowers except for those identified in item 3, above.
5. Cones for holding artificial flowers are not allowed, nor are artificial flowers to be placed directly in the ground. All permitted items must be in line with the marker, memorial, or monument and cannot be placed in front or in back of or exceed the width of the lot.
6. Small trinkets and memory items that fit on the base of the monument and are heavy enough to withstand wind or deterioration due to weather are permitted; however, the Township is not responsible for theft or damage thereto.
7. No cremains shall be spread upon any portion of the Township cemetery, unless in an area established for such use.
8. No bird feeders, deer feeders or other animal feeding devices or materials are permitted within the Township cemetery.

C. Authority for trimming, removal, and elimination of unlawful items.

1. Trees, plants or shrubs existing in the cemetery are township property. As such, the Township reserves the right to remove or trim any tree, plant, or shrub located in the cemetery in the interest of maintaining property appearance to effectuate the use of the cemetery as intended.
2. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers, or other objects in the cemetery that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem or that are otherwise in violation of this Ordinance.
3. The Township shall regularly perform ordinance enforcement duties throughout the year. Maintenance and clean-up will be conducted on a regular basis. The Township reserves the right to remove and dispose of items in violation of the ordinance.

165.010 Columbarium Regulations.

The Township may also provide one or more columbaria for the inurnment of cremains within the cemetery. No more than two standard-sized urns (5.5 inches wide by 3 inches in depth x 11.5 inches in height) shall be allowed in each columbarium niche.

Each columbarium niche shall be marked with uniform required engraving on the niche panel. The Township shall provide the option to engrave the last name, first name and middle initial of the deceased; their birth and death dates, and the choice of one engraved emblem on each niche panel. Veterans are additionally allowed one small Veteran's administration medallion 2 inches wide by 1 ½ inches high by 1/3 inch in depth. If a columbarium space is filled with a second set of cremains as an afterthought, the family must bear the cost of a new panel and engraving, if necessary.

There shall be no cleaning of the columbarium except by the Township under the direction of the official or the Sexton.

Decorations of any kind are not allowed on the columbarium with the exception of flowers placed at the base thereof during inurnment, which must be removed within 14 days thereafter.

165.011 Cemetery hours.

The cemeteries of Richland Township shall be open to the general public from the hours of 8:00 a.m. to sunset of each and every day. No person shall be permitted in said cemeteries, except by permission of the Richland Township Board, acting through its sexton, at other hours than herein specified.

165.012 Sanctions.

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$ 75.00	\$500.00
2nd Offense within 3-year period*	150.00	500.00
3rd Offense within 3-year period*	325.00	500.00

165.000 CEMETERIES

ORD. NO 310

4th or More Offense within 3-year period*	500.00	500.00
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Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

165.013 Emergency matters and interpretation.

The Richland Township Board shall have the power and authority to interpret provisions of this Ordinance and the Official shall have the authority to act upon the emergency matters concerning township cemeteries which are not specifically covered in this Ordinance, such matters to be reported to the Township Board at its next regular meeting.

166.000 RESIDENTIAL WASTE REDUCTION

Ord. No. 230

Effective: June 3, 2008

ARTICLE 1

166.100 PURPOSE; CURRENT CONTRACTS; DEFINITIONS; SANCTIONS

166.101 Purpose.

Sec. 1-1.

- (a) The purpose of this ordinance is to protect and promote the public health, safety, and welfare of the inhabitants of the Township by regulating the collection of residential garbage and recyclables in a manner that will promote waste reduction.
- (b) This ordinance does not prevent persons or entities from marketing or disposing of collected materials where the persons or entities choose, as long as the collected materials are marketed or disposed of in a manner which is consistent with local, state and federal requirements.
- (c) Recyclables collection service is required for all garbage pickup customers. Customers will be charged for the service even if not utilized.

166.102 Current contracts.

Sec. 1-2. This ordinance is not intended to alter or delete terms or conditions of any existing contract or franchise or the Township's rights and abilities to develop other means of providing garbage, recycling or trash service through, for example, but not limited to, collection services provided by municipal crews or a private contractor.

166.103 Definitions.

Sec. 1-3. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Curbside collection* means the gathering by a hauler of designated materials placed by a customer within six feet of the curb or road's edge.
- (b) *Garbage* means all waste consisting of or in general contact with putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and other customary miscellaneous residential waste, such as consumer packaging used for food products.
- (c) *Hauler* means any person or entity involved in the business of collecting residential garbage generated within this jurisdiction.
- (d) *Licensing agent* means the Township or a person or public agency designated by the Township to perform administrative duties specified in this ordinance.

- (e) *Prohibited items* means items which cannot be lawfully deposited in a Type II Landfill as defined by state law. (Natural Resources and Environmental Protection Act, 1991 Public Act 451, as amended.)
- (f) *Recyclable material* and *recyclables* mean waste materials which can be converted to a useful product and for which there is a market. Examples of recyclable materials include corrugated cardboard, office paper, newspaper, glass jars and bottles, and certain plastics and metals.
- (g) *Trash* means all large rubbish and debris of a domestic or household character, except garbage, recyclables or any prohibited item. Recyclable containers containing trash shall be deemed trash for the purpose of this ordinance.
- (h) *Unit-based fees* means a fee system used by a hauler to charge for services based on the amount (weight or volume) of the material being collected from the customer. Fees progressively based on the collection container size shall be deemed "unit-based fees" for the purpose of this ordinance.

166.104 Sanctions.

Sec. 1-4. A hauler who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by state statute and shall be subject to a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, which the Township has paid in connection with the municipal civil infraction. Each date that a violation occurs shall constitute a separate offense. The sanctions in this section shall be in addition to the rights of the Township to proceed under Section 2-6 or at law or equity with other appropriate and proper remedies.

ARTICLE 2

166.200 HAULER LICENSE

166.201 License required.

Sec. 2-1. No person or entity shall operate as a hauler within the Township without first obtaining and having in effect a hauler license issued pursuant to this ordinance.

166.202 License application.

Sec. 2-2.

- (a) The application shall include the following information:
 - (1) The name, local address, and telephone number of the hauler.
 - (2) The name, address and telephone number of the hauler's main office, if the local office is a subsidiary or branch location;
 - (3) Proof of insurance.
 - (4) The signature of an authorized officer or employee of the hauler.
- (b) A licensee shall notify the licensing agent, in writing, prior to any substantial change in the information provided in the application.

166.203 License application fee and renewal fee.

Sec. 2-3.

- (a) Application or renewal licensing fees shall be paid by the applicant upon submittal of the application to the licensing agent. The application and renewal fees shall be set by the licensing agent. If the Township designates the county as the licensing agent under this ordinance and one or more other municipalities do the same, a single application fee paid by the hauler to the county for a hauler license shall satisfy the application fee requirement for those municipalities. The fees shall be reasonable and shall not exceed the cost of administering this ordinance.
- (b) A license shall expire on December 31 of each year.

166.204 License approval or denial.

Sec. 2-4.

- (a) Upon receipt of a completed application and the application fee, the licensing agent has up to 45 days to determine the accuracy of the information on the application. If the information on the application is found to be accurate, the licensing agent shall issue a written notice of approval no later than 45 days after receipt of the application. If any inaccuracy becomes apparent, the licensing agent shall inform the applicant of the inaccuracy by certified mail and request a correction.
- (b) The applicant's failure to submit the requested correct information by not later than 12:00 midnight of the seventh calendar day following receipt of the original request for corrected information shall result in no further consideration of the application until such time as the hauler files a completed new application and a new application fee.
- (c) Notice of denial shall be sent to the applicant by certified mail. The notice shall include the notification of the right of the applicant to request reconsideration of the denial and to have a hearing thereon before the licensing agent. Any such request for reconsideration shall be filed in writing with the licensing agent within ten days from the date of mailing of the notice of denial. The hearing shall be noticed and conducted by the licensing agent in substantial accordance with the procedures set forth in Section 2-6.

166.205 License suspension and revocation by township.

Sec. 2-5.

- (a) The Township may, acting in accordance with Section 2-6, suspend or revoke a hauler's license to operate within the Township's jurisdiction.
- (b) A license may be suspended or revoked for any of the following reasons:
 - (1) The failure of the licensee to substantially comply with this ordinance or any other applicable federal, state, county or local laws or regulations;
 - (2) Misrepresentations of any material fact contained in the license application
 - (3) The failure to provide accurate information to customers on the inseparability of the fee for garbage and recyclables collection;
 - (4) The failure of the licensee to timely pay any municipal civil infraction fine, costs or expenses imposed for violation of this ordinance.
- (c) If a license is suspended, it shall remain suspended until such time as the licensing agent determines the reason(s) for the underlying suspension have been fully remedied. If a license is revoked, the licensing agent shall not issue a new license until a new completed application and new application fee

has been received. Upon license revocation the hauler shall be considered unlicensed pursuant to this ordinance.

166.206 Procedure to suspend or revoke license.

Sec. 2-6.

- (a) Written notice of a public hearing to consider suspension or revocation of a license shall be mailed by certified mail to the licensee at its last known address, not less than seven days prior to the public hearing at which the suspension or revocation of the licensee will be considered. The notice shall indicate the date, time, and location of the hearing. The notice shall also include a statement of the reasons for the proposed suspension or revocation.
- (b) The public hearing shall provide the opportunity for the licensee to present witnesses and question any adverse witnesses as may appear at the hearing.
- (c) Any suspension or revocation imposed by the Township shall be based upon a full consideration of the evidence presented at the public hearing.
- (d) The township shall have 30 days from the date of the public hearing to make a determination. Written notice of the determination, along with a statement of the reasons for the determination, shall be mailed by certified mail to the last known address of the licensee no later than eight days after the Township's decision.

166.207 License non-transferability.

Sec. 2-7. A license shall not be transferable or assignable to another.

ARTICLE 3

166.300 HAULER REQUIREMENTS

166.301 General requirements.

Sec. 3-1.

- (a) A hauler shall provide the following curbside collection service to its residential customers in buildings containing four dwelling units or less:
 - (1) Garbage, including recycling.
- (b) Customers shall be permitted to purchase the following service on an as needed basis.
 - (1) Trash pick-up.
- (c) A hauler shall not limit the amount of residential recyclable materials from each customer as long as the materials are generated by that customer.
- (d) A hauler shall offer at least three garbage collection container size options.
- (e) Haulers shall abide by local ordinances which regulate days when materials are collected.

166.302 Frequency of service.

Sec. 3-2.

166.000 RESIDENTIAL WASTE REDUCTION

ORD. NO. 230 Effective: June 3, 2008

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- (a) A hauler shall offer regular curbside residential garbage collection service a minimum of once per week and recyclables collection service no less than once per month.

166.303 Fees.

Sec. 3-3.

- (a) A hauler shall clearly and separately indicate on the customers billing statements the fees for each of the following collection services purchased every time the customer is billed, and also indicate that by actively recycling customers will be able to reduce their waste bills through the use of smaller garbage containers:
- (1) Garbage, including recycling
 - (2) Trash pickup
- (b) Fees for residential collection services shall be "unit-based", with the exception of recyclables collection which shall not be unit-based.
- (c) Under certain circumstances, i.e. persons with disabilities, back door services may be provided without an additional charge.

166.304 Minimum liability insurance requirement

Sec. 3-4.

- (a) All haulers shall provide proof of minimum liability insurance when working in the Township as follows:
- (1) Commercial general liability, including contractual liability, independent contractors' coverage, and broad form general liability extensions:

- Personal/bodily injury:

Each person\$1,000,000

Each accident\$1,000,000

- Property damage:

Each accident\$1,000,000

Each aggregate\$1,000,000

- (2) Motor vehicle liability (including hired cars and auto non-ownership):

- Bodily Injury:

Each person\$1,000,000

Each occurrence\$1,000,000

- Property Damage:

Each accident\$1,000,000

Each aggregate\$1,000,000

- (b) The insurance company providing the insurance in subsection (a) of this section to the hauler must be licensed to do business in the state, recognized by the state insurance bureau, and have a rating in the latest Best rating of B+ or better.

- (c) The insurance policy shall include an endorsement stating that it is understood and agreed by the hauler and its insurance company that 30 days advance written notice of cancellation, nonrenewal, reduction, and/or material change of the insurance policy shall be sent to the licensing agent and Township.

166.305 Educational requirement.

Sec. 3-5.

- (a) Annual educational notice. On an annual basis, all haulers shall distribute to their residential customers, the Township, and the licensing agent, printed material which communicates the availability of and includes the details and procedures for the collection services regulated in this ordinance. Haulers may distribute the printed materials with customer billings or appropriate leave-behind tags for its customers. A hauler shall notify its residential customers of any material changes in service and cost that affect the customer on or before the next billing cycle.
- (b) Educating noncompliant customers. If a customer of the hauler does not properly prepare materials for collection, a hauler is not obligated to pick up the material if, by collecting the materials, a hauler places itself in a position of non-compliance with this ordinance or other applicable law. In such cases, the hauler shall notify the customer of the potential violation and provide instructions to the customer on how to comply. The notification shall be as follows: a leave-behind tag, a letter, telephone and/or direct personal communication.

166.306 Reporting requirement.

Sec. 3-6. In order to permit public evaluation of the waste reduction measures promoted in this ordinance, all haulers shall file annual reports with the licensing agent by January 15th of each year. The report shall contain verifiable information of the weight of residential recyclables collected by the hauler within the areas regulated by this Ordinance.

ARTICLE 4

166.400 EFFECTIVE DATE; REPEAL

166.401 Repeal.

Sec. 4-1. All Ordinances or parts of Ordinances in conflict herewith, including but not limited to Richland Township Ordinance No. 153, are hereby repealed.

166.402 Effective date.

Sec. 4-2. This ordinance shall take effect 30 days following publication after adoption.

**Parts 167—189
(Reserved)**

190.000 TRASH AND LEAF BURNING
Ord. of 3-15-1965
Adopted: March 15, 1965

190.001 Title.

Sec. 1. This Ordinance shall be known and cited as the "Richland Township Trash, Leaf and Material Burning Ordinance".

190.002 Purpose.

Sec. 2. The purpose of this Ordinance is to regulate the burning of leaves, trash and other materials so as to protect the people and property within the Township of Richland against health and safety hazards caused by the burning of leaves, trash or other materials near public roads, streets and places, and in the vicinity and near buildings and structures both public and private, and to promote the health and welfare of the community by regulating methods and requirements for the burning of trash, leaves and other materials within the said Township of Richland.

190.003 Regulations.

Sec. 3.

- (a) No person, firm or corporation shall engage in the outdoor burning of any leaves, trash or other material or waste or rubbish whether the same be domestic, commercial or industrial unless, in addition to satisfying the requirements set forth in subsections (b) through (f) below, one of the following requirements is met:
 - (1) The burning is conducted within a fire proof masonry or metal burner containing an approved spark arrester with openings of not larger than three-fourths inch in diameter or three-fourths inch in width or length; or
 - (2) A burning permit is issued by the Richland Township Fire Chief or other Richland Township official authorized by the Richland Township Board upon a finding by such official that:
 - (i) The lot or parcel on which the outdoor burning will occur consists of at least two acres; and
 - (ii) The specific site of the proposed outdoor burning is sufficiently isolated so as to avoid a health or safety hazard or unreasonable disturbance to persons or property by reason of flame, heat, fly ash, sparks or smoke.
- (b) No person, corporation or firm shall at any time burn any leaves, trash or other materials on or within 20 feet of any public right-of-way, public park, playground, cemetery or other publicly owned property.
- (c) Any burning of leaves, trash, waste or other material shall be attended while so burning by a competent person of the age of 15 years or older unless the same is wholly contained within an approved incinerator of non-combustible masonry or metal with an approved spark arrester as is outlined and specified in paragraph (a) above of this Ordinance.
- (d) No person, firm or corporation shall burn any leaves, trash, waste or any other material within 20 feet of any buildings on neighboring property or within ten feet of any property boundary line.

190.000 TRASH AND LEAF BURNING
ORD. of 3-15-1965 Adopted: March 15, 1965

- (e) No ash, waste, trash or other materials from the burning thereof or fire thereof shall be deposited in the storm gutters, storm sewers or public streets or highways adjoining said property wherein the burning took place within Richland Township.
- (f) No burning of any leaves, trash or other materials shall be permitted at any time or in any location throughout Richland Township which would be a health or safety hazard or unreasonable disturbance to persons or property by reason of flame, heat, fly ash, sparks or smoke as determined by the Richland Township Fire Chief or other Richland Township official authorized by the Richland Township Board.
- (g) The Richland Township Fire Department shall have the authority to extinguish any fire being conducted in violation of this Ordinance if it is determined by the Richland Township Fire Department officer in charge at the scene that such action is necessary to eliminate a health or safety hazard or an unreasonable disturbance to persons or property by reason of flame, heat, fly ash, sparks or smoke.

(Ord. No. 183, adopt. 11-12-2002; Ord. No. 249, §§ I—III, adopt. 3-20-2012)

190.004 Validity.

Sec. 4. Should any section, clause, paragraph or provision of this Ordinance be declared by any Court to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so determined to be invalid.

190.005 Sanctions.

Sec. 5. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

190.006 Effective date.

Sec. 6. This Ordinance shall take effect on the 21st day of April, 1965. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

190.000 TRASH AND LEAF BURNING
ORD. of 3-15-1965 Adopted: March 15, 1965

191.000 LAKE SAFETY
Ord. of 9-5-1961
Adopted September 5, 1961

191.001 Name.

Sec. 1. This Ordinance shall be known and cited as the Richland Township Lake Safety Ordinance.

191.002 Swimming.

Sec. 2.

- (A) No swimming shall be allowed further than 100 feet from the shore line of any lake or portion thereof within the Township unless the swimmer or swimmers are escorted by a boat operated at all times by a competent operator, or unless the swimming area is properly enclosed with ropes and buoys.
- (B) No underwater swimming shall be allowed without proper and adequate surface identification for the swimmers and without the protection of at least one accompanying underwater swimmer.
- (C) Swimming at public parks and beaches shall comply with the following additional regulations.
 - (1) Such swimming shall be engaged in only between the hours of 7:00 a.m. and one hour after sundown.
 - (2) No swimming shall be allowed outside the marked areas designated for swimming unless the swimmer is accompanied by a properly manned boat.

(ord. eff. Oct. 13, 1961)

191.003 Power boats.

Sec. 3.

- (A) No power boats shall be operated in a reckless or careless manner or at a rate of speed likely to cause injury or damage to persons or property.
- (B) Power boats shall not be operated after sundown or before daylight without adequate lighting at the bow and stern, visible for a distance of 1,000 feet.
- (C) No person under 16 years of age shall operate a power boat with a motor of more than five horse power unless accompanied by an adult.
- (D) No power boat shall be operated in any manner that is wilfully designed to annoy, rock, endanger, or frighten, other boats and their occupants, or water skiers being towed by such other boats.
- (E) The occupant of every power boat must be provided with a life preserver.
- (F) No power boat shall cruise at a higher rate of speed than ten miles per hour within 150 feet of the shore line.
- (G) No power boat shall pass another boat or water skier or raft, closer than 75 feet unless its speed is reduced to less than ten miles per hour and the area involved does not permit passing at a distance of 75 feet or more.

191.000 LAKE SAFETY
ORD. of 9-5-1961: Adopted September 5, 1961

- (H) If a traffic pattern has been established by boats in operation upon the lake, such traffic pattern shall be observed to avoid the danger of collisions.

191.004 Water skiers.

Sec. 4.

- (A) All boats pulling water skiers must have at least one observer within the boat at all times, in addition to the pilot.
- (B) All water skiers must wear an approved life belt or life preserver while skiing.
- (C) No water skiing shall be allowed at any time when visibility is not clear for at least 1,000 feet.

191.005 General.

Sec. 5.

- (A) No boat, raft, or other floating object shall be anchored more than 100 feet from shore, after sunset, without adequate lights marking its position, visible at least 500 feet in all directions.
- (B) No refuse shall be deposited in any lake within the Township.
- (C) Power boats operated or launched at public parks or beaches shall not be operated at speeds in excess of three miles per hour when leaving or approaching the shore, and shall yield the right-of-way to all swimmers and bathers.

191.006 Sanctions.

Sec. 6. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

191.007 Validity.

Sec. 7. Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

191.008 Effective date.

Sec. 8. This Ordinance shall take effect on the 13th day of October, 1961. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

(ord. eff. Oct. 13, 1961)

192.000 GULL LAKE WATERCRAFT SPEED

Ord. No. 91

Adopted: September 5, 1978

192.001 Definition.

Sec. I. All words and phrases used in this Ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303 of the Public Acts of 1967, as amended, MCL § 281.1013.

192.002 Watercraft speed limit.

Sec. II.

R 218.739.9. Gull Lake; watercraft speed limit.

Rule 9. On the waters of Gull Lake, sections 1, 2, and 12, T 1 S, R 10 W, Richland Township, and Sections 6, 7, 8, 17, 18, and 20, T 1 S, R 9 W, Ross Township, Kalamazoo County, it is unlawful at any time to operate a vessel at a speed in excess of 40 miles per hour (64 kilometers per hour). (See R 281.708.10 covering that portion of Gull Lake which lies in Barry County.)

192.003 Repeal.

Sec. III. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

192.004 Penalty.

Sec. IV. Violations of this Ordinance are a misdemeanor and may be punished by a fine not to exceed \$500.00, together with costs of prosecution, or imprisonment in the County Jail or such other place of detention as the court may prescribe, for a period not to exceed 90 days, or said fine, costs of prosecution, and imprisonment at the discretion of the court.

192.005 Severability.

Sec. V. This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid, it is declared the remainder of this Ordinance shall not be affected thereby.

192.006 Effective date.

Sec. VI. This Ordinance shall take effect October 13, 1978.

193.000 KEY BOXES
Ord. No. 148
Effective: June 24, 1994

193.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Key Box Ordinance."

193.002 Establishment and maintenance of key box system.

Sec. II. All commercial, industrial, multiple family residential (three or more dwelling units), public buildings not otherwise exempted by statute, private school buildings and buildings used or designed for the gathering together of persons for purposes of civic, social, recreational or religious functions either

- (1) constructed after the effective date of this Ordinance, or
- (2) for which a building permit is issued after the effective date of this Ordinance for construction work on the building or another building located on the same lot or parcel of land

shall have installed and thereafter properly maintained on the property in an accessible location approved by the Richland Township Fire Chief or Richland Township Building Official a key box system of a type approved by resolution of the Richland Township Board.

The key box system installed pursuant to the above paragraph shall contain:

- a. Keys to locked points of ingress whether on the interior or exterior of such buildings.
- b. Keys to locked mechanical equipment rooms.
- c. Keys to locked electrical rooms.
- d. Keys to elevator controls.
- e. Keys to other areas as determined by the Richland Township Fire Chief to be necessary for immediate access for life saving or firefighting purposes.

In the case of strip malls or other commercial or industrial buildings having multiple occupancy units that are not connected through unlocked interior access, a separate key box shall be established for each unit in an accessible location approved by the Richland Township Fire Chief or Richland Township Building Official.

(Ord. No. 194, adopt. 8-5-2003)

193.003 Waiver.

Sec. III. Upon written application of the owner or occupant of a building subject to the regulations set forth above, the Richland Township Supervisor and the Richland Township Fire Chief shall have authority to jointly grant a waiver from a requirement of this Ordinance if they both find that the granting of the waiver will not materially impair access needed for life saving or firefighting purposes and that the waiver will otherwise be consistent with the purposes of this Ordinance. The burden of proof shall be on the applicant to demonstrate that its application satisfies the standards for a waiver. A denial of an application for a waiver may be appealed to the Richland Township Board by written appeal filed with the Richland Township Clerk within ten business days from the date of

193.000 KEY BOXES
ORD. No. 148 Effective: June 24, 1994

mailing by first class mail or personal delivery to the applicant of written notification of the denial of the application for the waiver.

193.004 Nuisance.

Sec. IV. A violation of the provisions of this Ordinance is hereby declared to be a public nuisance which, in addition to all other sanctions provided for under this Ordinance, may be enjoined by any court of competent jurisdiction.

193.005 Sanctions.

Sec. V. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within 3-year period*	500.00	500.00
Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

(Ord. No. 152, eff. 1-20-1995)

193.006 Severability.

Sec. VI. Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

193.007 Repeal of conflicting ordinances.

Sec. VII. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

193.008 Effective date.

Sec. VIII. This Ordinance shall take effect 30 days after publication of the Ordinance.

194.000 FIRE AND EMERGENCY SERVICES CHARGES

ORD. NO. 155

Amended by Ordinance No. 292 Effective: May 1, 1995; [Ord. No. 292, effective 12-31-22](#)

194.000 FIRE AND EMERGENCY SERVICES CHARGES

Ord. No. 155

Effective: May 1, 1995

194.001 Purpose.

Sec. I. This Ordinance is adopted for the purpose of providing financial assistance to Richland Township to help defray the costs of providing certain specified types of fire protection and other emergency services from those receiving direct benefits from those services.

194.002 Charges.

Sec. II. A recipient or beneficiary of any of the enumerated emergency services set forth herein rendered in Richland Township by the Richland Township Fire Department (hereinafter "Fire Department") and Richland Township shall be responsible for payment to Richland Township of charges for the actual cost of providing such services in accordance with the provisions of this Ordinance, including, but not limited to, costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

- A. Fees established by resolution of the Township Board from time to time for each pumper, water tender or other emergency service vehicle required, in the opinion of the officer in command, to be utilized in responding to the incident.
- B. All personnel-related costs and fees incurred by the Township as a result of responding to the incident. Such costs and fees may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time emergency service personnel; overtime pay and related fringe benefit costs for hourly employees; and fire run fees paid to on-call emergency service personnel.
- C. Other expenses incurred by the Township in responding to the incident, including but not limited to, rental or purchase of machinery or equipment; labor, consultants, legal and engineering fees; replacement costs related to disposable personal protective equipment; extinguishing agents and supplies; water purchased from municipal water systems; and meals and refreshments for personnel while responding to the incident.
- D. Charges to the Township imposed by any local, state or federal government entities related to the incident.
- E. Costs incurred in accounting for all incident-related expenditures, including billing and collection costs.
- F. Repeated calls for service to the same residential and/or commercial congregate residential facility; shall be billed to the owner of the property or facility after the first five calls in any calendar year, in an amount approximating the mobilization and personnel costs which shall be established by resolution of the Township Board. [\(Ord.No. 292, effective 12-31-22\)](#)

194.003 Services for which charges are imposed.

Sec. III. The above-referenced charges shall be imposed for Fire Department and other Township services rendered in response to the following types of incidents:

194.000 FIRE AND EMERGENCY SERVICES CHARGES

ORD. NO. 155

Amended by Ordinance No. 292 Effective: May 1, 1995; Ord. No. 292, effective 12-31-22

- A. Incident involving the actual or threatened release of hazardous materials. For purposes of this Ordinance, "hazardous materials" include, but are not limited to, a chemical that is a combustible liquid, inflammable gas, explosive, flammable, an organic peroxide, and oxidizer, pyrophoric, unstable reactive or water reactive.
- B. False alarms (i.e., an emergency services call to a site when no actual emergency exists), if there have been three or more prior false alarm calls to the same property within the past 12 months.
- C. Incident involving spills onto a public or private road by a vehicle or trailer or non-hazardous materials of such quantity as to require Fire Department assistance in either removing the material from the road or in limiting access to the road until the material is removed.
- D. Incident involving downed airplane(s) requiring Fire Department and/or other emergency services for fire suppression, emergency medical assistance, clean up and/or limiting access to the site.
- E. Incident involving a downed power line. Emergency service personnel-related charges for responses to this type of incident shall commence after the first hour the Fire Department has responded to the incident and shall continue until all Township personnel have concluded personnel-related responsibilities.
- F. Incident involving an outdoor fire started without a burning permit issued pursuant to the Richland Township Trash, Leaf and Material Burning Ordinance, if there has been within the past 12 months one or more emergency services calls to the same property also involving an outdoor fire started without such a burning permit.

(Ord. No. 184, adopt. 11-12-2002)

194.004 Billing and payment.

Sec. IV. Following the conclusion of the emergency incident, the Township Fire Chief shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible party for payment. The Clerk's invoice shall demand full payment within 30 days of receipt of the bill. Any additional expenses that become known to the Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain after 30 days, the Township shall impose a late charge of one percent per month, or fraction thereof.

194.005 Exemption.

Sec. V. All federal, state, county, municipal and other public bodies shall be exempt from the foregoing charges.

194.006 Non-exclusive charge.

Sec. VI. The foregoing charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a Fire Department and/or contracting for fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

194.000 FIRE AND EMERGENCY SERVICES CHARGES

ORD. NO. 155

Amended by Ordinance No. 292 Effective: May 1, 1995; [Ord. No. 292, effective 12-31-22](#)

194.007 Multiple beneficiaries.

Sec. VII. When a particular emergency service of the type enumerated in Section III benefits more than one person or property, the owner of each property so benefitted and each person so benefitted shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Fire Chief subject only to appeal, within the time limits for payment, to the Richland Township Board and shall be administered so that charges shall only be collected from the beneficiary(ies) of the service. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring Fire Department services, (2) is an owner and/or occupant or party in control of property from which the materials involved in the incident were released or spilled, (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled, (4) is the owner of the materials involved in the incident that were released or spilled, (5) in the case of an incident involving a false alarm call, the owner or lessee of the property which was the subject of the call, (6) in the case of an incident involving a downed airplane, the owner or lessee of the airplane, and/or (7) in the case of an incident involving a downed power line, the owner of the power line.

194.008 Severability.

Sec. VIII. Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

194.009 Effective date.

Sec. IX. This Ordinance shall take effect May 1, 1995. All ordinances or parts of ordinances in conflict herewith are repealed.

195.000 FIRE APPARATUS ACCESS ROADS

Ord. No. 156

Effective: June 9, 1995

195.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Fire Apparatus Access Road Ordinance".

195.002 Establishment and maintenance of fire apparatus access roads.

Sec. II. Fire apparatus access roads shall be established and maintained for all commercial, industrial, multiple family residential (three or more dwelling units) buildings or building additions, public buildings or building additions not otherwise exempted by statute, private school buildings or building additions, and building or building additions used or designed for the gathering together of persons or purposes of civil, social, recreational or religious functions, that are constructed after the effective date of this Ordinance when any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by a route apparatus access as measured by a route approved by the Richland Township Fire Chief (hereinafter "Fire Chief") around the exterior of the building. More than one fire apparatus access road shall be established when it is determined by the Fire Chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

195.003 Specifications.

Sec. III.

- A. *Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet six inches. Upon approval pursuant to Section VI [195.006] of this Ordinance, vertical clearance may be reduced if such a reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.
- B. *Surface.* Fire apparatus access roads shall be designated and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
- C. *Turning radius.* The turning radius of a fire apparatus access road shall be such as the Fire Chief reasonably determines necessary to assure adequate turning room for fire apparatus.
- D. *Dead ends.* Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with such provisions as the Fire Chief reasonably determines necessary for the turning around of fire apparatus.
- E. *Bridges.* When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and shall use designed live loading sufficient to carry the imposed loads of the fire apparatus.
- F. *Grade.* The gradient for a fire apparatus access road shall be such as will, in the Fire Chief's reasonable determination, be sufficient to permit year-round fire apparatus use of the access road.

195.004 Required signage.

Sec. IV. All fire apparatus access roads, both those existing prior to adoption of this Ordinance and those established hereafter, shall be clearly posted with signage prohibiting parking within the road.

195.005 Parking of non-emergency vehicles.

Sec. V. The parking of a non-emergency vehicle within any portion of a fire apparatus access road posted with signage as provided in Section IV [195.004] is prohibited.

195.006 Waiver.

Sec. VI. Upon written application of the owner or occupant of a building subject to the regulations set forth above, the Fire Chief shall have authority to grant a waiver from a requirement of this Ordinance if the Fire Chief finds that the granting of the waiver will not materially impair access needed for life saving or fire fighting purposes and that the waiver will otherwise be consistent with the purposes of this Ordinance. The burden of proof shall be on the applicant to demonstrate that its application satisfies these standards for a waiver. A denial of an application for a waiver may be appealed to the Richland Township Board by written appeal filed with the Richland Township Clerk within ten business days from the date of mailing by first class mail or personal delivery to the applicant of written notification of the denial of the application for the waiver.

195.007 Parking violation—Presumptions.

Sec. VII.

- A. Except as provided in Subsection "B" below, in an enforcement proceeding for the violation of this Ordinance relating to the parking of a vehicle, proof that the particular vehicle described in the citation was parked in violation of this Ordinance, together with proof, by verifying ownership of the vehicle with the Michigan Secretary of State, that the defendant named in the citation was at the time of the violation the registered owner of the vehicle, shall create in evidence a presumption that the registered owner of the vehicle was the person who parked the vehicle at the point where, and for the time during which, the violation occurred.
- B. In an enforcement proceeding for a violation of this Ordinance involving the parking of a leased motor vehicle, proof that the particular vehicle described in the citation was parked in violation of this Ordinance, together with proof that the defendant named in the citation was the lessee of the vehicle at the time of the violation, shall create in evidence a presumption that the lessee of the vehicle, not the registered owner, was the person who parked the vehicle at the point where, and for the time during which, the violation occurred.

195.008 Nuisance.

Sec. VIII.

A violation of the provisions of this Ordinance is hereby declared to be a public nuisance which, in addition to all other sanctions provided for under this Ordinance, may be enjoined by any Court of competent jurisdiction.

195.009 Sanctions.

Sec. IX.

- A. Any person, firm, association, partnership, corporation or governmental entity who violates Sections II [195.002], III [195.003], or IV [195.004] of this Ordinance shall be deemed to be responsible for a

195.000 FIRE APPARATUS ACCESS ROADS

ORD. No. 156 Effective: June 9, 1995

municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

- B. Any person, firm, association, partnership, corporation or governmental entity who violates Section V [195.005] of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 30.00	\$500.00
—	Second Offense within three-year period*	50.00	500.00
—	Third Offense within three-year period*	75.00	500.00
—	Fourth or More Offense within three-year period*	100.00	500.00

Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered.

195.010 Severability.

Sec. X. Should any section, clause, or provision of this Ordinance be declared to be invalid by a Court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

195.011 Repeal of conflicting provisions.

Sec. XI. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

195.012 Effective date.

Sec. XII. This Ordinance shall take effect 30 days after publication following adoption.

196.000 SWIMMING POOL MAINTENANCE; REGULATIONS, SANCTIONS

Ord. No. 226

Adopted: December 4, 2007

196.001 Title.

Sec. 1. This Ordinance shall be entitled as the "Richland Township Swimming Pool Maintenance Ordinance".

196.002 Definition of "swimming pool."

Sec. II. As used in this Ordinance, "swimming pool" shall mean any structure capable of containing water over 24" in depth and which is used or intended to be used for swimming, wading or recreational bathing.

196.003 Swimming pool maintenance.

Sec. III

- A. All swimming pools shall be maintained in a clean and sanitary condition. Swimming pools shall be kept free of sediment, scum and debris. Swimming pools shall not contain stagnant water that generates noxious odor or that can serve as a breeding place for mosquitos.
- B. Disinfecting agents shall be applied to swimming pool water in such a manner as to provide adequate germicidal or bactericidal protection. A standard of 0.3 to 1.0 parts per million chlorine residual shall be considered acceptable. The pH (alkalinity and acidity) of the swimming pool shall be maintained between 7.0 and 8.0. Adequate testing devices shall be maintained by the swimming pool owner or operator.

196.004 Sanctions.

Sec. IV. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a violation of a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 5-year period*	\$ 75.00	\$ 500.00
- 2nd Offense within 5-year period*	\$ 150.00	\$ 500.00
- 3rd Offense within 5-year period*	\$ 325.00	\$ 500.00
- 4th or More Offense within 5-year period*	\$ 500.00	\$ 500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to

196.000 SWIMMING POOL MAINTENANCE; REGULATIONS, SANCTIONS

ORD. NO. 226 Adopted: December 4, 2007

proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

196.005 Severability.

Sec. V. Should any section, clause or provision of this Ordinance be declared by a court of competition jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

196.006 Effective date.

Sec. VI. This Ordinance shall take effect thirty (30) days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

197.000 ADOPTION OF A UNIFORM FIRE CODE

ORDINANCE NO. 271

Adopted: October 16, 2018

Effective: November 22, 2018

An ordinance to adopt by reference the NATIONAL FIRE PROTECTION ASSOCIATION ("NFPA 1") UNIFORM FIRE CODE, 2018 EDITION, and ANNEXES and INDEX; to prescribe regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion; to amend certain provisions of the said NFPA 1/UNIFORM FIRE CODE 2018 including conflicts between it and the state construction code; open fires; premises markings; board of appeals; records; existing apartments buildings; and means of egress inspections; and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF RICHLAND KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

197.001 Title.

This Ordinance shall be known and cited as the "Richland Township UNIFORM FIRE CODE Ordinance".

197.002 Purpose.

This Ordinance is adopted pursuant to the authority vested in Townships by Section 1 of 1945 PA 246, as amended (MCLA 41.181), and Section 5 of 1951 PA 33, as amended (MCLA 41.805), the purpose of which Ordinance is to adopt a Uniform Fire Code with annexes, index, and amendments thereto; and NFPA 13, NFPA 72, NFPA 303; and NFPA 101 as well as all codes referenced therein; to prescribe regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

197.003 Adoption of "NFPA 1/Uniform Fire Code, 2018 Edition."

A certain document or booklet, which is marked and entitled as "NFPA 1/UNIFORM FIRE CODE, 2018 EDITION" and the annexes and index thereto, and NFPA 13, NFPA 72, NFPA 303, NFPA 101, as well as all Codes referenced therein, said Codes being published by the National Fire Protection Association, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, is hereby adopted by reference as if fully set forth herein. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as they may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

197.004 Conflicts.

Section 1.3.3 of the said NFPA1/ UNIFORM FIRE CODE, 2018 EDITION, regarding "Conflicts" is hereby amended to add Section 1.3.3.3 as follows:

"1.3.3.3. Where a conflict between this document and the Michigan Construction Code occurs, the specific requirements of the Michigan Construction Code shall apply".

197.005 Board of appeals.

Section 1.10.1.1 of the said NFPA1/ UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**1.10.1.1.** A Board of Appeals shall be established consisting of 3 members and 2 alternate members who shall be appointed by the Township of Richland Board of Trustees and whom by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement."

197.006 Open fires.

Section 10.10 of the said NFPA1/ UNIFORM FIRE CODE, 2018 EDITION, is hereby amended by the deletion of subsections 10.10.1 through 10.10.9 thereunder and by the addition of the following language:

"**10.10** Open fires, incinerators and commercial fireplaces shall be regulated by separate Township Ordinance."

197.007 Premises markings.

Section 10.11.1.2 of the said NFPA 1/UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**10.11.1.2** Address number (other than 1 or 2 family dwellings) shall be a minimum of 10 inches (254 mm) high with a minimum stroke width of 2 inches (50.8 mm.) and of a contrasting color to that of the building so as to ensure visibility. "

197.008 Records.

Section 13.3.3.4.3.1.1 of the said NFPA 1/UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**13.3.3.4.3.1.1** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the Fire Chief using a system as specified by the Fire Chief."

197.009 Existing apartment buildings.

Section 13.7.2.18.1 of the said NFPA 1/ Uniform Fire Code, 2018 EDITION, is hereby amended to read as follows:

"**13.7.2.18.1** Apartment buildings with more than two stories or with more than 11 dwellings units, other than those meeting 13.7.2.8.1.2 of NFPA 101, shall be provided with a fire alarm system in accordance with Section 13.7 and NFPA 101, except as modified by 31.3.4.5.4 of NFPA 101. (101:31.3.4.1.1)".

197.010 Indication of central station service.

Section 13.7.3.4 of the said NFPA 1/UNIFORM FIRE CODE, 2018 EDITION is hereby amended to read as follows:

"**13.7.3.4** Fire alarm systems required by this chapter or by the International Building Code shall be monitored by a listed central station as defined in NFPA 72. A Certificate or Placard shall be issued by a recognized listing organization that has listed the prime contractor for all newly installed fire alarm systems in commercial occupancies in accordance with NFPA 72. This regulation shall apply to all fire alarm systems

197.000 ADOPTION OF A UNIFORM FIRE CODE
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that are newly installed in commercial occupancies for which permits are required. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and/or alarm system components are to be replaced shall be considered newly installed for the purposes of this section. Also, where there is reasonable cause due to non-compliance or faulty conditions, the fire Chief may require an existing fire alarm system meet the same requirement as a newly installed system. Central station service in full compliance with the 2016 Edition of NFPA 72, shall be maintained at the protected property, so long as the requirement for the fire alarm system exits."

197.011 Fire department access roads.

Section 18.2.3.5.1.1 of the said NFPA 1/UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**18.2.3.5.1.1** Fire department access road shall have an unobstructed width of not less than 25 ft. (7.62 m)."

197.012 Marking of fire department access roads.

Section 18.2.3.6.1 of the said NFPA 1/UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**18.2.3.6.1** Where required by the AHJ, Approved Signs, with the language of "FIRE LANE NO PARKING, STOPPING OR STANDING" shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof or both."

197.013 Means of egress inspection.

Section 20.1.5.1.1 of the said NFPA 1/ UNIFORM FIRE CODE, 2018 EDITION, is hereby amended to read as follows:

"**20.1.5.1.1** Means of Egress Inspection. The building owner or agent of all public assembly occupancies shall inspect the means of egress to ensure it is maintained free of obstructions, and correct any deficiencies found, prior to each opening of the building to the public and prepare and maintain records of the date and time of each inspection on approved forms, listing any deficiencies found and any action taken to correct them."

197.014 Violations.

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or the Uniform Fire Code adopted hereunder shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$150.00	\$500.00
2nd Offense within 3-year period*	\$250.00	\$500.00
3rd Offense within 3-year period*	\$350.00	\$500.00
4th or More Offense within 3-year period*	\$500.00	\$500.00
* Determined on the basis of the date of commission of the offense(s).		

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township of Richland has incurred in connection with the municipal civil infraction. In no case, however, shall costs

of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township of Richland shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

197.015 Savings clause.

Any prosecution or other court case pending on the effective date of this Ordinance on a part or portion of an ordinance that is repealed herein shall be permitted to continue to its natural conclusion as if the provision was not repealed.

197.016 Effective date, severability and repeal of conflicting ordinances.

The within ordinance shall take effect 30 days after publication of a summary hereof, after adoption by the Township Board. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

198.000 FIRE REVIEW STANDARDS
ORDINANCE NO. 272

Adopted: December 18, 2019

Effective: January 26, 2019

198.001 Name and purpose.

Sec. 1. This Ordinance shall be known and cited as the Township of Richland Fire Review Standards Ordinance. The purpose of the ordinance is to collect those standards for site plan review by the fire chief or township board designee as established by NFPA -1 and the current Township Fire Code into a cohesive ordinance; to require adherence to such standards by applicants for fire department review; and to provide for an effective date.

198.002 Applicability of ordinance.

Sec. 2. "Fire Department Site Plan Review" means consideration of certain physical aspects of new, refurbished, and existing commercial and multi-unit residential sites for compliance with the standards set forth in this Ordinance and the current Township Fire Code by the Township Fire Chief or township board designee in order to ensure the health, safety and welfare of occupants and surrounding property owners. Upon a determination of compliance with site plan review standards contained herein, the fire chief shall provide certification of compliance to the Township Building Official, who may utilize it in consideration of the granting of an occupancy permit. No occupancy permit shall be granted by the building official without certification of adherence to the standards contained in this ordinance or modification of the same as established by the Township Fire Chief or township board designee. The Township Fire Chief or township board designee shall be permitted to implement field adjustments as needed during inspection. Field adjustments shall be noted on the approved plan.

198.003 Standards for fire department site plan review.

Sec. 3. An applicant for fire department site plan review by the Township's Fire Chief or township board designee and shall establish that the following standards are met:

- A. *Knox Boxes.* Knox Boxes are required and shall meet and be installed in accordance with the standards contained in this section. Knox Box devices shall only be purchased at www.knoxbox.com.
 - 1. A Knox Box of size "3200" series or larger shall be provided on the exterior of the building. The Knox Box vault shall be mounted, unobstructed and visible approximately five feet from ground level near a main access door.
 - 2. A Knox elevator key box shall be installed adjacent to any elevator.
 - 3. Externally-mounted Knox power shut off switches may be required by the Fire Chief or township board designee upon review.
 - 4. Knox Box contents shall comply with the requirements established by the Fire Chief, who shall keep and maintain a listing of items that shall be retained in the Knox Boxes, which are not separately listed here.

198.000 FIRE REVIEW STANDARDS

ORDINANCE NO. 272 Adopted: December 18, 2019 Effective: January 26, 2019

- B. *Storage of Chemicals and Hazardous Materials.* An applicant wishing to store chemicals or hazardous materials on site shall designate the proposed location for the same and must establish adherence to the following standards:
1. The storage and use of chemicals on site shall have all SDS information visible and the applicant shall submit a "Right to Know" survey.
 2. An Architect or Engineer shall review and identify the hazard class of the site and/or the structure.
 3. The Maximum Allowable Quantities of regulated material shall be submitted as well as a detailed plan indicating how the requirements for each control area are intended to be met. A maximum of four control areas are allowed.
- C. *Fire Hydrants.*
1. Fire Hydrant placement shall be approved by the Fire Chief or township board designee. Fire Hydrants shall be installed in the approved location only.
 2. Fire Hydrants which are not publicly owned will not be considered for use during site plan review.
 3. Public/Private Fire Hydrants shall be identified by signage approved by the City of Kalamazoo and/or the GLSWA (water service provider).
 4. Public and Private fire hydrants shall be supplied by a water main of not less than six inches in diameter.
 5. Fire hydrants shall be located not more than 400 feet from the site.
 6. Fire hydrant spacing shall not exceed 400 feet from each hydrant.
 7. Water mains serving fire suppression systems shall not be less than six inches in diameter. The water main size may be reduced upon submittal of engineered/architectural stamped and sealed fire suppression plans in detail including calculations to the Fire Chief or township board designee and water service provider. Plans shall be approved the City of Kalamazoo Water Department or the GLSWA, whichever is functioning as the water service provider.
 8. After landscaping, the discharge ports for fire hydrants shall be 24" from the ground measured from the bottom of the lowest port to the ground
- D. *Fire Department Connections (FDC).*
1. The Fire Department connections (FDC) shall have Knox 2.5" Locking FDC Plugs with swivel guard or 5" locking cap, whichever is applicable.
 2. The FDC shall be located within 100 feet of a fire hydrant.
 3. The FDC may be remotely located away from the building.
 4. The FDC location shall be identified and approved by the Fire Chief or township board designee during fire department site plan review.
 5. Immediate access to the FDC shall be maintained in clear view without obstructions by fences, bushes, trees, walls, dumpsters or any other object.
 6. The FDC shall be so located so that fire apparatus and hydrant lines connect to supply the system will not obstruct access to the buildings for other fire apparatus.
 7. FDC shall not be obstructed by parking spaces; marked or unmarked.

198.000 FIRE REVIEW STANDARDS

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8. FDCs not remotely located shall be fully visible and recognizable from the street.
 9. The FDC shall be identifiable to all approaching fire apparatus.
 10. The FDCs shall be indicated by an approved sign mounted on the street, front, side of the building or adjacent to a remotely located FDC.
 11. FDC signage shall contain the letters "FDC" of at least 6 inches in height.
 12. FDC Signage shall be reflective with white letters on a red background. All such signs shall be subject to approval by the Fire Chief or township board designee.
 13. FDC shall have an exterior rated strobe and horn device above the FDC, approximately eight to ten feet in height. The device shall be located in clear view to approaching fire apparatus.
- E. *Protective Bollards.* Protective bollards shall be provided in the locations specified in this section and shall meet the standards of this section.
1. Protective Bollards shall be required to protect egress doors or pathways where vehicles or other devices (dumpsters, shopping carts, outside displays etc.) can be parked or placed which could impede the pathway or door motion from a required egress door
 2. Protective Bollards shall be installed protecting any exposed electric or gas device, connection, piping, meter, FDC, fire hydrant, fire stand pipe connection, LP Storage tank, LP transfer point, LP point of sale.
 3. Protective bollards shall also be erected at any point where a vehicle will be driving alongside or up to the building such as that of a drive- thru sales window.
 4. Protective bollards shall be placed regardless of whether a sidewalk is placed between the device and the area for parking. Bollards shall be constructed to the minimum standard detailed in the current Richland Township Fire Code.
- F. *Building Identification.* All applicants for fire department site plan review shall provide building identification in accordance with the standards of this section of the Ordinance.
1. Building Identification shall be placed in a position that is plainly legible and visible from any street or road fronting the property.
 2. Those properties fronting more than one street or road shall contain address identification consisting of both number and street name.
 3. The address number and street names shall contrast with the background color of the identification sign.
 4. Address numbers on commercial and industrial building identification signs shall be at least 10 inches in height.
 5. Addresses letters indicating street names shall be 10" to 24", height of lettering to be approved during fire department site plan review.
- G. *Fire Access Lanes, Parking Lots, and Access Roads.* Applications for fire department site plan review shall establish compliance with the fire access lanes, parking lot and access road requirements of this section of the Ordinance.
1. Parking lots, driveways, and service and access drives shall be designed and constructed to allow turning and full operation of full-sized fire apparatus during an emergency.

198.000 FIRE REVIEW STANDARDS

ORDINANCE NO. 272 Adopted: December 18, 2019 Effective: January 26, 2019

2. Dead-end access roads and parking lots in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around.
3. Overhangs or other portions of the structure intended to be driven under shall be approved by the fire Chief's office or by the township board designee. Engineering specifications and design shall be provided by the applicant.
4. Security gates restricting access shall be approved pursuant to the requirements of the current Richland Township Fire Code. Approved fences, gates or other barriers shall be accessed through Knox padlocks, Knox access switches and siren activation.

198.004 Severability.

Sec. 3. Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

198.005 Repeal.

Sec. 4. Conflicting Ordinance provisions are hereby repealed. The Richland Township Fire Code is deemed to be consistent with the provisions of this ordinance and therefore no portion of the same is repealed by adoption of this ordinance.

198.006 Effective date.

Sec. 5. This Ordinance shall take effect the day after publication of a summary hereof, after adoption, as required by law.

199.000 MOBILE FOOD TRUCKS AND TRAILER FIRE SAFETY REQUIREMENTS ORDINANCE NO. 275

Adopted: July 16, 2019
Effective: August 24, 2019

199.001 Name and purpose.

Sec. 1. This ordinance shall be known and cited as the Richland Township Mobile Food Trucks and Trailer Fire Safety Requirements Ordinance. The purpose is to protect the public health, safety and welfare by requiring mobile food trucks and trailers used within the Township of Richland to meet certain minimum standards for general safety; and fuel and power sources; to address operational and propane system safety; to provide an effective date; to repeal ordinances in conflict herewith; and to provide penalties for violation hereof.

199.002 Definitions.

Sec. 2. The following definitions shall apply to this Ordinance:

- a. Food Truck - shall mean a self-propelled structure with motor in which food is prepared and served through a window on the truck. Food trucks do not have interior seating.
- b. Food Trailer -shall mean a portable structure on wheels which is not self-propelled and is capable of being towed in which food is prepared, served and sold through a window on the trailer.
- c. "In use" as utilized in this ordinance shall mean preparing to, serving, or selling food from the food truck or food trailer. "In use" does not refer to a food truck or food trailer that is parked or stored in the township on the property of the food truck or trailer owner while not serving food or preparing to serve food.
- d. References to "NFPA" shall mean the "National Fire Protection Association". Book number and section references are provided for ease of the public.

199.003 Requirements.

Sec. 3. An operator of a food truck or food trailer serving or preparing to serve food for sale and/or human consumption within the Township of Richland is required to adhere to the following requirements in addition to the requirements of any other ordinance and state law for food service:

- a. Obtain permits from the Township of Richland Fire Chief prior to service. [1:1.12.8(a)]; the Fire Chief or his designee shall inspect the mobile food truck or trailer prior to issuance of the permit. See Section 8 of this ordinance for inspection parameters.
- b. There shall be no public seating within the food truck or food trailer.
- c. A food truck or food trailer in use shall be located at least 10 feet away from buildings, structures, vehicles, and any combustible materials. [96:B.13.1; B.13.2]

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- d. A food truck or food trailer in use shall ensure that fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4]
- e. A food truck or food trailer in use shall provide clearance for the fire department to access nearby fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5]
- f. A food truck or trailer in use that utilizes combustible media for cooking shall provide an approved fire extinguishing system. [96:10.1.2]
- g. A food truck or food trailer in use shall install portable fire extinguishers in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3]
- h. A cooking appliance in a food truck or food trailer that produces grease-laden vapors shall be protected by listed fire-extinguishing equipment. [96:14.7.1]
- i. A food truck or food trailer in use shall ensure that all workers present are trained in the proper use of fire extinguishers and extinguishing systems. (96:B.15.1; 10.1.2).
- j. All employees of a food truck or food trailer in use shall know the proper method for shutting off fuel sources ([96:10.4.1]; the proper procedure for notifying the local fire department [1:10.14.9 for carnivals only]; and the proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17]
- k. A food truck or food trailer in use shall install and provide wheel chocks to prevent mobile and temporary cooking units from moving. [96: B.21.5]
- l. A food truck or food trailer operator shall keep and maintain all record-keeping documents in one location on the mobile cooking operation and shall make such records available to the fire department of the Township of Richland upon request.

199.004 Food truck and food trailer operational safety.

Sec. 4. In order to protect the public health, safety and welfare and in addition to the other requirements of this Ordinance, a food truck or food trailer operator of a food truck or food trailer in use in the township shall adhere by to following operational safety requirements:

- a. The operator shall not leave cooking equipment unattended while it is still hot.
- b. The operator shall only operate or permit the operation of cooking equipment only when all windows, service hatches, and ventilation sources are fully opened unless weather conditions require the retaining of interior heat. [96:14.2.2; 96:14.2.3]
- c. The operator shall ensure that all gas supply piping valves and gas container valves are fully closed when the equipment is not in use. [58:6.26.8.3]
- d. The operator shall ensure that all cooking equipment, including the cooking ventilation system, is regularly cleaned and grease removed. [96:11.4]
- e. All mobile or temporary cooking operations shall be separated from other mobile or temporary cooking operations by a clear space distance of 10 ft. [96:B13.2]
- f. The address of the current operational location for all food trucks or food trailers in use in the township shall be posted accessible to all employees. [96:B.15.6]

199.005 Fuel and power source regulations applicable to food trucks and trailers.

Sec. 5. In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland shall be required to adhere to the following regulations regarding the cooking fuel and power source(s):

- a. Prior to commencing cooking, the operator shall verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1]
- b. Refueling shall only be permitted during non-operating hours. [96:B.18.3]
- c. Any engine-driven source of power shall be separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2]
- d. Any engine-driven source of power shall be turned off and completely shut down prior to refueling from a portable container.
- e. Prior to refueling from a portable container, the operator shall verify that surfaces of engine-driven source of power are cool to the touch.
- f. An operator shall ensure that all electrical appliances, fixtures, equipment, and wiring comply with the NFPA 70®. [96:B.18].
- g. An operator shall ensure that exhaust from engine-driven sources of power comply with the following:
 - The source of exhaust shall be located at least 10 ft in all directions from openings and air intakes [96:B.13]
 - The source of exhaust shall be located at least 10 ft from every means of egress [96:B.13]
 - The source of exhaust shall be directed away from all buildings [1:11.7.2.2]
 - The source of exhaust shall be directed away from all other cooking vehicles and operations [1:11.7.2.2]

199.006 Propane system integrity.

Sec. 6. In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland which utilizes propane for cooking fuel shall adhere to the following regulations regarding the propane system integrity prior to placing such unit in use in the township:

- a. The operator shall ensure that the main shutoff valve on all gas containers is readily accessible at all times. [58:6.26.4.1(3)]
- b. The operator shall ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4]
- c. The operator shall perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17]
- d. The operator shall perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17]
- e. The operator shall ensure that where a gas detection system is installed, that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.2]
- f. The operator shall document all leak testing and shall make documentation available for review by the authorized official. [58:6.26.5.1(M)]

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- g. The operator shall ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)]

199.007 Solid fuel regulations for food trucks and food trailers.

Sec. 7. In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland which utilizing solid fuel (wood, charcoal, or other fuel) for cooking shall adhere to the following additional regulations prior to placing such unit in use in the township:

- a. Such fuel shall not be stored above any heat-producing appliance or vent. [96:14.9.2.2]
- b. Such fuel shall not be stored closer than 3 ft to any cooking appliance. [96:14.9.2.2]
- c. Such fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7]
- d. Such fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4]
- e. Ash, cinders, and other fire debris shall be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1; 96:14.9.3.6.2]
- f. Removed ashes, cinders, and other removed fire debris must be placed in a closed, metal container located at least 3 feet from any cooking appliance. [96:14.9.3.8]

199.008 Inspection.

Sec. 8

- a. Inspections shall not be required for mobile food trucks or trailers that can establish by documentary evidence that it has passed a Grand Rapids or Kalamazoo City food truck/trailer inspection in the last 12 months.
- b. Requests for inspection must be made to the Township Fire Chief at least two weeks prior to the date of opening/sale/use. If requests for inspection and licenses are made within two weeks of potential use/opening/sales/use date, the Fire Chief has discretion to undertake the inspection or deny the application as untimely.
- c. A fee for inspection and application shall be charged to the applicant along with the application. The Township Board shall set the Food Truck/Trailer inspection and application fee established by the Richland Township Board's Fee Schedule. If a mobile food truck/trailer is not required to undertake an inspection as authorized in Section a. above, only the application fee shall be required.

199.009 Violation and penalty.

Sec. 9. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or fails to adhere to a site plan approved hereunder; fails to obtain a permit, or fails to provide fire safety equipment or inspections as required herein; fails to adhere to the parameters of a permit issued, fails to remove a temporary structure or otherwise violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
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1st Offense within 3-year period *	\$150.00	\$500.00
2nd Offense within 3-year period *	\$250.00	\$500.00
3rd Offense within 3-year period *	\$325.00	\$500.00
4th or More Offense within 3-year period *	\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Richland has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

199.010 Severability and savings clause.

Sec. 10. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. Any matters, cases or prosecutions presently pending under an ordinance or ordinance provision that is repealed by this Ordinance may proceed to its natural conclusion as if such provision was in full force and effect.

199.011 Repeal.

Sec. 11. All ordinance or parts of ordinances in conflict herewith are hereby repealed. Township of Richland Ordinance No. 271 adopting the NFPA 1 of 2018 as the Township Fire Code is hereby specifically deemed not to be in conflict herewith and no provision thereof is repealed by this ordinance.

199.012 Effective date.

Sec. 12. This ordinance shall take effect 30 days after publication, after adoption.

**Parts 200—217
(Reserved)**

218.000
CONSTRUCTION CODE ENFORCING AGENCY
INFORMATIONAL SHEET, NOT AN ORDINANCE

218.001 Effect of PA 230 of 1972

By virtue of the enactment of PA 230 of 1972 known and cited as the “Stille-DeRossett-Hale Single State Construction Code” Act Richland Township assumed the responsibility for administration and enforcement of the State Construction Code, including all components thereof.

218.002 Kalamazoo Area Building Authority.

Richland Township is a member of the Kalamazoo Area Building Authority (KABA), www.kaba-mi.org which is the agency designated to provide construction code-related administration and enforcement activities, including but not limited to inspections, plan review and permit issuance and approvals within the boundaries of Richland Township. KABA serves as the “building official” for all intents and purposes for under the code.

218.003 Codes Administered and Enforced.

In accordance with its authority to administer and enforce the State Construction Code, the Township of Richland is responsible to administer and enforce the currently adopted and promulgated State Codes, including the Michigan Building Code, the Michigan Electrical Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Existing Building Code, the Michigan Energy Code; and the Michigan Residential Code, as each such code is promulgated and adopted by the State of Michigan, and all applicable laws and ordinances.

Ordinances reflecting the plumbing, mechanical, and electrical and amendments as of the date of adoption thereof are provided in Sections 220, 221, 222; and 225 of this Code of Ordinances. These sections do not reflect the currently-administered and enforced codes. The various components of the State Construction Code are adopted by the State Agency charged with the promulgation thereof and current codes are therefore enforced through KABA as they are amended and changed. Please see www.KABA-mi.org for listing of current codes.

218.004 Officials and Inspectors.

The Township’s appointed building official is qualified and currently registered as such under the Skilled Trades Regulations Act, being PA 407 of 2016, as amended (hereinafter Skilled Trades Registration Act) is designated to receive all fees, undertake plan reviews, issue permits, notices, orders and certificates of use and occupancy.

The Richland Township Board appoints KABA as its officials and inspectors as are necessary to carry out its responsibilities for administration and enforcement of the State Construction Code, including an electrical inspector, plumbing inspector and mechanical inspector. All personnel, officials and inspectors performing plan reviews and inspections are registered in accordance with the Skilled Trades Regulation Act.

218.005 Current list of State Codes (subject to change, please check www.kaba-mi.org for the most up-to-date listing).

Current adopted codes as of June 1, 2026 are the 2015 Michigan Building Code, the 2015 Michigan Residential Code, the 2015 Michigan Energy Code, the 2023 Michigan Electrical Code, the 2021 Michigan Mechanical Code, the 2021 Michigan Plumbing Code and the 2015 International Property Maintenance Codes. All referenced codes are updated as adopted by the State of Michigan and are available for inspection and review at KABA, 2322 Nazareth Road (near the corner of Gull and Nazareth) Kalamazoo, MI 49048. Permits can be applied for online at permits@kaba-mi.org. KABA can also be contacted via phone at 269-250-9078 or fax to 269-250-9078.

directed by Township Ordinance.

- (4) To grant or approve alternatives from a substantive requirement of the aforementioned Code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - (a) The performance of the particular item or part of the building or structure with respect to which an alternative is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the Code for that particular item or part for the health, safety and welfare of the people of the Township.
 - (b) The specific condition justifying the alternative shall be neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

D. Procedure for appeals. Appeals from the ruling of any official charged with the enforcement of the aforementioned Code may be made to said Board within such time as shall be prescribed by the Township Board. The Appellant shall file with the Building Official and with the Township Clerk a notice of appeal specifying the ground therefore and stating the address of the Appellant. The Building Official shall set the matter for hearing and give due notice thereof to all interested parties. The Construction Board of Appeals shall hear said matter and decide the same not later than thirty (30) days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within the time limit is deemed a denial of the appeal for purposes of instituting a further appeal. The Construction Board of Appeals shall hear said matter and decide the same. Within the limits of its jurisdiction hereinabove described, the Construction Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the powers of the official from whom said appeal is taken. The final disposition of such appeal shall be in writing and shall state the grounds therefore and shall be forthwith delivered to the Appellant at his or her last known address. Any person, including the Building Official, may file with the Construction Board of Appeals a request for an interpretation, approval of methods or materials, or any other matter provided for under the powers and duties of the Construction Board of Appeals in the same manner as provided for appeals herein. The Construction Board of Appeals may make such other further procedural rules as shall be necessary to perform its duties and exercise its powers hereunder.

E. Decisions of the Construction Board of Appeals - Finality. An interested person or his authorized agent may appeal a decision of the Construction Board of Appeals to the Michigan State Construction Code Commission in accordance with the provisions of Act No. 230 of the Public Acts of 1972, as amended. In the absence of such an appeal, decisions of the Construction Board of Appeals become effective on the 11th business day after filing of the decision with the Building Official.

F. *Meeting, rules of procedure, quorum.* The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act. The Building Official or such person as he or she shall designate shall serve as secretary of the Construction Board of Appeals and shall keep records of the meetings. The minutes of the meetings shall be in writing, but may state the substance of any matter considered. Any orders shall be set out in full and shall state the grounds of the order in a manner reasonably stated to apprise the Appellant/Petitioner of the basis thereof. The presence of three (3) members shall be necessary to constitute a quorum. The majority of the members present shall be necessary to decide any question.

completed in compliance with said permits, or renewal thereof, and in compliance with the Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

219.000 FLOOD PLAIN MANAGEMENT

Ordinance No. 300

Adopted: March 19, 2024

Effective: March 29, 2024

THE TOWNSHIP OF RICHLAND, KALAMAZOO COUNTY, MICHIGAN ORDAINS:

219.001 Agency Designated

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Kalamazoo Area Building Authority (“DABA”) is hereby designated as the enforcing agency to discharge the responsibility of the Township of Richland under Act 230, of the Public Acts of 1972, as amended, State of Michigan. KABA assumes responsibility for the administration and enforcement of said Act through the corporate limits of the community adopting this ordinance.

219.002 Code Appendix Enforced.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

219.003 Designation Of Regulated Flood Prone Hazard Areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Flood Insurance Study for Kalamazoo County, all Jurisdictions” and dated July 31, 2024 and the Flood Insurance Rate Map(s) (FIRMS) contained on index panel number 26077CIND0B effective July 31, 2024 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

219.004 Most Restrictive Standards.

If another ordinance contains standards inconsistent with the provisions of this Ordinance, the most restrictive standards shall apply.

219.005 Repeal and Effective date.

Conflicting Ordinances are repealed. This Ordinance is effective on the day after publication, after adoption.

220.000 ENERGY CODE

Ord. No. 82

Adopted: June 7, 1977

THE TOWNSHIPS OF CLIMAX, COMSTOCK, KALAMAZOO, OSHTIMO, PAVILION, PRAIRIE RONDE, RICHLAND, ROSS, SCHOOLCRAFT, TEXAS AND BRADY, KALAMAZOO COUNTY, MICHIGAN ORDAIN:

220.001 Title.

Sec. I. This Ordinance shall be known and cited as the Township Energy Code Ordinance.

220.002 Purpose.

Sec. II. This Ordinance is enacted by the Township for the purpose of continuing the exemption of the Township from the operation and effect of Act 230 of the Public Acts of the State of Michigan of 1972, as amended, pursuant to Section 8 of said Act, by the adoption in this Ordinance of a recognized model energy code, which code shall be administered and enforced by the Township as provided for in this Ordinance and in said energy code. The State Construction Code Commission and/or any agency of the County of Kalamazoo charged with the responsibility of enforcing said Act is hereby relieved of any right, authority or responsibility for the enforcement of any State Construction Code or State Energy Code within the Township.

220.003 Michigan Energy Code adopted by reference.

Sec. III. A certain document or booklet, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, which is marked and entitled "Michigan Energy Code" which consists of the "American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standard 90-75, Energy Conservation in New Building Design" with certain modifications thereto as promulgated by the Construction Code Commission of the State of Michigan through Rule 408.31001 et seq. and as filed with the Secretary of State of the State of Michigan on December 22, 1976, is hereby adopted by reference as if fully set forth herein as a part of this Ordinance for the purpose of regulating energy conservation in new building designs. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

220.004 Administration and enforcement.

Sec. IV. The Township hereby assumes the right and authority to administer and enforce this Ordinance and the Michigan Energy Code in the manner provide by law and by the said Energy Code. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city, county or with the State of Michigan for the joint enforcement and administration of this Ordinance and the said Energy Code.

220.005 Sanctions.

Sec. V. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

220.000 ENERGY CODE
ORD. NO. 82 Adopted: June 7, 1977

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, 1-20-1995)

220.006 Severability.

Sec. VI. Should any portion of this Ordinance or the said Energy Code adopted hereby be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

220.007 Conflicting ordinances repealed.

Sec. VII. All Ordinances or parts of Ordinances in conflict herewith, including any Energy Code or parts of Energy Code ordinances previously adopted by the Township are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, any building permits validly issued before the effective date of this ordinance shall not be invalidated by this Ordinance and the construction thereof may be completed in compliance with said permit, or renewal thereof, and in compliance with any previous Township building or Energy Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance of this Township being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

220.008 Effective date.

Sec. VIII. This Ordinance shall take effect August 1, 1977.

221.000 PLUMBING CODE

Ord. No. 142

Effective: January 15, 1993

221.001 Title.

Sec. I. This Ordinance shall be known and cited as the Richland Township Plumbing Code Ordinance.

221.002 Assumption of enforcement responsibility.

Sec. II. Richland Township hereby assumes responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act and that portion of the State Construction Code promulgated thereunder consisting of the Michigan State Plumbing Code.

221.003 Right to provide for joint enforcement.

Sec. III. Richland Township specifically reserves the right to provide by agreement or contract with any other Township, Village, City or County for joint enforcement and administration of the aforementioned Act and that portion of the Michigan State Construction Code promulgated thereunder consisting of the Michigan State Plumbing Code.

221.004 Designation of enforcing agency.

Sec. IV. The Township Board of Richland Township is hereby authorized pursuant to Act 230 of the Public Acts of 1972, as amended, to designate by resolution, at any regular meeting of the said Board, any person or persons as enforcing agency of said Act and that portion of the State Construction Code promulgated thereunder that Richland Township is assuming responsibility herein for administering and enforcing.

221.005 Fees.

Sec. V. The Richland Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said Act and that portion of the State Construction Code which Richland Township is assuming responsibility for administering and enforcing hereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

221.006 Penalties.

Sec. VI. Any violation of this Ordinance or the Michigan State Plumbing Code that Richland Township is assuming responsibility herein for administering and enforcing shall be punishable as provided for by Act 230 of the Public Acts of 1972, as amended, by a fine not to exceed \$500.00 plus costs and/or confinement in the County Jail for a term not to exceed 90 days. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance and said Code. Each day that a violation continues to exist shall constitute a separate offense.

221.007 Severability.

Sec. VII. Should any portion of this Ordinance or Act No. 230 of the Public Acts of Michigan of 1972, as amended, or the State Construction Code promulgated thereunder be declared unconstitutional, illegal or of no

force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

221.008 Repeal of conflicting provisions.

Sec. VIII. All ordinances or parts of ordinances in conflict herewith, including any plumbing code ordinance previously adopted by Richland Township, are hereby repealed and shall be of no further force or effect on the effective date of this Ordinance. However, permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permit, or renewal thereof, and in compliance with the construction code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under previous ordinance or township plumbing code being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

221.009 Effective date.

Sec. IX. This Ordinance shall take effect 90 days after submission of a certified copy of same to the Michigan Construction Code Commission in accordance with the provisions of the Act governing same.

222.000 PLUMBING CODE AMENDMENTS

Ord. No. 76

Adopted: May 6, 1975

222.001 Amendments to Township Plumbing Code adopted.

Sec. I. The Township Plumbing Code, being the "BOCA Basic Plumbing Code, 1970 Edition", including accumulative supplement dated 1973, which was previously adopted by the Township as the Township Plumbing Code is hereby amended, in the following sections, as follows:

A. Sections P-102.0, P-105.0, P-302, P-501.2, P-1101.5, P-1205.2, P-1500.0 through P-1511.4, and P-1700.0 through P-1705.2 are hereby deleted.

B. Section P-100.2 of the code is amended to read as follows:

P-100.2. **Title.** This part shall be known as the Michigan plumbing code and is hereinafter referred to as the plumbing code or this code.

C. Section P-117.0 of the code is amended to read as follows:

P-117.0. **Violations.** Written notice of any violation of this code shall be given by the administrative authority to the violator within 7 days thereof, and upon his failure to remove the violation within a reasonable time, prosecution for violation of this code shall be commenced against him.

D. Section P-201.1 of the code is amended to read as follows:

P-201.1. **Definition of Terms. Administrative authority.** The individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended; except when used in sections P-301.3, P-301.31, P-301.32, P-401.1, P-405.22, P-405.28, P-405.33, P-405.51, P-406.8, P-502.6, P-502.7, P-602.33, P-602.51, P-602.54, P-916.0, P-1002.31, P-1216.2, P-1605.114; it means the state administrative authority and not a local authority.

(All other definitions within the section remain the same.)

E. Section P-301.1 of the code is amended to read as follows:

P-301.1. **New Buildings.** All plumbing materials and plumbing systems or parts thereof installed hereafter shall meet the provisions of this code.

F. Section P-301.2 of the code is amended to read as follows:

P-301.2. **Existing Buildings.** In existing buildings or premises in which plumbing installations are to be altered, renovated or replaced, such new materials and work shall meet the provisions of this code. Where the administrative authority shall find that the full performance of bringing such work into compliance with all requirements of this code would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability, a deviation may be granted by the administrative authority only where, and to the extent, necessary to relieve such exceptional or undue hardship, and only where, and to the extent, such deviation can be granted without impairing the intent and purpose of this code. A record, open to inspection by the public, shall be maintained by the administrative authority of each and every deviation allowed under the terms of this section.

222.000 PLUMBING CODE AMENDMENTS

ORD. NO. 76 Adopted: May 6, 1975

G. Section P-308.2 of the code is amended to read as follows:

P-308.2. **Public Systems Available.** A public water supply system and/or public sewer system shall be deemed available to premises used for human occupancy if such premises are within 200 feet, measured along a street, alley, or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in this code may be made thereto.

H. Section P-309.3 of the code is added as follows:

P-309.3. **Industrial-Commercial Chemical Waste Information.** When plans of plumbing installations that involve industrial or commercial type wastes are submitted for approval, complete process information shall accompany the plans. The information shall include without limitation the following:

- (a) Description of process yielding the waste.
- (b) Composition and concentration of chemical mixtures in the process.
- (c) Composition of wastes and concentration of constituents.
- (d) Quantities of wastes to be treated and rates of discharge to treatment equipment.
- (e) Capacity of largest process tank or tanks that will be simultaneously discharged.
- (f) Water demands of the industrial waste producing process.
- (g) Description of waste treatment equipment to be used, including capacities, methods of treatment, quality of effluent, nature and disposition of products resulting from treatment.

I. Section P-313.3 of the code is amended to read as follows:

P-313.3. **Freezing.** Water service piping and sewers shall be installed below recorded frost penetration. In climates with freezing temperatures, plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

J. Section P-405.12 of the code is amended to read as follows:

P-405.12. **Water Service Pipe.** Water service pipe shall be made of asbestos cement pipe, brass pipe, copper pipe, copper tube, cast iron water pipe, open-hearth iron pipe, plastic pipe or steel pipe. Copper tube when used underground shall have a weight not less than copper water tube type L. All threaded ferrous pipe and fittings shall be galvanized or cement lined. When used underground in corrosive soil or fill, the piping material or protective coating or covering shall be as approved by the State plumbing board.

K. Section P-602.31 of the code is amended to read as follows:

P-602.31. **Prohibited Fittings.** No tee branch shall be used as a drainage fitting. No fitting or connection which has an enlargement chamber or recess with a ledge or shoulder, or reduction in pipe area shall be used. No running threads, bands, or saddles, shall be used. No drainage or vent piping shall be drilled, tapped or welded.

L. Section P-701.16 of the code is amended to read as follows:

P-701.16. **Swimming Pools.** Pipes carrying waste water from swimming or wading pools, including pool drainage, back wash from filters and water from floor drains which serve walks around pools, may be installed as piping for an indirect waste. Where the recirculation pump is used to discharge waste pool water to the drainage system, the pump discharge line shall be installed to convey an indirect waste to the sewer.

M. Section P-701.2 of the code is amended to read as follows:

222.000 PLUMBING CODE AMENDMENTS

ORD. NO. 76 Adopted: May 6, 1975

P-701.2. **Air Gap or Air Break Required.** All indirect waste piping shall discharge into the building drainage system through an air gap or air break, as set forth in Section P-701.1 of this code.

N. Section P-1001.7 of the code is amended to read as follows:

P-1001.7. **Building Traps.** The use of building or house traps is optional except where specifically required by the administrative authority. Each building trap, when installed, shall be provided with a cleanout and with a relieving vent or fresh air intake on the inlet side of the trap which need not be larger than one-half the diameter of the drain to which it connects. The relieving vent or fresh air intake shall be carried above grade and terminate in a screened outlet located outside the building.

O. Section P-1001.9 of the code is added as follows:

P-1001.9. **Recesses for Trap Connection.** A recess provided for connection of the underground trap such as one serving a bath tub in slab-type construction shall have sides and bottom of corrosion resistant, insect and vermin proof construction.

P. Section P-1101.3 of the code is amended to read as follows:

P-1101.3. **Base of Stacks.** An accessible cleanout shall be provided at or near the foot of each vertical waste or soil stack.

Q. Section P-1101.4 of the code is amended to read as follows:

P-1101.4. **Building Drain and Building Sewer Junction.** There shall be a cleanout near the junction of the building drain and the building sewer. This cleanout may be either inside or outside the building wall. If outside, the cleanout shall not be installed in public property nor more than five feet from the outside face of the wall or other permanent obstruction or foundation. If inside, the cleanout opening shall be not more than 24 inches from the inside face of the wall, except that buildings with unusually wide footings shall have the cleanout installed as close to the finished wall as possible, without encasement of the cleanout extension in the foundation.

R. Section P-1102.0 of the code is amended to read as follows:

P-1102.0. **Underground Drainage.** Cleanouts, when installed on an underground drain, shall be extended vertically to or above the finished grade level.

S. Section P-1204.55 of the code is amended to read as follows:

P-1204.55. **Plastic Connections.** Plastic water closet bends may be used when provided with a suitable four inch by three inch flange used to receive the fixture horn.

T. Section P-1205.41 of the code is added to read as follows:

P-1205.41. **Urinals, Stall Type, Watertight Pans Required.** Urinals of stall type shall be constructed so as to have a watertight pan of lead or other approved materials by the state plumbing board installed beneath them. The drain for the urinal shall be made with a drainable clamping ring assembly to the watertight pan.

U. Section P-1605.10 of the code is amended to read as follows:

P-1605.10. **Used Water Return Prohibited.** Water used for cooling of equipment or other processes shall not be returned to the potable water system. The water shall be discharged into a drainage system through an air gap or may be used for nonpotable purposes.

V. Section P-1606.21 of the code is amended to read as follows:

P-1606.21. **Pressure Relief Valves.** The valves shall have a relief rating adequate to meet the pressure conditions in the equipment served. They shall be installed in the cold water supply line to the heating

222.000 PLUMBING CODE AMENDMENTS

ORD. NO. 76 Adopted: May 6, 1975

equipment served except where scale formation from hard water may be encountered in which case they may be installed in the hot water supply line from the heating equipment served. There shall be no shutoff valve between the pressure relief valve and the tank. The pressure relief valve shall be set to open at not less than 25 p.s.i. above the street main pressure or not less than 25 p.s.i. above the setting of any house water pressure regulating valve. The setting shall not exceed the tank working pressure. The minimum size of both the inlet and discharge connections shall be three-fourths inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 BTU per hour may have inlet and discharge connections of one-half inch pipe size.

W. Section P-1606.22 of the code is amended to read as follows:

P-1606.22. **Temperature Relief Valves.** Temperature relief valves shall be of adequate relief rating, expressed in BTU/HR, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top six inches of the tank. The valve shall be set to open when the stored water temperature is 210;deg;F, or less. The minimum size of both the inlet and discharge connections shall be three-fourths inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 B.T.U. per hour may have inlet and discharge connections of one-half inch pipe size.

X. Section P-1606.23 of the code is amended to read as follows:

P-1606.23. **Combination Pressure-Temperature Relief Valves.** Combination pressure-temperature relief valves shall comply with the applicable requirements for individual pressure and individual temperature relief valves and shall be installed so that the temperature sensing element is immersed in the hottest water within the top six inches of the tank. The minimum size of both the inlet and discharge connections shall be three-fourths inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 B.T.U. per hour may have inlet and discharge connections of one-half inch pipe size.

222.002 Definitions.

Sec. II. As used in this Ordinance and in the Plumbing Code, the following terms have the following meanings:

- (a) *Authorized master plumber* means a person who has met the qualifications to obtain plumbing permits from an administrative authority.
- (b) *Building sewer permit* means a permit issued by an administrative authority for a building sewer.
- (c) *Plumbing permit* means a permit issued by an administrative authority for a plumbing and plumbing system.
- (d) *Private sewer permit* means a permit issued by an administrative authority for a private sewer.

222.003 Additions of subsections to code.

Sec. III. Notwithstanding anything to the contrary in the township plumbing code, the following subsections are additions to said code and are paramount in their application.

A. *Authorized master plumbers.*

1. To obtain plumbing permits, an applicant shall:

- (a) Be an authorized licensed master plumber in this state.
- (b) Be active in the business of serving the public as a master plumber in a county, city, village or township in this state.

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- (c) Represent only one firm, which may operate one or more branches in this state bearing the same firm name, when a licensed master plumber is in charge and has the responsibility of supervision at each branch. A firm may have one or more authorized master plumbers to obtain permits. The names of the authorized master plumbers representing a firm shall be on record with the state plumbing board.
 - 2. To become an authorized master plumber, an application shall be made on a form furnished by the state plumbing board and filed with the board at Lansing, Michigan. An incomplete application will be returned to the applicant.
- B. *Plumbing permits.*
- 1. An applicant for a permit shall be an authorized master plumber.
 - 2. An applicant for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:
 - (a) Name of authorized master plumber.
 - (b) Master plumber license number.
 - (c) Name of the plumbing firm.
 - (d) Address of place of business.
 - (e) Name and address of the owner or agent for whom the work is being done.
 - (f) Location of work by city or township, county, street and number, or lot and block number when street number is not available.
 - (g) Type of building.
 - (h) Number and type of fixtures or devices to be installed or nature of construction, alteration or repair.
 - 3. An authorized master plumber is responsible for completion of the plumbing for which he has an active permit. Permits issued to an authorized master plumber representing a plumbing firm are valid for the firm to complete the plumbing upon his death. However, work shall be done under the supervision of a master plumber.
 - 4. If the authorized master plumber who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.
 - 5. When an emergency requires a plumbing permit, the authorized master plumber shall apply for a permit within 72 hours.
 - 6. An administrative authority may refuse to issue new permits to an authorized master plumber who has failed to correct violations or to any authorized master plumber representing a firm which has failed to correct violations.
- C. *Building sewer and private sewer permits.*

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1. An application for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:
 - (a) Name of the applicant.
 - (b) Name of the applicant's firm.
 - (c) Address of place of applicant's firm.
 - (d) Name and address of the owner or agent for whom the work is being done.
 - (e) Location of work by city or township, county, street and number, or lot and block number when street number is not available.
 - (f) Type of building.
 - (g) Nature of sewer construction, alteration or repair.
 2. A person is responsible for completion of the work for which he has an active permit.
 3. If the person who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.
 4. When an emergency requires a sewer permit, a person shall apply for a permit within 72 hours.
 5. An administrative authority may refuse to issue new permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations.
- D. *Homeowner installation.*
1. A homeowner installing his own plumbing, building sewer or private sewer and having knowledge of the plumbing code rules shall:
 - (a) Apply for the appropriate permit.
 - (b) Furnish a statement that all work will be performed by himself and by no one else.
 - (c) Pay the required fee.
 - (d) Apply for inspection by and approval of the administrative authority.
- E. *Fee schedule.* The fee for plumbing inspections as may be required under the plumbing code shall be established from time to time by resolution of the township board and shall, in no event, exceed the actual cost of the township in providing such services.

222.004 Penalties for violation.

Sec. IV. Any violation of this Ordinance or the Plumbing Code or any part thereof shall be punishable by a fine not to exceed \$100.00 plus costs and/or confinement in the county jail for a term not to exceed 90 days. In addition, the Township specifically reserves the right and shall have the authority to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and the said Plumbing Code.

222.000 PLUMBING CODE AMENDMENTS

ORD. NO. 76 Adopted: May 6, 1975

222.005 Severability.

Sec. V. Should any portion of this Ordinance or the Uniform Plumbing Code adopted hereby be declared unconstitutional, illegal or of no force and effect by a Court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

222.006 Conflicting ordinances repealed; effective date.

Sec. VI. All ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date of this Ordinance. This Ordinance shall take effect August 1, 1975. A certified copy of this Ordinance shall be forthwith served upon the Michigan State Construction Code Commission, but in no event less than 60 days prior to the effective date hereof.

223.000 MOVING AND WRECKING BUILDINGS

Ord. of 7-7-1970

Adopted: July 7, 1970

223.001 License required.

Sec. 1. Any person, firm or corporation engaged in the business of wrecking or moving buildings or other structures in the Township of Richland shall obtain a license therefor from the office of the building inspector. Private garages and minor structures may be moved on private property or wrecked without securing a license.

A. *Licensing requirements.* The following requirements must be met before a license may be issued:

1. The applicant shall file with the Township insurance policies and bonds as required hereafter.
2. The applicant shall furnish the office of the Building Inspector with satisfactory evidence that the person, firm or corporation has the necessary knowledge and experience to properly conduct wrecking or moving operations.
3. The applicant shall furnish the office of the Building Inspector with the location of the registered or main office of the licensee, the location of any local offices and if a corporation, the names of the officers or persons owning the business, as well as the general manager and the resident agent thereof.
4. The applicant shall pay a license fee of \$50.00, which shall expire on the fifth anniversary of the date of said license.
5. Licenses may not be assigned.
6. Licenses may be revoked for violation of this ordinance or other ordinances of Richland Township or for violation of State laws concerning the moving or wrecking of buildings and structures by the licensee.

B. *Insurance and bonding requirements.* Any person, firm or corporation before moving or wrecking any building or structure and before a permit for such work may be issued shall file with the Township Clerk a public liability policy insuring such person, firm or corporation, and the Township of Richland against liability imposed by law upon such person, firm or corporation, or the Township of Richland, arising out of the moving or wrecking of any building or structure within the Township. Such policy so filed shall provide for the payment to any one person injured or by reason of the death of any one person to the extent of \$100,000 minimum and for the payment of \$300,000 minimum for injuries to or the death of more than one person and for property damage in the amount of \$50,000 minimum.

In addition to the insurance policies hereinbefore specified to be filed with the Township of Richland and approved before commencing the moving or wrecking of any building or structure within the Township, any person, firm or corporation engaged in the moving or wrecking of any buildings or structures shall file with the Township Clerk a bond in the sum of \$5,000 indemnifying the Township of Richland against any and all violations of any ordinance, rule or regulation of the Township and indemnifying the township for any and all damage to public property of any kind or nature and further conditioned that said licensee shall pay to the Township all fines or penalties which may be assessed against said licensee for the breach of any ordinance relating to the work carried on by such person, firm or corporation and conditioned that all moving and

223.000 MOVING AND WRECKING BUILDINGS

ORD. of 7-7-1970 Adopted: July 7, 1970

wrecking operations shall be completed within the time allotted and in the manner specified by this Ordinance and by the permit issued.

Cancellation of any insurance policy or bond contained herein shall automatically cancel the permit issued for the job covered by the insurance policy or bond.

223.002 Requirements concerning wrecking of buildings and structures.

Sec. II. Before any person, firm or corporation shall commence wrecking a building or structure within the Township, he shall obtain a permit therefor from the office of the Building Inspector. Wrecking permits shall be issued only to licensed wreckers as provided above or to homeowners (including land contract purchasers) for the purpose of wrecking a one or two floor single family dwelling.

- A. Application for a Wrecking Permit shall contain the following information:
 - 1. The street number, property description, and tax roll number of all structures to be wrecked.
 - 2. The names of all owners of the premises.
 - 3. Written consent to the wrecking signed by all owners.
 - 4. A complete description of all work to be done and precautions to be taken, including filling, leveling and barricading.
 - 5. Specific starting and completion dates of the operation.
 - 6. Such other information as the office of the building inspector shall deem necessary.
- B. If the applicant is a homeowner, he shall be required to deposit a certified check, endorsed or payable to Richland Township, in the amount of \$100.00 and a performance bond in the amount of \$5,000.00 as specified in Section I [223.001] B above, and he shall also obtain the insurance policy as set forth in said Section. However, such certified check, performance bond and insurance policy shall not be required when a wrecking permit is for a one story accessory structure without a basement. Failure to complete the wrecking within the allotted time and in the manner specified by this Ordinance or the permit issued, shall cause forfeiture of the deposited certified check or performance bond.
- C. If the applicant is not a home owner proposing to wreck his one or two story single family residence or accessory buildings, then he must be licensed as provided in Section I [223.001] A above; all applicants must comply with the insurance and bonding requirements set forth in Section I [223.001] B above before a permit shall be issued unless the permit is to permit the wrecking of a one story accessory structure without a basement.
- D. 1. For the wrecking of a one room, one floor structure without a permanent foundation\$ 5.00
 - 2. For the wrecking of a building with a permanent foundation or with two or more rooms25.00
- E. The applicant, if engaged in the business of wrecking buildings or structures, shall have completed all previous jobs which were not completed on time and shall have cleaned up and leveled the sites concerning such previous jobs before another permit shall be issued.
- F. All work covered by the wrecking permit shall be fully completed within forty five (45) calendar days from date of issue unless extended in the following manner:
 - 1. Upon receipt of a written request, no later than five days prior to the expiration date noted on the approved application, the office of the building inspector may grant a maximum fifteen day extension of time to complete wrecking and clean up of site if in their opinion the size and type of structure or severe weather conditions warrant additional time.

223.000 MOVING AND WRECKING BUILDINGS

ORD. of 7-7-1970 Adopted: July 7, 1970

2. A request for further extension of time shall be acted upon by the Building Board of Appeals upon submission of a written request seven days prior to the expiration of time as extended by the office of the building inspector.
 3. A fee equal to the original fee shall be assessed against the person, firm or corporation, partnership or association securing the original permit when wrecking exceeds sixty days.
- G. Materials may be sold from the premises only during the wrecking period. No materials shall be brought in for sale. Materials shall not be sold or stored on the curb, lawn or other public property or property generally used by the public. The premises from which a building or structure is wrecked shall be cleared of debris, filled and leveled within ten days of final wrecking except where excavation is needed or desired for new construction on the premises and a building permit therefor has been applied for or issued. An adequate fence or barricade shall be maintained until the filling and leveling off has been completed or new construction has commenced.
- H. All wrecking of buildings or structures shall be done in a safe and workmanlike manner. Willful or continued performance of work in an unsafe, shoddy, dangerous or unworkmanlike manner shall be cause for the revocation of a building wrecker's license and/or cancellation of any permit.
- I. Barricades subject to the approval of and meeting the requirements of the engineering department shall be erected as required to protect the public. Where encroachments are made upon public property or ways, permission therefor shall be obtained in advance. Trucks and machinery shall be operated in such a manner as not to create a traffic hazard and in accordance with any instructions or directions of the police department. Materials shall be disposed of and removed systematically as the building or structure is wrecked to prevent the creation of a fire hazard, danger to the public or interference with the use of public property. Proper protection shall be provided all public utilities in the operation to prevent damage or interruption of service.
- J. It shall be the obligation of the building wrecker to provide or obtain suitable locations for disposing of debris resulting from the building wrecking. The Zoning Ordinance and other ordinances of Richland Township must permit the use of any such property for the disposing of debris and other materials resulting from the building wrecking; or, said debris and other materials must be buried and the property leveled. There shall be no burning on the premises without first obtaining permission of the fire department. If permission is obtained, all burning shall be done in strict accordance with fire department regulations.

(Ord. No. 56, eff. July 5, 1972)

223.003 Wrecking buildings or structures by burning.

Sec. III. Any person, firm or corporation may apply in writing to have the township fire department burn any building owned by the applicant. The applicant must establish evidence of his ownership of the building or obtain the written consent of any other owner or owners of said building. The applicant must also obtain the written consent of the prosecuting attorney for Kalamazoo County authorizing the burning of such building and must agree and stipulate that no claim shall be made against any fire insurance company upon any policy or policies covering said building for damages resulting from fire. The applicant must also establish to the satisfaction of the building department that within ten days of the burning of said structure or structures, all remaining portions of said buildings which are unburned shall be hauled away or buried and that the premises shall be leveled and graded in a neat and orderly fashion.

The Township reserves the right to refuse to burn any structure if the burning of the structure would create a danger or hazard to adjoining property or if the burning of the structure would create excessive air pollution.

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The applicant shall execute a waiver and release of liability releasing the township from any and all liability for damages sustained by any owner of the property and the applicant resulting from the burning of said structure or structures.

Before any structure or structures may be burned, and after the application for the burning of the structure or structures has been approved by the township, the applicant shall pay a fee of \$100.00 to the township for the burning of said structure or structures. In certain hardship cases, the fee can be reduced or eliminated in the discretion of the Township Supervisor.

223.004 Requirements for moving buildings and structures.

Sec. IV.

- A. Before any person, firm or corporation shall commence moving a building or structure within Richland Township, he shall obtain a permit from the office of the Building Inspector. Only licensed movers shall be issued permits to move buildings or structures on public property and upon public roads.
- B. The application for moving of a building or structure shall be approved by the Building Department and the County Sheriff's office. If the moving in all phases will conform with the ordinances of the Township of Richland and is approved by all interested officials, the permit shall be granted. The Building Department may stipulate conditions for the moving and may also require deposits to be made with the Township Treasurer to cover the costs of services rendered by the Township during the moving operation. Such deposit shall not be construed as a maximum charge for such services.
- C. No moving permit shall be issued until a building permit has been issued when the new location is within the Township limits. The Building Permit shall include a plot plan and all alterations and improvements contemplated.
- D. An application for a moving permit shall be filed with the office of the Building Inspector at least one week before the moving and shall contain the following:
 - 1. Street number of the building or structure of the building to be moved.
 - 2. The property description or tax assessment number of the property from which the building or structure is to be moved.
 - 3. The names of all owners of the premises.
 - 4. The written consents to the moving by all owners of the premises.
 - 5. A detailed description of the route to be used.
 - 6. The width, length and height of the building or structure when loaded. The height measurement shall be from the ground to the highest portion of the building or structure after being loaded.
 - 7. The property description and street number to which the building or structure is to be moved when located within the township limits.
 - 8. The names of all owners of the property to which the building or structure is to be moved when the property is within the township limits and their consents.
 - 9. A plot plan showing the location of the building or structure on its new site when located within the township limits.
 - 10. A description of wires, poles, signs, traffic devices and other property which must be altered along the route or at the site to facilitate the moving of the building or structure; a statement

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showing the approval of the owners thereof indicating the arrangements made concerning the alterations and costs thereof.

11. The payment thereof permit fee of \$25.00.
 12. Such other information as the office of the building inspector may deem necessary.
- E. All moving of buildings or structures shall be completed within thirty days from the date of issuance of the permit. The premises from which the building or structure is moved shall be cleared of all debris, filled and leveled within seven days where said location is within the township, except where the excavation is needed or desired for new construction on the premises and a building permit therefor has been issued.
- F. An adequate fence or barricade shall be erected completely around open basements or cellars the same day the building or structure is moved off the foundation walls and shall be maintained until the filling and leveling off has been completed or new construction started.
- G. If, in the moving of the building or structure, it becomes necessary to leave the building or structure setting on the streets or other public thoroughfares after sundown, the contractor shall be responsible for adequate lighting of the building or structure and all equipment used in connection with the moving process.
- H. The contractor shall be responsible for protecting wires, poles, signs, traffic and signal devices and other property from damages while moving the building or structure. He shall contact all utilities, railroad companies and other owners in advance if there is any possibility of damage to their property and he shall be liable to said utilities, railroad companies and other owners for any and all damage resulting from the moving of said buildings or structures.

223.005 Double fees, remedies and variances.

Sec. V. Every permit shall provide, and each permit holder shall agree, that on failure of performance pursuant to the terms of the application and permit issued hereunder, the Township may forthwith and without notice complete the moving or wrecking and the costs thereof may be charged, paid and collected as provided in the Richland Township Uniform Building Code as in the case of failure to comply with the notice of the office of the Building Inspector herein. The provision shall not preclude suit for the amount of the costs by the Township of Richland against the owner or person responsible for the wrecking or moving of the building or structure.

The Building Board of Appeals may grant variances in the above regulations in the cases where there are unusual practical difficulties or unnecessary hardships, provided such variation will not affect the general health, safety or welfare.

Whenever a permit and/or license is required by the terms of the Ordinance of the Township of Richland and said permit and/or license is not obtained by the person, firm or corporation, required to obtain same, prior to the commencement of any work or installation or other activity for which the permit and/or license is required under the terms of this Ordinance, the Building Department shall charge a double fee at the time of the application for such permit.

223.006 Sanctions.

Sec. VI. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum	Maximum
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		Fine	Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 152, eff. 1-20-1995)

223.007 Saving clause.

Sec. VII. Should any portion of this Ordinance adopted hereby be declared unconstitutional or illegal, such holding shall not be deemed to affect the validity of any other part or portion thereof.

223.008 Repealed ordinances.

Sec. VIII. Any ordinance or part of an ordinance inconsistent herewith or in conflict with the provisions hereof is hereby amended by the within ordinance and such inconsistent ordinances or portions thereof are hereby repealed.

223.009 Effective date.

Sec. IX. This Ordinance shall take effect on August 10, 1970.

224.000 CONSTRUCTION CODE

Ord. No. 237

Adopted: February 2, 2010

224.001 Title.

Sec. I. This Ordinance shall be known and cited as the Richland Township Construction Code Ordinance.

224.002 Assumption of administration and enforcement responsibility.

Sec. II. Richland Township hereby assumes responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement throughout Richland Township of said Act and the State Construction Code adopted thereunder.

224.003 Designation of enforcing agency.

Sec. III. Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act No. 230 of the Public Acts of Michigan of 1972, as amended, the Building Official of Richland Township is hereby designated as the enforcing agency to discharge the responsibility of Richland Township under said Act.

224.004 Code appendix enforced.

Sec. IV. Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act No. 230 of the Public Acts of Michigan of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within Richland Township.

224.005 Designation of regulated flood prone hazard areas.

Sec. V. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Kalamazoo County, Michigan (All Jurisdictions)" and dated February 17, 2010 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26077C-0075D, 0100D, 0185D and 0225D and dated February 17, 2010, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

224.006 Fees.

Sec. VI. The Township Board of Richland Township is hereby given the authority to establish by Resolution at any regular public meeting a schedule of fees, rates and charges for the administering of said Act and the aforementioned Code, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned Resolution from time to time within the foregoing limits of reasonableness.

224.007 Construction board of appeals.

A. *General.* There is hereby established a Construction Board of Appeals (also referred to as a "Building Board of Appeals") of five (5) members appointed by the Township Board as follows:

- (1) One person who is experienced as a major general contractor.
- (2) One person who is experienced in residential construction.
- (3) One person who is a registered professional engineer or architect.
- (4) One person who is experienced in electrical contracting work.
- (5) One person who is experienced in mechanical contracting work.

B. Tenure of Board. The current members of the Construction Board of Appeals shall continue to serve until the expiration of their current terms. Thereafter, members shall be appointed for terms of three (3) years.

C. Duties of the Construction Board of Appeals. The Construction Board of Appeals shall act as an advisory board to the Township and shall have the following further powers and duties:

- (1) To provide for reasonable interpretation of the provisions of the Michigan Construction Code.
- (2) Hear and decide appeals from and review any order, requirement, decision and determination made by the Richland Township Building Official, except the Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the aforementioned Code, nor shall the Board have the power to waive the requirements of the Code except as provided below.
- (3) Do acts, make decisions, and make such determinations as authorized or directed by Township Ordinance.
- (4) To grant or approve alternatives from a substantive requirement of the aforementioned Code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - (a) The performance of the particular item or part of the building or structure with respect to which an alternative is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the Code for that particular item or part for the health, safety and welfare of the people of the Township.
 - (b) The specific condition justifying the alternative shall be neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

D. Procedure for appeals. Appeals from the ruling of any official charged with the enforcement of the aforementioned Code may be made to said Board within such time as shall be prescribed by the Township Board. The Appellant shall file with the Building Official and with the Township Clerk a notice of appeal specifying the ground therefore and stating the address of the Appellant. The Building Official shall set the matter for hearing and give due notice thereof to all interested parties. The Construction Board of Appeals shall hear said matter and decide the same not later than thirty (30) days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within the time limit is deemed a denial of the appeal for purposes of instituting a further appeal. The Construction Board of Appeals shall hear said matter and decide the same. Within the limits of its jurisdiction hereinabove described, the Construction Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the powers of the official from whom said appeal is taken. The final disposition of such appeal shall be in writing and shall state the grounds therefore and shall be forthwith delivered to the Appellant at his or her last known address. Any person, including the Building Official, may file with the Construction Board of Appeals a request for an interpretation, approval of methods or materials, or any other matter provided for under the powers and duties of the Construction Board of Appeals in the same manner as

224.000 CONSTRUCTION CODE
ORD. NO. 237 Adopted: February 2, 2010

provided for appeals herein. The Construction Board of Appeals may make such other further procedural rules as shall be necessary to perform its duties and exercise its powers hereunder.

E. *Decisions of the Construction Board of Appeals - Finality.* An interested person or his authorized agent may appeal a decision of the Construction Board of Appeals to the Michigan State Construction Code Commission in accordance with the provisions of Act No. 230 of the Public Acts of 1972, as amended. In the absence of such an appeal, decisions of the Construction Board of Appeals become effective on the 11th business day after filing of the decision with the Building Official.

F. *Meeting, rules of procedure, quorum.* The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act. The Building Official or such person as he or she shall designate shall serve as secretary of the Construction Board of Appeals and shall keep records of the meetings. The minutes of the meetings shall be in writing, but may state the substance of any matter considered. Any orders shall be set out in full and shall state the grounds of the order in a manner reasonably stated to apprise the Appellant/Petitioner of the basis thereof. The presence of three (3) members shall be necessary to constitute a quorum. The majority of the members present shall be necessary to decide any question.

224.008 Sanctions.

Sec. VIII. Any violation of this Ordinance, 1972 PA 230, as amended, or the aforementioned Code being administered or enforced hereunder or any part of the same shall be deemed to be a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	1st Offense within 5-year period*	\$ 50.00	\$500.00
—	2nd Offense within 5-year period*	\$ 75.00	\$500.00
—	3rd Offense within 5-year period*	\$125.00	\$500.00
—	4th Offense within 5-year period*	\$250.00	\$500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, 1972 PA 230, as amended and/or the aforementioned Code. Each day that a violation exists shall constitute a separate offense.

224.009 Severability.

Sec. IX. Should any part of this Ordinance or the aforementioned Code being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

224.010 Effective date and repeal of conflicting ordinances.

Sec. X. All ordinances or parts of ordinance in conflict herewith, including but not limited to Richland Township Ordinance No. 180 and Richland Township Ordinance No. 196, are hereby repealed and shall be of no

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further force or effect on the effective date of this Ordinance. This Ordinance shall take effect one (1) day following publication after adoption. Construction Code permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with said permits, or renewal thereof, and in compliance with the Code under which the permit was issued. Any proceedings pending, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous Ordinance shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances.

225.000 PLUMBING CODE ENFORCING AGENCY

Ord. No. 191

Adopted: May 6, 2003

225.001 Agency designated.

Sec. I. Pursuant to the provisions of the Michigan Plumbing Code and in accordance with Act No. 230 of the Public Acts of 1972, as amended, the Plumbing Inspector of the Township of Richland is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Richland under Act No. 230 of the Public Acts of 1972, as amended, State of Michigan, for the administration and enforcement of the Michigan Plumbing Code. The Township of Richland assumes administration and enforcement of said Act and Code throughout its corporate limits.

225.002 Repeal of conflicting ordinances.

Sec. II. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed. This Ordinance shall not be deemed to be inconsistent with or to repeal Richland Township Ordinance No. 180.

225.003 Effective date.

Sec. III. This Ordinance shall take effect 30 days following publication after adoption.

226.000 TAX EXEMPTION
Ord. No. 219
Adopted: November 14, 2006

226.001 Title.

Sec. I. This Ordinance shall be known and cited as the "Richland Township Tax Exemption Ordinance".

226.002 Preamble.

Sec. II. It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL 125.1401, et seq.). The Township is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Township will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Township acknowledges that Kalamazoo Housing Partners Limited Dividend Housing Association Limited Partnership (the "Owner") owns and operates a housing development known as "The Meadows" on certain property located at 5600 East G Avenue in the Township to serve persons of low income, and that the Owner has offered to pay the Township on account of this housing development an annual service charge for public services in lieu of all taxes.

226.003 Definitions.

Sec. III. All terms shall be defined as set forth in the State Housing Development Authority Act of 1966, being Public Act 346 of 1966 of the State of Michigan, as amended, except as follows:

- A. *Act* means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.
- B. *Annual Shelter Rent* means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- C. *Authority* means the Michigan State Housing Development Authority, a public body, corporate and politic of the State of Michigan.
- D. *Class* means low income persons and families.
- E. *Housing Development* means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial,

communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

- F. *LIHTC Program* means the Low Income Housing Tax Credit Program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
- G. *Owner* means Kalamazoo Housing Partners Limited Dividend Housing Association Limited Partnership.
- H. *Utilities* mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

226.004 Class of housing developments.

Sec. IV. It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be low income persons and families, which are assisted pursuant to the Act. It is further determined that The Meadows is of this class.

226.005 Establishment of annual service charge.

Sec. V. The Housing Development identified as The Meadows and the property on which it is constructed shall be exempt from all property taxes from and after December 31, 2006, and shall instead be subject to an annual service charge as set forth herein. The annual service charge shall be zero for tax years 2007 and 2008, five percent (5%) of the Annual Shelter Rent for tax years 2009, 2010 and 2011, six percent (6%) of the Annual Shelter Rent for tax year 2012, seven percent (7%) of the Annual Shelter Rent for tax year 2013, eight percent (8%) of the Annual Shelter Rent for tax year 2014, nine percent (9%) of the Annual Shelter Rent for tax year 2015, and ten percent (10%) of the Annual Shelter Rent for each subsequent year that this Ordinance is in effect. Upon approval of this Ordinance, all current property taxes assessed against the Housing Development, as well as any interest or penalties thereon, shall be immediately due and payable.

(Ord. No. 240, adopt. 1-18-2011; Ord. No. 245, § 1, adopt. 12-20-2011)

226.006 Limitation on the payment of annual service charge.

Sec. VI. Notwithstanding Section V [226.005], the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income persons or families" as used herein shall be the same meaning as found in Section 15(a)(7) of the Act.

226.007 Contractual effect of Ordinance.

Sec. VII. Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the Township and the Owner with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

226.008 Payment of service charge.

Sec. VIII. The annual service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the Township except that the annual payment shall be paid on or before December 31 of each year.

226.009 Duration.

Sec. IX. This Ordinance shall remain in effect until midnight, December 31, 2027, at which time this Ordinance shall thereafter cease to be in effect.

226.010 Severability.

Sec. X. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

226.011 Acknowledgment.

Sec. XI. The Township hereby acknowledges receipt of documentation from the Authority indicating that the Authority's participation with the Housing Development is limited solely to the allocation of tax credits under the LIHTC Program.

226.012 Effective date.

Sec. XII. This Ordinance shall become effective on December 31, 2006. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**Parts 227—250
(Reserved)**

251.000 LAND DIVISION

Ord. No. 163

Adopted: May 6, 1997

251.001 Title.

Sec. I. This Ordinance shall be known and cited as the Richland Township Land Division Ordinance.

251.002 Purpose.

Sec. II. The purpose of this Ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

251.003 Definitions.

Sec. III. For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this Ordinance, and the Richland Township Zoning Ordinance.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Richland Township Board.

251.004 Prior approval requirement for land divisions.

Sec. IV. Land in the Township shall not be divided without the prior review and approval of the Township Supervisor, or other official designated by the governing body, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Township Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Township Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

251.005 Application for land division approval.

Sec. V. An applicant shall file all of the following with the Township Supervisor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a tentative preliminary parcel map drawn to scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the Supervisor or other official designated by the governing body prior to a final application under Section V [250.005].

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with Section 108 of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer shall be provided.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not a development site" under Section VIII [250.008] of this Ordinance, all divisions shall result in "buildable" parcels.
- I. The fee as may from time to time be established by resolution of the governing body of the Township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

251.006 Procedure for review of applications for land division approval.

Sec. VI.

- A. The Township Supervisor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of a completed application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the Township Supervisor or other designee shall return the same to the applicant for completion and refiling in accordance with this Ordinance and the State Land Division Act.
- B. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Supervisor or other designated official accomplishing the approved land division or transfer.
- C. The Township Supervisor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

251.007 Standards for approval of land divisions.

Sec. VII. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the Richland Township Zoning Ordinance, unless a variance from such requirement(s) has been received from the Richland Township Zoning Board of Appeals.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles that is not less than the requirements of the Richland Township Zoning Ordinance and this Ordinance.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII [250.008] of this Ordinance. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured as provided in the Richland Township Zoning Ordinance.

251.008 Allowance for approval of other land divisions.

Sec. VIII. Notwithstanding the provisions of Section VII [250.007] of this Ordinance, a division which creates a parcel that satisfies all of the requirements of Section VII [250.007] except that it does not satisfy one or more of the standards of Subsections A and D of Section VII [250.007], shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "not a development site, as defined under 1967 PA 288, as amended". Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288, as amended.

251.009 Consequences of noncompliance with land division approval requirement.

Sec. IX. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special exception use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll.

251.010 Severability.

Sec. X. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

251.011 Repeal.

Sec. XI. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Richland Township Zoning Ordinance or the Richland Township Subdivision Control Ordinance.

251.012 Effective date.

Sec. XII. This Ordinance shall take effect immediately upon publication after adoption.

252.000 SUBDIVISION/SITE CONDOMINIUM/CONDOMINIUM ORDINANCE¹

Ord. No. 187

Adopted: February 12, 2003

252.001 Title.

Sec. 1. This Ordinance shall be known as the 'Richland Township Subdivision/Site Condominium/Condominium Ordinance'.

(Ord. No. 278 , § 1, adopt. 1-21-2020)

252.002 Purpose.

Sec. II. The purpose of this Ordinance is to regulate and control the subdivision of land into plats pursuant to 1967 PA 288; as amended; and to regulate the development of land within the Township under the provisions of 1978 PA 59, as amended, with the objective interest of achieving the same source characteristics and land use results as if the development and improvements were being proposed in accordance with general subdivisions, including all requirements of the Township Zoning Ordinance. It is the intent of the Township to insure that each type of project meets certain minimum standards, that the size of the lots or building sites are equal to the minimum lot size of the zoning district in which the project is located and to treat each type of development in the same manner.

252.003 Authority.

Sec. III. This Ordinance is enacted pursuant to the authority granted by the Michigan Land Division Act (1967 PA 288, as amended), the Michigan Condominium Act (1978 PA 59, as amended) and 1945 PA 246, as amended, which authorizes Township Boards to adopt Ordinances to secure the public health, safety and general welfare.

252.004 Definitions.

Sec. IV. For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. *Building Site*. Within a condominium development the same shall mean that portion of a lot or parcel, which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any designated space above and/or below the land, designed for the construction of a principal building in addition to any accessory buildings. All building sites shall have frontage on a public or private street or road.
- B. *Common Elements*. The portions of a condominium project other than the condominium units.
- C. *Condominium Project*. A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

¹Editor's note(s)—Ord. No. 278 , § 1, adopted January 21, 2020, changed the title of Part 252 from "Subdivision/Site Condominium Ordinance" to read as herein set out.

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- D. *Condominium Plan.* The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. *Condominium Unit.* That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
- F. *Consolidating Master Deed.* The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space which final amended master deed fully describes the condominium project as completed.
- G. *Contractible Condominium.* A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- H. *Limited Common Elements.* The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- I. *Lot.* A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.
- J. *Master Deed.* The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

(Ord. No. 278 , § 2, adopt. 1-21-2020)

252.005 Compliance required.

Sec. V. All plats shall comply with the provisions of the Michigan Land Division Act (1967 PA 288, as amended), and with the provisions of this Ordinance. All site condominium developments shall comply with the provisions of the Michigan Condominium Act (1978 PA 59, as amended), and with the provisions of this Ordinance.

252.006 Tentative approval of preliminary plat/site condominium/condominium plan (step 1 approval).

Sec. VI.

- A. *Submission.* Every person, firm or corporation which shall hereafter submit a tentative preliminary condominium plan, site condominium plan or preliminary plat plan to the Township Board for tentative approval shall submit not less than 15 legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer, Land Surveyor or other person authorized by law. Said copies must contain, at a minimum, the following information and fees:
 - 1. Show relief of area proposed to be platted or developed as a site condominium or condominium with not more than four-foot contour intervals.
 - 2. Indicate road layout.

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3. Indicate lot or building site or unit layout, showing size and shape of proposed lots or building sites, as well as any dedicated common open space.
 4. Indicate whether proposed plat or site condominium or condominium development will be served by public sanitary sewer and/or water system.
 5. Indicate the general location and size of any flood plain possibly located within the proposed plat or site condominium or condominium development.
 6. Indicate, in general, the methods for storm water disposal.
 7. When the proprietor owns or plans to acquire and anticipates platting adjoining land or making it into a Condominium Development, the proprietor shall submit with the preliminary plat/condominium plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
 8. A fee established by resolution of the Richland Township Board pursuant to Section XIV [252.014] of this Ordinance. (Note: Such fee will include an escrow account that shall be replenished as the project moves through the approval process.)
- B. *Planning Commission Review.* Upon receipt of a proposed preliminary condominium plan or plat plan for tentative approval, the Township Clerk shall forward a copy of the same to the Township Planning Commission for review of the plan for its compliance with the applicable standards set forth in Subsection "C" immediately below and for the Township Planning Commission's recommendation regarding the same. The Township Planning Commission shall not take action on the proposed plan without first holding a public hearing thereon. A plan submitted to the Planning Commission shall contain the name and address of the applicant or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed plat/condominium development.
1. The Township Planning Commission shall recommend approval, approval with conditions or disapproval of the proposed plan within 45 days after the plan is received by the Township. If the Township Planning Commission fails to act within this required period, the plan shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Township Planning Commission upon request of the applicant. However, the applicant may waive this requirement and consent to an extension of the 45 day period and a corresponding extension of the time period for Township Board action on the application. The grounds for any recommendation of disapproval of a plan shall be stated upon the records of the Township Planning Commission.
- C. *Township Board Review.* After receipt of the Township Planning Commission's recommendation or the expiration of the above-referenced time period for Planning Commission review (whichever occurs first), the Township Board shall examine the preliminary plan with such assistance and review by the Township Engineer and the Township Attorney as the Township Board shall require. The Township Board shall determine whether the proposed preliminary condominium plan or plat plan complies with all Township ordinances and state statutes as well as makes adequate provision for the following:
1. *Streets.*
 - a. Compliance with a major street thoroughfare plan adopted by the Township, if any.

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- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.
 - c. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project or plat shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the development shall be so laid out that their use by through traffic will be discouraged.
 - d. Where the proposed plat or condominium development abuts or contains a County primary road or major thoroughfare as defined in the Township Major Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
 - e. Private streets may be permitted by the Township Board if the Township Board finds that private streets within the condominium project or plat will not adversely affect public health, safety or welfare. In determining the same, the Township Board shall consider:
 - (i) The number of dwelling units, building sites or lots to be served by said streets;
 - (ii) The layout of the proposed development;
 - (iii) Ability to access with emergency vehicles;
 - (iv) Whether the street will serve as a link between different public streets.

Private streets shall be constructed in accordance with the construction standards established by the Kalamazoo County Road Commission for public streets. This requirement shall not be deemed to prohibit street design features such as boulevards, cul-de-sacs and winding roadways.

All vehicular stop signs placed at a private street intersection shall conform in appearance and size to vehicular stop signs utilized by the Kalamazoo County Road Commission for County road intersections. All street name signs placed at a private street intersection shall conform in appearance and size to street name signs utilized by the Kalamazoo County Road Commission for County road intersections.

- f. A plat or condominium project creating a total of 50 or more units must be developed so as to provide two or more access streets.

2. *Lots and building sites.*

- a. Lots and building sites/units shall be established in compliance with the minimum lot dimension provisions or density set forth in the Richland Township Zoning Ordinance.
- b. Corner lots generally should have extra width to permit appropriate building setback from both streets.

3. *General provisions.*

- a. Privately held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the plat or condominium development.

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- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be platted/condominiumized for residential, commercial or industrial purposes unless such lands within a plat or site condominium development are set aside for other purposes such as parks and/or open space.
 - 4. *Township Board decision.*
 - a. The Township Board shall tentatively approve and note its approval on the copy of the preliminary plat plan/preliminary condominium plan, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat plan/preliminary condominium plan, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:
 - (i) Within 60 days after it was submitted to the Township Clerk if the development is a plat and a pre-application review meeting was held pursuant to Section 111(3) of the Michigan Land Division Act (1967 PA 288, as amended).
 - (ii) Otherwise, within 90 days after it was submitted to the Township Clerk.
 - b. Tentative approval under this section confers upon the proprietor for a period of one year from the date thereof approval for development purposes of lot sizes, lot orientation, and street layout and application of the then-current plat/condominium regulations. The tentative approval may be extended if applied for by the proprietor and granted by the Township Board in writing.

(Ord. No. 201, adopt. 6-1-2004; Ord. No. 205, adopt. 2-1-2005; Ord. No. 210, adopt. 6-7-2005; Ord. No. 253, adopt. 6-18-2013; Ord. No. 278 , §§ 3—10, adopt. 1-21-2020)

Editor's note(s)—Ord. No. 278 , § 3, adopted Jan. 21, 2020, changed the title of § 252.006 from "Tentative approval of preliminary plat/site condominium plan (step 1 approval)" to read as herein set out.

252.007 Final approval of preliminary condominium plan/preliminary plat plan (step 2 approval).

Sec. VII.

- A. *Submission.* Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat plan or preliminary condominium plan to the Township Board for final approval shall submit the relevant data and fees:
 - 1. Evidence that all requirements imposed by the Township Board at the time of granting tentative approval have been incorporated into the proposed plan.
 - 2. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said condominium project or plat. Prior to submitting copies of the preliminary condominium plan or preliminary plat plan to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.
 - 3. A fee established by resolution of the Richland Township Board pursuant to Section XIV [252.014] of this Ordinance.

4. Certifications of statutorily required governmental agency approvals, including, if individual sewage disposal systems are proposed and public sewage facilities are not reasonably available, certification from the Kalamazoo County Environmental Health Department as to the suitability of the land included in the development for the use of septic tank, dry wells and tile fields.
- B. *Standards for Approval.* Upon receipt of all required copies of the preliminary condominium plan or preliminary plat plan for final approval, the Township Board shall examine the same with such assistance and review by the Township Engineer and Township Attorney as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said plat plan or condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:
1. The extension of sanitary sewer and/or water main lines within the plat/condominium may be required if the Township Board determines, in its sole reasonable discretion, that sanitary sewers and/or water mains are reasonably available to the proposed development. If a water main extension is established within a plat/site condominium, then a fire hydrant shall be established at not greater than 1,000 feet intervals along the water main extension at locations approved by the Township Fire Chief.
 2. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plan.
 3. No land within the development may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
 4. Street lighting shall be required within the development and shall be adequate to service the proposed development given its size and layout. The Township Board shall consider the recommendations of the electrical utility company serving the subject area and/or the Township Engineer in determining the adequacy of proposed street lighting. All street lighting shall be placed and shielded so that light is directed downward and does not shine directly onto any residences. The Township Board shall have authority to waive the requirement of street lighting if the Township Board finds, in its sole reasonable discretion, that because of the size of the development or some other unusual feature of the development, establishment of street lighting would not materially promote the health, safety or welfare of the residents within the development or the general public.
 5. Sidewalks shall be required by the Township Board for any plat or condominium project within which the majority of lots or building sites are both less than 132 feet in width and less than 30,000 square feet in area. This requirement may be waived by the Township Board when the developer has agreed to instead provide a not less than eight feet wide paved bicycle path along public road frontage or elsewhere within the plat or site condominium project. When required, sidewalks shall be constructed of concrete four feet in width, four inches in depth, upon a two-

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inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete six inches in depth.

- C. *Approval.* If the Township Board determines that the preliminary plat plan or preliminary condominium plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall, at its next meeting following plan submission or within 20 days from the date of submission, grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the Township Board upon application by the proprietor.

(Ord. No. 195, adopt. 8-5-2003; Ord. No. 201, adopt. 6-1-2004; Ord. No. 210, adopt. 6-7-2005; Ord. No. 254, § I, adopt. 10-15-2013; Ord. No. 278, § 11, adopt. 1-21-2020)

252.008 Final approval of final condominium plan/plat plan (step 3 approval).

Sec. VIII.

- A. *Submission.* Every person, firm or corporation shall hereafter submit a proposed final plat or condominium plan to the Township Board for final approval. Should an applicant for conversion of an existing approved project (approved site plan) seek approval where no on-site changes are to occur, they shall be allowed to submit such site plan, along with a proposed master deed directly for Step 3 approval. They shall submit the following relevant data and fees:

1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat or site condominium.
2. A fee established by resolution of the Richland Township Board pursuant to Section XIV [252.014] of this Ordinance. For conversion of existing approved projects, a fee plus escrow shall be paid for this Step 3 review and approval.
3. A digital copy of the final plat or site condominium plan in an AutoCAD (.dwg) format or a .DXF format on a disk, CD, or through e-mail to the Township. Each digital copy shall show a minimum of two ties to government section corners. Each digital copy shall include at a minimum the following information:

Lot/Unit Numbers	Street Names
Dimensions	Easements
Lot Lines	Section Lines & Section Corners
Boundaries	Utility Lines (if available)
Right-of-Ways	Adjacent Plat Corners (if available)

- B. *Township Board Review.* The Township Board shall, at its next regular meeting or within 20 days from the date of submission, review the proposed final plat or condominium plan and grant final approval if it determines that all of the following have been satisfied:

1. All monuments required to be placed in the plat or condominium project have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.

2. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
3. If the plat or condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.
4. If any flood plains are involved in the proposed plat or condominium project, then such flood plains shall be restricted as provided by the Land Division Act or the Condominium Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Plat or Master Deed or contemporaneously with the recording of the Master Deed.
5. All utilities servicing the plat or condominium project have been installed and water and sanitary sewer mains have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board in an amount sufficient to insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.
6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Plat or Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually six feet dedicated from each lot or parcel except side lot easements three feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
7. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by an engineer or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
8. The proposed final plat or condominium plan complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
9. That the Plat or Master Deed is executed by all required owners, has been properly recorded and has been filed with the Township before issuance of any building permits.

(Ord. No. 210, adopt. 6-7-2005; Ord. No. 278 , §§ 12, 13, adopt. 1-21-2020)

252.009 Failure to complete a public improvement.

Sec. IX. In the event the developer shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the developer has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

252.010 Building site/subdivision.

Sec. X. After a plat or condominium development has been recorded, platted lots/building sites/units may thereafter be partitioned or divided with the approval of the Township Board into not more than four parts, provided that the resulting lots or building sites or combinations of two or more divided lots or building sites/units shall comply with the minimum lot size and width requirements or density in the Richland Township Zoning Ordinance and provided further that such resulting lots or building sites shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lots or building sites, and provided further, that all such resulting lots or building sites shall conform in all particulars to the requirements of all applicable statutes and Township Ordinances.

(Ord. No. 278 , § 14, adopt. 1-21-2020)

252.011 Variance procedure.

Sec. XI. Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have power in passing upon proposed condominium or plat projects to modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

252.012 Sanctions.

Sec. XII. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth or More Offense within three-year period*	500.00	500.00
*	Determined on the basis of the date of commission of the offense(s).		

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

252.013 Amendments.

Sec. XIII. All amendments to the plat or condominium plan, other than building site/lot divisions approved under Section X [252.010] above, shall be submitted for review and approval under Sections VI [252.006] , VII [252.007] and VIII [252.008], above. The subdivision of condominium units in accordance with MCL 559.149, as amended may be authorized by the Township's Assessing Officer after review of the required amendatory documents by the Township's attorney and adherence to all Zoning Ordinance setback, lot coverage and unit size

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requirements. The subdivision of condominium units in accordance with MCL 559.149, as amended, may be authorized by the Township's Assessing Officer after review of the required amendatory documents by the Township's attorney and adherence to all Zoning Ordinance setback, lot coverage and unit size requirements.

(Ord. No. 268 , adopt. 3-20-2018; Ord. No. 278 , § 15, adopt. 1-21-2020)

252.014 Fees.

Sec. XIV. The Richland Township Board is hereby given the authority to establish by Resolution at any public meeting a schedule of fees for the administering of this Ordinance, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned Resolution from time to time within the foregoing limits of reasonableness.

252.015 Severability.

Sec. XV. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

252.016 Repeal.

Sec. XVI. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

252.017 Effective date.

Sec. XVII. This Ordinance shall take effect 30 days following publication, after adoption.