

**COMPILATION**  
**OF**  
**GENERAL ORDINANCES**  
**TOWNSHIP OF**  
**NOTTAWA**

**COUNTY OF ST. JOSEPH**  
**STATE OF MICHIGAN**

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**COMPILATION**  
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TOWNSHIP OF  
**NOTTAWA**

COUNTY OF ST. JOSEPH  
STATE OF MICHIGAN

**Part 1**

**1.0 - FISCAL YEAR**

**Ord. No. 10      Adopted: February 19, 1979**

An Ordinance to establish the fiscal year of the Township of Nottawa, St. Joseph County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF NOTTAWA ST. JOSEPH COUNTY, MICHIGAN HEREBY ORDAINS:

1.001 - Fiscal year established.

Sec. I. Commencing in 1979, the fiscal year of the Township shall extend from July 1 of each until June 30 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

1.002 - Settlement day meeting.

Sec. II. The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

1.003 - Annual meeting of electors.

Sec. III. The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

1.004 - Effective date; repeal of existing ordinances.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **Part 10**

### **10.000 - STATE CONSTRUCTION CODE FLOODPLAIN MANAGEMENT PROVISIONS**

An Ordinance to designate an enforcing agency to discharge the responsibility of the Township of Nottawa located in St. Joseph County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Nottawa ordains:

10.001 - Agency designated.

Sec. 1. 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 Building Official of the Township of Nottawa is hereby designated as the enforcing agency to discharge the responsibility of the Township of Nottawa under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Nottawa assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

10.002 - Code appendix enforced.

Sec. 2. 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 Township of Nottawa.

10.003 - Designation of regulated flood prone hazard areas.

Sec. 3. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled St. Joseph County, Michigan (All Jurisdictions) and dated June 4, 2010 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26149C: 0185D, 0195D, 0205D, 0210D, 0215D, and 0220D and dated June 4, 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.

10.004 - Repeals.

Sec. 4. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

10.005 - Publication.

Sec. 5. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

### **Parts 15—49 - BUSINESS REGULATIONS**

There are currently no ordinances assigned to this category.

## **Part 50**

### **50.000 - MICHIGAN GAS COMPANY FRANCHISE**

**Ord. No. 20a**

**Adopted: June 17, 1996**

An Ordinance granting a franchise to Michigan Gas Company to construct, operate, and maintain in the public streets, highways, alleys and other public places in the Township of Nottawa, St. Joseph County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus requisite for the manufacture, transmission and distribution of gas for public and private use and to conduct a local business therein.

THE TOWNSHIP OF NOTTAWA ORDAINS:

#### **50.001 - Grant of franchise.**

Sec. 1. Permission is hereby granted to Michigan Gas Company, a Michigan Corporation, and to its successors and assigns, to construct, operate and maintain in the public streets, highways, alleys and other public places in the Township of Nottawa, St. Joseph County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of Nottawa, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, subject, however, to all conditions and restrictions hereinafter contained.

#### **50.002 - Conditions.**

Sec. 2. The conditions of the foregoing grant are as follows:

- a. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb or interfere with any water transmission and distribution lines or with any public or private sewer now or hereafter laid or constructed by any authorized person or corporation.
- b. All construction work done under this grant shall be under the supervision of the designated representative of the Grantor and shall be subject to inspection and approval by the designated representative of the Township of Nottawa as to location within the right-of-way. The Grantee shall pay cost of such inspection and approval.
- c. The Grantee, before entering upon any street, alley, easements for public utility purposes or other public place to install pipes, mains, or other apparatus, shall notify the Township of Nottawa or its designated representative of the proposed construction and shall, if the Township of Nottawa so requires, file with the Township of Nottawa a sufficient plan or map and shall obtain the representative's approval thereof before beginning construction.
- d. No street, alley, highway or public place shall be allowed to remain obstructed or encumbered by the construction work of said Grantee for a longer period than shall be reasonably necessary to execute said work, and the Grantee shall, at all times, conform to all applicable ordinances and regulations of the Township of Nottawa now or hereafter in force.
- e. The Grantee shall indemnify, hold the Township of Nottawa harmless and defend it against any claim, action or demand that may be asserted against the Township of Nottawa by reason of wrongdoing or negligence of the Grantee in the construction or maintenance of its gas mains, pipes or other apparatus, or any claim or actionable consequence resulting from this nonexclusive grant of Franchise.

#### **50.003 - Rules, regulations and rates.**

Sec. 3. The rules and regulations applicable to the service, the quality of the gas furnished, and the rates charged therefor by the Grantee herein, its successors and assigns, shall be as fixed from time to time by the Michigan Public Service Commission or other such state authority as shall have jurisdiction of the subject matter, reserving, however, the right of the Township of Nottawa to object thereto.

50.004 - Regulation of streets, alleys and public places.

Sec. 4. Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway, alley or public place, or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of Nottawa of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor as in any manner limiting the right of said Township of Nottawa to regulate the use of any street, avenue, highway or public place within its jurisdiction.

50.005 - Assignment of franchise.

Sec. 5. The Grantee shall not assign this Franchise to any person, firm or corporation without the prior approval of the Nottawa Township Council and unless the assignee is, in the opinion of the management of Michigan Gas Company, financially able to carry out the Grantee's obligations under this Franchise and is authorized by the Michigan Public Service Commission, or such other State authority as shall then have jurisdiction of the subject matter so to do.

50.006 - Effective date.

Sec. 6. This Ordinance shall take effect upon its publication and the filing of Grantee's, written acceptance with the Township of Nottawa Clerk and shall remain in effect for a period of thirty (30) years following its confirmation by a majority of the electors of the Township of Nottawa voting thereon.

## **Part 51**

### **51.000 - CONSUMERS POWER COMPANY ELECTRIC FRANCHISE**

**Ord. No. 22      Adopted: February 19, 1990**

An Ordinance, granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Nottawa, St. Joseph County, Michigan, for a period of thirty years.

THE TOWNSHIP OF NOTTAWA ORDAINS:

51.001 - Grant, term.

Sec. 1. The Township of Nottawa, St. Joseph County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Nottawa, St Joseph County, Michigan, for a period of thirty years.

51.002 - Consideration.

Sec. 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

51.003 - Conditions.

Sec. 3. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys, shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

51.004 - Hold harmless.

Sec. 4. Said Grantee shall at all times keep and 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 structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

51.005 - Rates.

Sec. 5. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

51.006 - Franchise not exclusive.

Sec. 6. The rights, power and authority herein granted are not exclusive.

51.007 - Revocation.

Sec. 7. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

51.008 - Michigan Public Service Commission, jurisdiction.

Sec. 8. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be end remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

51.009 - Effective date.

Sec. 9. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

## **Part 52**

### **52.000 - CONSUMERS ENERGY COMPANY GAS FRANCHISE**

#### **Ord. No. 25      Adopted: February 17, 1997**

An Ordinance, granting to Consumers Power Company, doing business as Consumers Energy Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business within Sections 1, 2 and 3 of the Township of Nottawa, St. Joseph County, Michigan, for a period of thirty years.

#### **THE TOWNSHIP OF NOTTAWA ORDAINS:**

##### **52.001 - Grant, term.**

Sec. 1. The Township of Nottawa, St. Joseph County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, doing business as Consumers Energy Company, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business within Sections 1, 2 and 3 of the Township of Nottawa, St. Joseph County, Michigan, for a period of thirty years.

##### **52.002 - Consideration.**

Sec. 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

##### **52.003 - Conditions.**

Sec. 3. No highway, street, alley, bridge, waterways or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

##### **52.004 - Hold harmless.**

Sec. 4. Said Grantee shall at all times keep and 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 structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

##### **52.005 - Extensions.**

Sec. 5. Said Grantee shall construct and extend its gas distribution system within said Sections 1, 2 and 3 of the Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

##### **52.006 - Franchise not exclusive.**

Sec. 6. The rights, power and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

##### **52.007 - Rates.**



Sec. 7. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

52.008 - Revocation.

Sec. 8. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

52.009 - Michigan Public Service Commission jurisdiction.

Sec. 9. Said grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

52.010 - Effective date.

Sec. 10. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

## **Part 53**

### **53.000 - TRANSFER OF CABLE TELEVISION FRANCHISE TO TCI CABLEVISION**

#### **Res. No. 31      Adopted: April 20, 1998**

WHEREAS, Jones Cable Income Fund 1-B/C Venture ("Franchisee") owns, operates and maintains a cable television system (the "System") in the Township of Nottawa, Michigan (the "Franchise Authority") pursuant to the following documents: Cable Television Consent Agreement dated March 21, 1988 and Resolution adopted August 15, 1988 (collectively, the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee and TCI Cablevision of Texas, Inc. ("Transferee") are parties to an Asset Purchase Agreement dated as of January 30, 1998 (the "Purchase Agreement"); and

WHEREAS, the transactions called for in the Purchase Agreement will result in the System and the Franchise being transferred from Franchisee to Transferee (the "Transfer"); and

WHEREAS, Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE FRANCHISE AUTHORITY THAT:

53.001 - [Consent to transfer.]

Sec. 1. The Franchise Authority hereby consents to the Transfer in accordance with the terms of the Franchise.

53.002 - [Confirmation by franchise authority.]

Sec. 2. The Franchise Authority confirms that, without investigations: 1) it has no knowledge of present problems, complaints, or other violations of the Franchise by Jones Intercable; 2) the Franchise is an ongoing agreement according to its terms; and 3) it agrees to the transfer of the Agreement to TCI Cablevision of Texas, Inc., reserving all rights under the Franchise.

53.003 - [Effective date.]

Sec. 3. This Resolution shall be deemed effective for purposes of the Transfer upon the closing date of the Purchase Agreement.

53.004 - [Force of resolution.]

Sec. 4. This Resolution shall have the force of continuing the Franchise.

## **Part 54**

### **54.000 - MICHIGAN GAS UTILITIES FRANCHISE<sup>(1)</sup>**

Footnotes:

--- (1) ---

**Editor's note**— The gas franchise approved by Res. No. 32 has not been included herein but may be found on file in the office of the township clerk.

Res. No. 32      Adopted: April 20, 1998

A resolution granting Michigan Gas Utilities doing business as a Division of Utilicorp United, 70 Sauk River Drive, Coldwater, Michigan 49036, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways and other public places and to do a local gas business within Sections 32 and 33 of the Township of Nottawa, St Joseph County, Michigan for a period of 30 years.

## **Part 65**

### **65.000 - TRAILER COACH PARKING**

**Ord. No. 5      Adopted: February 7, 1967**

An Ordinance to regulate trailer coach parking in Nottawa Township, St. Joseph County, Michigan.

THE TOWNSHIP OF NOTTAWA ORDAINS:

65.001 - Definition.

Sec. 1. A "trailer coach" means any vehicle with or without motive power, designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed as to permit occupancy as a dwelling or sleeping place by one or more persons.

65.002 - Parking.

Sec. 2. It shall be unlawful for any person, partnership, association or corporation to park a trailer within the boundaries of Nottawa Township except as herein provided:

- A. No trailer coach shall be parked on any street, alley, road or highway within the Township of Nottawa for a period longer than twelve hours.
- B. No trailer coach shall be used or occupied as a dwelling unless a permit has been secured as provided in Section 3 and unless it shall be equipped with or connected with adequate sanitary facilities conforming to the rules, regulations and requirements of the St. Joseph County Health Department provided, however, that the provisions of this section shall not apply to a trailer used temporarily within said township for a period not to exceed 14 days in any one calendar year.
- C. No trailer coach shall be parked less than 25 feet from any street, alley, road or highway.
- D. No trailer coach shall be parked less than 10 feet from the property line of the parcel upon which it is so parked.
- E. This ordinance shall not apply to a Trailer Coach Park licensed under the laws of the State of Michigan or to a trailer coach parked therein.
- F. This ordinance shall not apply to the public camp site at Sand Lake.
- G. This ordinance shall not apply to a trailer coach firmly fixed to a suitable foundation of concrete or cement block masonry extending completely around the base or frame of the trailer coach.

#### 65.003 - Permits.

Sec. 3. Application for a permit to park, use or occupy a trailer coach within Nottawa Township shall be made to the Township Clerk and such application shall state the address of the premises where said trailer coach is placed, the name and address of the owner and the operator, the manufacturer's name and the serial number of said trailer coach. There shall accompany such application a waiver signed by sixty-five percent of all free holders residing within a radius of 600 feet of the proposed location of such trailer coach, consenting and agreeing to the parking of said trailer coach at said proposed location. Upon receipt of such application the Township Clerk shall cause an inspection to be made of the proposed location and of said trailer coach and if it shall appear that the parking, use and occupancy of such trailer coach complies with this Ordinance and the rules, regulations and requirements of the St. Joseph County Health Department and if it shall further appear that the waiver has the required number of signatures, he shall approve such application. Upon the approval of such application and the payment of a fee of \$50.00. The Township Clerk shall issue a permit for such parking, use, or occupancy on the premises described in the application for a period of one year from the date of granting said permit.

#### 65.004 - Permit renewals.

Sec. 4. Application for renewal permits shall be made in the same manner as an original application.

#### 65.005 - Transfer of permits.

Sec. 5. Any permit or renewal thereof issued pursuant to the provisions of this ordinance shall not be subject to transfer.

#### 65.006 - Display of permit.

Sec. 6. Any permit issued and renewal thereof issued hereunder shall be displayed in a protective frame on the outside of the trailer coach on the side nearest to the public street or highway in such a manner or place as to be readily noticeable and readable at all times.

#### 65.007 - Zoning regulations.

Sec. 7. No permit or renewal thereof for the parking of a trailer coach shall be granted under this ordinance if the granting thereof would permit the parking of said trailer coach in violation of any zoning

ordinance of the Township of Nottawa or St. Joseph County or any village in said township as the same is presently enacted or hereafter to be enacted either by Nottawa Township or St. Joseph County or any village in said township.

65.008 - Penalty.

Sec. 8. Any person, association or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance, shall upon conviction, be found guilty of a misdemeanor and shall be fined not to exceed \$100.00 and the cost of prosecution or confined in the County Jail for a period not to exceed 90 days, or both such fine and confinement in the discretion of the Court. Each day that a violation continues shall constitute a separate offense.

65.009 - Severability.

Sec. 9. It is the legislative intent that all provisions and sections of this ordinance be liberally construed and should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this ordinance shall stand notwithstanding the invalidity of any provision or section.

65.010 - Effective date.

Sec. 10. This ordinance shall take effect March 20, 1967.

## **Part 66**

### **66.000 - MOTOR VEHICLE ORDINANCE**

**Ord. No. 9      Adopted: June 19, 1978**

**Ord. No. 42      Adopted: September 18, 2017**

#### **ARTICLE 1**

##### **66.100 - SHORT TITLE AND PURPOSE**

66.101 - Short title.

Sec. 1.01. This ordinance shall be known as the Nottawa Township Motor Vehicle Ordinance.

66.102 - Purpose.

Sec. 1.02. This ordinance has been established for the purpose of regulating the operation and parking of motor vehicles upon the property owned and/or leased by the Township of Nottawa, County of St. Joseph, insofar as it may supplement applicable state law. In the parking or operation of motor vehicles upon any property owned or leased by the Township of Nottawa, it shall be a violation of this ordinance for any person to do any act forbidden or fail to perform any act required herein.

#### **ARTICLE 2**

##### **66.200 - DEFINITIONS**

66.201 - Words and phrases.

Sec. 2.01. The following words and phrases, as indicated in the respective sections hereinafter set forth in this chapter, when using this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them.

66.202 - Driver.

Sec. 2.02. "Driver" means every person who drives or is in actual physical control of a vehicle.

66.203 - Motor vehicle.

Sec. 2.03. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

66.204 - Parking.

Sec. 2.04 "Parking" means standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading, except when making necessary repairs.

66.205 - Person.

Sec. 2.05. "Person" means every natural person, firm, co-partnership, association or a corporation, and their legal successors.

66.206 - Right-of-way.

Sec. 2.06. "Right-of-Way" means the privilege of the immediate use of the highway.

66.207 - Roadway.

Sec. 2.07 "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

66.208 - Street or highway.

Sec. 2.08. "Street or highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

66.209 - Traffic.

Sec. 2.09 "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any highway for purposes of travel.

66.210 - Vehicle.

Sec. 2.10. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

## ARTICLE 3

### 66.300 - OPERATION OF VEHICLES

66.301 - Reckless driving.

Sec. 3.01. Any person who drives any vehicle upon a highway or a frozen public lake, stream or pond or any other place open to the general public, including any area designated for the parking of motor

vehicles in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving, and shall be punished, upon conviction, as provided in section 6.01 of this ordinance.

#### 66.302 - Careless driving.

Sec. 3.02. Any person who operates a vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness shall be punished, upon conviction, by imprisonment for not more than 10 days or a fine of not more than \$100.00, or both.

#### 66.303 - Drag racing prohibited.

Sec. 3.03. "Drag racing" means the operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful.

No person shall operate a vehicle upon any highway, or any other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined.

#### 66.304 - Driving while under the influence of intoxicating liquor or narcotic drugs.

Sec. 3.04. It shall be unlawful for any person whether licensed or not who is an habitual user of narcotic drugs, barbitol or any derivative of barbitol, or any person who is under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol, to drive any vehicle upon any street or any other place open to the general public, including any area designated for the parking of motor vehicles.

#### 66.305 - Driving while visibly impaired.

Sec. 3.05. No person shall operate a vehicle upon a highway or any other place open to the general public, including any area designated for the parking of motor vehicles, when, due to consumption of intoxicating liquor, narcotic drugs, to barbitol or any derivative of barbitol, he has visibly impaired his ability to operate the vehicle. Where a person is charged with violating Section 3.04 of this ordinance a finding of guilty shall be permissible under this section.

#### 66.306 - Driver's license.

Sec. 3.06. No person shall drive any motor vehicle unless such person is licensed as an operator or chauffeur as required by Michigan Vehicle Code, Act. 300, Public Acts of 1949, as amended.

### ARTICLE 4

#### 66.400 - OPERATION OF MOTORCYCLES

##### 66.401 - Motorcycles, motor driven cycles.

Sec. 4.01. Every person operating a motorcycle or a motor driven cycle shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle under this ordinance, except as to those provisions which by their nature can have no applications.

### ARTICLE 5

## 66.500 - STOPPING, STANDING AND PARKING

### 66.501 - Parking not to obstruct traffic.

Sec. 5.01. No person shall park any vehicle upon a street, in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic. No person shall park any vehicle upon a street or right of way where road pavement is less than the required 20 feet width of roadway.

### 66.502 - Authority to impound vehicles.

Sec. 5.02. Members of the Sheriff's Department are hereby authorized to remove a vehicle from a street, road or highway to the nearest garage or place of safety or a garage designated or maintained by the Sheriff's Department under the circumstances hereinafter enumerated at the owner's expense:

- (a) When any vehicle is left unattended upon any street, road or highway, or when such vehicle is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (b) When a vehicle is found being driven upon the streets and is not in proper condition to be driven.
- (c) When a vehicle is left unattended upon a street, road or highway, or in any area of any Township park continuously for more than 48 hours and may be presumed to be abandoned.

### 66.503 - Prima facie evidence; parking violators.

Sec. 5.03. In any proceeding for a violation of this ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the citation or complaint was parked in violation of this ordinance, together with proof that the defendant named in such citation or complaint was at the time of such parking a 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.

## ARTICLE 6

### 66.600 - PENALTIES

#### 66.601 - Penalties.

Sec. 6.01. Unless another penalty is expressly provided by this ordinance, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

#### 66.701 - Severance clause.

Sec. 7.01. Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

#### 66.801 - Effective date.

Sec. 8.01. This ordinance shall become effective immediately after a true copy of the same is published in its entirety, a public hearing is held, and the same is adopted by the Township Board of the Township of Nottawa.

## **Part 67**

### **67.000 - UNIFORM TRAFFIC CODE**

#### **Ord. No. 21      Adopted: January 20, 1992**

An ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Township and Villages and Amendments to date. The purpose of the Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Township of Nottawa and to provide penalties for violation of the Code.

#### **THE TOWNSHIP OF NOTTAWA ORDAINS:**

##### **67.001 - Code adopted.**

Sec. 1. The Uniform Traffic Code for cities, townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, and subsequent amendments thereto, is hereby adopted by reference as in this ordinance modified.

##### **67.002 - References in code.**

Sec. 2. References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Township of Nottawa.

##### **67.003 - Notice to be published.**

Sec. 3. The Township Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

##### **67.004 - When effective.**

Sec. 4. The Uniform Traffic Code will be in effect in 30 days after the passage of this adopting ordinance.

## **Parts 90—119**

### **OFFENSES**

There are currently no ordinances assigned to this category.



## **Part 120**

### **120.000 - PARKS**

**Ord. No. 8      Adopted: June 19, 1978**

#### **ARTICLE 1**

##### **120.100 - SHORT TITLE AND PURPOSE**

###### **120.101 - Short title.**

Sec. 1.01. This ordinance shall be known as the "Nottawa Township Parks Ordinance."

###### **120.102 - Purpose.**

Sec. 1.02. The following regulations are intended to preserve the natural environment of the Nottawa Township Parks hereafter referred to as Township Parks, in order that all may enjoy them and to promote the safe use of public facilities by the citizens of the Township. Any person who shall violate, or assist in the violation of, any of the following regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not to exceed \$50.00. See MSA 5.2437(1).

#### **ARTICLE 2**

##### **120.200 - PARK REGULATIONS**

###### **120.201 - Camping allowed only in designated areas.**

Sec. 2.01. The Nottawa Township Board shall designate the areas, if any, in Township parks in which camping shall be allowed and shall cause signs to be erected in the various parks indicating such areas in which camping is allowed. No person shall camp in any area or part of any Township park which has not been specifically designated for camping by posted signs, as provided for in this section.

###### **120.202 - Fires allowed only in certain areas.**

Sec. 2.02. No person shall build, start, tend or maintain any fire in any Township park except in designated camping areas, as provided for in the previous section, and except in picnic areas or other areas where fireplaces or grills are provided, no fire shall be built or maintained except in such grills or fireplaces.

###### **120.203 - Animals to be restrained.**

Sec. 2.03. No person shall bring any animal into any Township park unless such animal is restrained by a leash, chain or other means.

###### **120.204 - Damaging or destroying vegetation.**

Sec. 2.04. No person shall cut, injure, tear up, carry away, mutilate or destroy any trees, plants or other vegetation in any Township park.

###### **120.205 - Possession of firearms prohibited.**

Sec. 2.05. No person shall use or possess any firearm, whether loaded or unloaded in any Township park, except a police or peace officer.

120.206 - Observance of posted hours.

Sec. 2.06. The Nottawa Township Board shall establish hours of operation for the various Township parks and shall cause notice of such hours to be posted at each entrance to the several Township parks. No person shall enter into or remain in any Township park except during the hours of operation established pursuant to this section.

120.207 - Littering.

Sec. 2.07. No person shall knowingly dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any property or waters within the jurisdiction of the Township parks except in containers or receptacles provided for such purpose. The term "litter", as used herein, means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description. The driver of a motor vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel and proof that a particular motor vehicle or vessel was used in a violation of this section, together with proof that a named person was the registered owner of such vehicle or vessel at the time of the violation constitutes a presumption that such registered owner was the driver of such vehicle or vessel at the time of the violation.

120.208 - Noise.

Sec. 2.08. No person shall make or create, or assist in making or creating, any loud or disturbing noise in any Township park, of whatever character, and whether or not originating from or emanated by a motor vehicle, musical instrument, radio, phonograph, loudspeaker, or by other electrical or mechanical means. Proof that any such noise is audible at a distance of more than fifty yards from the source thereof shall constitute a presumption that the same is a loud or disturbing noise in violation of this section.

120.209 - Destruction of signs.

Sec. 2.09. Any person who shall remove, deface, destroy or damage, or who shall assist in removing, defacing, destroying or damaging any signs within any Township park erected by the Nottawa Township Board shall be guilty of a violation of this ordinance.

120.210 - Trespass.

Sec. 2.10. If, upon the determination by the Nottawa Township Board or their representatives, any Township park employee of said Township possessing proper credentials, or by any Sheriff's officer or Sheriff's marine patrol officer, that any person within any Township park is or has violated any of the provisions of this ordinance or of any state statute or is intoxicated, or is unreasonably interfering with the use and enjoyment of such Township park by others, said Township Board or representative, employee or Sheriff's officer is hereby authorized to demand that said person or persons, who by their actions fall within the purview of this section, shall leave said park forthwith. Any person or persons so requested to leave by any of the aforementioned persons who neglect, refuse or fail without lawful authority to depart therefrom, or any person or persons who shall wilfully enter upon any Township park after having been forbidden so to do by any of the aforementioned persons shall be guilty of a violation of this ordinance and upon conviction shall be punished by imprisonment in the County jail for not more than 30 days or by fine not to exceed \$100.00, or both.

120.301 - Severance clause.

Sec. 3.01. Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

120.401 - Effective date.

Sec. 4.01. This ordinance shall become effective immediately after a true copy of the same is published in its entirety, a public hearing is held, and the same is adopted by the Township Board of the Township of Nottawa.

## **Part 121**

### **121.000 - PRAIRIE RIVER/LAKE TEMPLENE ACCESS SITE**

**Ord. No. 38      Adopted: April 18, 2011**

#### **ARTICLE 1**

##### **121.100 - SHORT TITLE AND PURPOSE**

##### **121.101 - Short title.**

Sec. 1.01.1 This Ordinance shall be known as "The Prairie River/Lake Templene Access Site Ordinance".

##### **121.102 - Purpose.**

Sec. 102.1 The purpose of the Prairie River/Lake Templene Access Site ordinance is to preserve the natural environment and to provide a safe and readily accessible waterfront access site, to preserve the continued recreational access for watercraft onto the waters of the Prairie River and Lake Templene and to relieve traffic congestion on Nottawa Road in the area of the Nottawa Road bridge.

Sec. 102.2 This ordinance is also intended to preserve the property rights of the riparian property owners on Lake Templene and to insure that they will be free from trespassing, disturbance of the peace, damage to personal property, and to limit overcrowding boat traffic on Lake Templene.

Sec. 102.3 The Prairie River/Lake Templene Access Site and this ordinance shall apply to the real property described as:

Parcel #: 75 012 027 005 00

The following described premises located in the Township of Nottawa, County of St. Joseph, State of Michigan, to wit:

The Southeast Fractional  $\frac{1}{4}$  of Section 27, Township 6 South, Range 10 West, lying South of Blocks 22 and 23, Village of Nottawa, described as: Commencing at the intersection of the East Line of said Section and the South Line of Rainbow Drive in C.E. Wright Sand Lake Subdivision, thence West 259.06 feet along the South Line of said Drive, thence South 26 degrees 06 minutes West to the South Line of said Section, thence East along the Section Line to the East Line of said Section, thence North to the Point of Beginning.

And;

Parcel #: 75 012 034 002 00

The following described premise situated in the Township of Nottawa, County of St. Joseph and State of Michigan, to-wit:

Property located in the northeast corner of Section 34 of Nottawa Township, St. Joseph County, Property Address 61054 Nottawa Rd., Sturgis, MI 49091, N 370.4 FT OF NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 34 T6S R10W LYING ELY OF PRAIRIE RIVER. (BDY CHG W/012-034-001-01 MAY/03)

and the reasonable adjacent access from Nottawa Road and the immediate adjacent area upon the water, herein "Access Site Property".

Sec. 102.4 All references to Township in this ordinance shall refer to Nottawa Township, a statutory Township in St. Joseph County, Michigan.

## ARTICLE 2

### 121.200 - ACCESS SITE REGULATIONS

#### 121.201 - Regulations.

Sec. 201.1 The regulations under the ordinance known as the "Nottawa Township Parks Ordinance" shall apply to the Access Site Property unless there is a conflict with any of the following regulations, in which case the following regulations shall apply.

Sec. 201.2 To avoid conflict with section 300.408 of the Nottawa Township Zoning Regulations regarding "keyholing", private launch sites along the waters of the Prairie River and/or Lake Templene are restricted for their owners' personal use and no others. The Access Site Property is a public access site and is not for the benefit of any specific group of non-waterfront land owners.

#### 121.202 - Vehicle Parking.

Sec. 202.1 Vehicles and trailers using the Access Site Property for the purpose of launching watercraft shall be parked within the available parking area designated for that purpose on the Access Site Property except those who are subject to Section 202.2. Vehicles improperly parked within the available parking areas, parked in a restricted zone, or launch access drive shall be subject to section 121.206: Violations, Penalties and Enforcement.

Sec. 202.2 All vehicles and trailers used by Organized Fishing Contest/Tournament participants to launch or retrieve watercraft at the Prairie River/Lake Templene Access Site shall be parked at an off-site location designated for Organized Fishing Contest/Tournament parking and not at the Access Site Property. The off-site tournament parking area shall be designated for that purpose by the Township. The Contest Director is allowed to park one vehicle and trailer at the Access Site Property for the purpose of shuttling contest participants to and from the designated Organized Fishing Contest/Tournament off-site parking area.

Sec. 202.3 No vehicles and/or trailers shall be permitted on the Access Site Property between the hours of 1:00 a.m. and 5:00 a.m..

Sec. 202.4 No vehicles or trailers may park on Nottawa Road in areas where parking is prohibited.

#### 121.203 - Import of Invasive Aquatic Species and Mooring of Watercraft Prohibited.

Sec. 203.1 Vehicles, trailers, and watercraft using the Access Site Property are to be inspected by their users prior to entering the launch ramp area. Access site users are required to remove all vegetation from their vehicles, trailers, and watercraft. Access site users are also required to drain their watercraft of accumulated bilge water and empty all live wells prior to entering the water. At no time shall removed vegetation or drained water be allowed to enter the waters of the Prairie River or Lake Templene. Access site users who are leaving the Prairie River and Lake Templene are encouraged to perform a thorough post inspection upon retrieval of their watercraft. These measures are an important step in the halt of the importation of unwanted Invasive Aquatic Species into Michigan waters by access site users.

Sec. 203.2 No watercraft shall remain unattended and moored, tied, anchored or otherwise fastened to the shore or within the waters at the Access Site Property at any time unless necessary for the launching or retrieval of a watercraft by its user or for the use of sanitary facilities if provided. In any event, no watercraft shall be unattended, moored, tied, anchored or otherwise fastened to the shore for longer than 1 hour.

#### 121.204 - Reduced Noise Operation.

Sec. 204.1 Watercraft operators shall navigate at levels of reduced power and speed, necessary for the type of watercraft being operated, to produce a reduced level of noise between the hours of 5:00 a.m. - 7:30 a.m. and 10:00 p.m. - 1:00 a.m. The level of watercraft operation shall be minimized to avoid nuisance complaints and disturbance of the peace to waterfront residents.

#### 121.205 - Organized Fishing Contest/Tournament.

Sec. 205.1 Organized Fishing Contests/Tournaments ("Fishing Contest") are described as five or more fishing watercraft containing one or more licensed fishermen and/or fisherwomen engaging in competitive fishing for points, prizes, gratuities, or other awards. A Fishing Contest from the Access Site Property can only be held on Lake Templane/Prairie River if a permit has been issued by Nottawa Township.

Sec. 205.2 Fishing Contest/Tournament Permit: Individuals or organizations wishing to hold a Fishing Contest shall submit a written request for a "Fishing Contest/Tournament Permit Application" to the Township Supervisor or the designated authority after January 1 of each calendar year.

- A. Upon receipt of the request, the Township will send applicants a permit application on a form provided by the Township.
- B. The permit application form, accompanied by the payment of a non-refundable application fee of \$25.00 must be received by the designated township official not less than 14 days prior to the scheduled tournament date.
- C. If the application is incomplete, then the applicant will be informed by the designated township official if additional information is necessary for permit approval.
- D. A copy of the approved application and Fishing Contest/Tournament Permit shall be returned to the applicant upon final approval by the designated township official. The approved Permit may include restrictions or conditions.
- E. If an application is rejected, then a copy of the rejected application including a statement explaining the reasons for the rejection shall be returned to the applicant upon final determination by the designated township official.
- F. If approved, the Contest Director and participants must abide by restrictions and conditions, if any.

Sec. 205.3 Application Requirements: Every application shall be accompanied by the following information and data:

- (1) Name and address of organization sponsoring the contest or individuals organizing the fishing contest.
- (2) Name, address, and cell phone number of the designated Contest Director.
- (3) Number of anticipated watercraft and contestants in the fishing contests.
- (4) Point of weigh-in. The point of weigh-in shall not be held at the access site launch and parking area.
- (5) Date and start/quit times of the fishing contests.

Sec. 205.4 Approved Fishing Contest/Tournament Permit Requirements: Participants shall provide the following information and fees prior to launching watercraft on the permitted date. The information and fee shall be on a form provided by the township and deposited in a location designated at the access site for this purpose.

- (1) A copy of the approved permit.
- (2) A fee of \$5.00 for each participating watercraft.

- (3) A complete listing of tow vehicle and trailer plate numbers.
- (4) A complete listing of Watercraft Registration numbers including expiration dates.

Sec. 205.5 Fishing Contest/Tournament Permits shall not be issued for: any Free Fishing Dates published by the Michigan DNR; Memorial Day; July 4<sup>th</sup>; Labor Day; and weekend days adjacent to the previously listed holidays. The official opening day of bass season as published by the Michigan DNR may be a tournament date, even if it falls on a restricted day listed above.

Sec. 205.6 Fishing Contest/Tournament Permits issued for the opening day of bass season as published by the Michigan DNR shall be limited to individuals or organized groups located within a 25 mile radius of Nottawa Township and shall be granted on a first come first serve basis.

Sec. 205.7 Fishing Contest/Tournament Permits on Lake Templene shall be limited to 1 tournament per calendar day, and shall be issued on a first come-first serve basis according to a completed application.

Sec. 205.8 Fishing Contest/Tournament Permits issued for Organized Fishing Contests/Tournaments will limit the number of participating watercraft in accord with the following schedule:

1. Monday thru Friday:	28 (twenty eight) watercraft.
2. Saturday and Sunday:	21 (twenty one) watercraft.

Sec. 205.9 Participants shall be subject to the requirements listed in Section 121.202.2 Vehicle Parking.

Sec. 205.10 Participants in an Organized Fishing Contest/Tournament shall not launch boats prior to 5:00 a.m.

Sec. 205.11 Organized Fishing Contests/Tournaments shall not last longer than 7 hours on any specific day.

Sec. 205.12 The number of Organized Fishing Contests/Tournaments may be 20 to 25 in any calendar year. The Township Board may fix or authorize the amount of allowed Organized Fishing Contests/Tournaments between 20 and 25 upon recommendation by the established advisory committee.

Sec. 205.13 Charitable Fishing Contests/Tournaments launched from the Access Site Property that are promoted and organized for the purpose of supporting a recognized and approved charity by donating all proceeds to the charity, may be considered as a special event by Nottawa Township whereby the Township may consider waiving certain restrictions, and permit fees.

Sec. 205.14 The Township board shall create a Prairie River/Lake Templene Access Site Advisory Committee by appointment of three members. The committee shall consist of a Local Tournament Organizer, a member of the Lake Templene Property Owners Association Board, and a member of the Nottawa Township Board. The advisory committee shall monitor the access site and its use. The committee shall recommend to the board any changes it may deem necessary to provide a safe and accessible public site as well as reporting any possible negative environmental impact caused by its use. The committee shall also determine the impact of tournament fishing and may recommend changes to the township board.

Sec. 205.15 The designated director of a Fishing Contest shall have a copy of the Permit with him at all times during the Fishing Contest. The director shall be present and easily identifiable at all times

during the Fishing Contest. The director is required to be accessible by cell phone at the number provided on the Fishing Contest/Tournament Permit Application at all times during the Fishing Contest.

Sec. 205.16 Permits for Organized Fishing Contests/Tournaments which violate this ordinance, or any restriction or condition of the permit, may be revoked and future applications for permits denied to the organization or individuals in violation of any State law or local ordinance.

#### 121.206 - Violations, Penalties and Enforcement.

Sec. 206.1 Violation: Any person who violates, disobeys, fails, neglects or refuses to comply with any provision of this ordinance, any administrative decision made under the ordinance, or any permit or approval issued under the Ordinance, including any restrictions or conditions imposed thereon, or who causes, allows or consents to any of same, shall be responsible for a civil infraction deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

Sec. 206.2 In the case of a Fishing Contest/Tournament, each individual watercraft owner/operator, as well as the designated director of the Fishing Contest, in violation of this ordinance shall be responsible for a civil infraction.

Sec. 206.3 Municipal Civil Infraction: A violation of this ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punished by a civil fine determined in accordance with the recommended following schedule:

OFFENSE	MINIMUM FINE	MAXIMUM FINE
First	\$100.00	\$500.00
Second	\$200.00	\$500.00
Third	\$325.00	\$500.00
Fourth or more*	\$500.00	\$500.00

\* Within the three calendar years immediately preceding the date of the offense at issue.

Additionally the violator shall pay costs that may include all expenses, direct and indirect, which Nottawa Township or its agent has incurred in connection with the municipal civil infraction. In no case, however, shall cost of less than \$9.00 be ordered.

Sec. 206.4 Remedial Action: Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce its provisions.

#### 121.207 - Rules and Additional Regulations.

Sec. 207.1 Nottawa Township may adopt additional Prairie River/Lake Templene Access Site Rules and Regulations not listed within this ordinance when deemed necessary for site enhancement or public safety. Additional rules and regulations shall be adopted by resolution.

Sec. 207.2 Nottawa Township shall post a complete listing of Ordinance 38 Prairie River/Lake Templene Access Site and all other adopted Access Site Rules and Regulations in a location visible to all access site users. Compliance with posted Ordinance No. 38 and additional Access Site Rules and Regulations is mandatory.

121.208 - Recognized Access Site.

Sec. 208.1 The Access Site Property is the only site recognized and regulated by Nottawa Township to provide public access to the Prairie River and Lake Templene.

121.209 - Liability and Assumption of Risk.

Sec.209.1 The Access Site Property is located on land leased by Nottawa Township, so any person using the Access Site Property and/or the facilities located there, shall assume the risk of any injury, damage or loss suffered or incurred while using the property and/or facilities and furthermore shall hold the Property Owner free from any liability related to any injury, damage or loss.

## **Part 140**

### **140.000 - JUNK CONTROL**

**Ord. No. 11      Adopted: April 18, 1988**

An ordinance to provide for the regulation and control of the storage, accumulation, and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles in the Township of Nottawa; to provide for the administration and enforcement thereof; and to provide penalties for the violation thereof.

THE TOWNSHIP OF NOTTAWA ORDAINS:

140.001 - Title.

Sec. 1. This Ordinance shall be known as the Nottawa Township "Junk Control Ordinance."

140.002 - Definitions.

Sec. 2. The following words or terms when used herein shall be deemed to have the meanings set forth hereafter:

- A. The term "junk" shall include, without limitation, parts of machinery or motor vehicles, farm equipment, broken and unusable furniture, trailers, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.
- B. The term "trash" shall include, without limitation, discarded food stuffs, garbage, broken glass, metal, tin cans, ashes, or any other refuse resulting from human habitation.
- C. The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.



- D. The term "junk motor vehicles" shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 10 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for highway use, dismantled, or disassembled for any reason for a period in excess of 10 days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as stock in trade of a regularly licensed and established new or used automobile or other motorized vehicle car lot or dealer; provided further, that the time such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 10 days, with extension of an additional 30 day period upon presentation to the enforcing officer of written proof the offending vehicle is involved in insurance claim litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.

140.003 - Unlawful storage.

Sec. 3.

- A. It shall be unlawful for any person, firm, or corporation to store, place or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than 10 days in any one year, junk, trash, abandoned vehicles, or junk motor vehicles, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as herein provided, or unless a variance therefor is first obtained from the Township Board of Appeals to be granted only in special hardship cases beyond the control of the applicants, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.
- B. No person, firm or corporation shall park or store upon premises within the Township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless a variance is first obtained therefor from the Board of Appeals, to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

140.004 - Abatement of public nuisance.

Sec. 4. The storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles, is hereby determined to constitute a public nuisance and contrary to the public peace, health, safety and general welfare of the Township.

- A. In addition to the penalties herein stated, the Supervisor or his duly authorized representative, may remove or cause to be removed any trash, rubbish, junk, junk vehicles or abandoned vehicles on private property not otherwise within an enclosed building, after having notified in writing the owner or occupant of such property of his intention to do so, at least 48 hours in advance.
- B. The fair and reasonable costs and expenses to the Township shall constitute a charge against the owner or occupant of the affected premises.

(Ord. No. 140, amended 6-19-2017)

140.005 - Penalty.

Sec. 5. Any person, firm or corporation violating the terms or provisions of this Ordinance shall be guilty of a civil infraction, punishable by a fine of at least \$25.00, but not more than \$500.00. Each day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.

140.006 - Repeal.

Sec. 6. All Ordinances in conflict herewith are hereby declared repealed.  
140.007 - Effective date.

Sec. 7. This Ordinance shall take effect 30 days from the date of publication as required by law.

## **Parts 160—189 - PUBLIC WORKS AND UTILITIES**

There are currently no ordinances assigned to this category.

### **Part 190**

#### **190.000 - DANGEROUS BUILDINGS**

**Ord. No. 13      Adopted: January 3, 1991**

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Nottawa, County of St. Joseph, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict herewith.

THE TOWNSHIP OF NOTTAWA, ST. JOSEPH COUNTY, MICHIGAN ORDAINS:

190.001 - Title of ordinance.

Sec. 1. This Ordinance shall be known and cited as the Nottawa Township Dangerous Buildings Ordinance.

190.002 - Dangerous buildings.

Sec. 2. As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- A. Whenever any portion of a building or structure has been damaged by fire, wind, flood, natural decay, or other cause such that the structural strength or stability is appreciably less than it was before the case of damage and is less than the minimum requirements of the Housing Law of the State of Michigan, being 1917 PA 167, as amended, or the Building Code of the Township of Nottawa (BOCA) for a new building or similar structure, purpose or location;
- B. Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and likely to injure persons or damage property;
- C. Whenever any portion has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;
- D. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being 1917 PA 167, as amended, or the Building Code of the Township of Nottawa (BOCA);

- E. Whenever a building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because the removal or movement of some portion of the ground necessary for the purpose of supporting the building or portion thereof, or for other reasons, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way;
- F. Whenever, for any reason whatsoever, a building or structure or any portion is manifestly unsafe for the purpose for which it is used;
- G. Whenever the stress of any materials, member or portion thereof, due to all dead and living loads, is more than 1 times the working stress or stresses allowed by the Township Building Code for new buildings of similar structures, purposes or location;
- H. When a building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts;
- I. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to work injury to the health, safety or general welfare of those living or working within; and
- J. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

190.003 - Violation of ordinance; each day separate violation; penalty.

Sec. 3. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance. Any person violating this ordinance shall be guilty of a misdemeanor for each date such violation continues. A person found guilty of violating this Ordinance shall be subject to serve up to 30 days in jail and/or \$500.00 fine.

190.004 - Building inspector to enforce ordinance.

Sec. 4. The Township Building Inspector is authorized to enforce the provisions of this Ordinance and is authorized to make inspections and take actions as may be required to enforce this Ordinance.

190.005 - Notice of violation.

Sec. 5.

- A. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township Building Inspector shall issue a notice of the dangerous condition.
  - 1. The notice shall be addressed to the owner of or party-in-interest in the building in whose name the property appears on the last local tax assessment records of the Township.
  - 2. The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- B. All notices required by this Ordinance shall be in writing and shall be served personally upon the person to whom they are directed, or in lieu of personal service, may be mailed by Certified Mail—Return Receipt Requested, addressed to such owner or party-in-interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, the Township Clerk shall publish notice twice within ten (10) days of the hearing in a

newspaper of general circulation within the county. A copy of the notice shall be posted upon a conspicuous part of the building or structure.

190.006 - Hearing procedure.

Sec. 6.

- A. A Hearing Officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor;
- B. The Building Inspector shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer;
- C. At any hearing held, the Hearing Officer shall take testimony of the Building Inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the Hearing Officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe;
- D. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party-in-interest to comply therewith; and
- E. If the owner or party-in-interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his findings and a copy of the order with the Nottawa Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or party-in-interest in the manner prescribed in Section 4(D).

190.007 - Hearing and show cause.

Sec. 7. Upon receiving the findings and order of the Hearing Officer, the Nottawa Township Board shall fix a date for the hearing, review the findings and order of the Hearing Officer and shall give notice to the owner or party-in-interest in the manner prescribed in Section 4(D) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

190.008 - Default; demolition; assessment of costs; lien on property.

Sec. 8. If the owner or party-in-interest fails or refuses to comply with the decision of the Nottawa Township Board within 21 days of mailing the decision, then the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making building safe shall be a lien against the real property and shall be reported to the assessing officer to the Township who shall assess the cost against the property in which the building or structure is located. The owner or party-in-interest in whose name the property appears upon the last local tax assessment records of the Township shall be notified of the amount of such cost by First Class Mail at the address shown on the records.

If the owner or person-in-interest fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Nottawa and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

190.009 - Appeal procedure.

Sec. 9. An owner or party-in-interest aggrieved by any final decision of the Nottawa Township Board may appeal the decision or order to the Circuit Court for the County of St. Joseph by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

190.010 - Repealer.

Sec. 10. This Ordinance repeals all ordinances or parts of ordinances in conflict therewith.  
190.011 - Effective date.

Sec. 11. This Ordinance shall take effect on the 3rd day of January, 1991.

## **Part 191**

### **191.000 - HAZARDOUS MATERIALS INCIDENT COST RECOVERY**

#### **Ord. No. 23 Adopted: August 19, 1996**

This Ordinance to promote the health, safety, and welfare of the People of Nottawa Township, St. Joseph County, Michigan, is enacted to protect the public health from environmental hazards and hazardous materials; to protect the public funds from the high cost of environmental remediation; and to provide for the recovery of expenses from the Landowner, vehicle owner, or insurer who may be responsible for the incident or clean-up costs. This ordinance supplements but does not repeal the Fire Service Billing Ordinance which shall remain in full force and effect.

THE TOWNSHIP OF NOTTAWA ORDAINS: ;oh5; 191.001\Title.

Sec. I. This ordinance may be referred to as the "Hazardous Materials Incident Cost Recovery Ordinance."

191.002 - Purpose.

Sec. II. In order to protect the township from incurring financial hardship resulting from the utilization of township resources to respond to an incident involving hazardous materials, the township board authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls in connection with a hazardous materials release.

191.003 - Definitions of terms.

Sec. III. As used in the Ordinance, the following words are defined as meaning the following:

- A. "Hazardous material" as used in this ordinance means any material or substance which because of its quantity, concentration, or physical, chemical, or infectious characteristics, presents a direct or immediate threat to the public health or safety or to the environment and which requires immediate action to mitigate the threat, including but not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.
- B. "Release" as used in this ordinance means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing in to the environment.
- C. "Responsible party" as used in this ordinance means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.

191.004 - Duty to remove and clean up.

Sec. IV. It shall be the duty of any responsible party, or any other entity which causes or contributes to the release of dangerous or hazardous materials to immediately remove the hazardous materials and

clean up the area of any release in a manner that the area involved is fully restored to its condition before the release.

#### 19.005 - Failure to remove and clean up.

Sec. V. Any responsible party or entity which fails to comply with Section 8 shall be liable to and shall pay the Township for its costs and expenses; including the costs incurred by the Township to any party which it engages, for the complete abatement, clean up and restoration of the affected area. Costs incurred by the Township shall include, but shall not necessarily be limited to, the following: Actual labor costs of Township personnel, including worker's compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials obtained directly by the Township; and cost of any contract labor and materials.

Costs under this Section shall not include normal and usual fire suppression services which are covered under separate ordinance. ;oh5; 191.006\Assessment of expenses; joint and several responsibility; assessment of insurer.

Sec. VI. Pursuant to the authority granted in Michigan Public Act 102 of 1990, as amended, and as is found in MCL 41.806a, the fire chief or his authorized representative may, on behalf of Nottawa Township, assess a fee and charges in accordance with the following:

1. A fee may be assessed for all expenses incurred by the township fire department in abating the discharge of a hazardous material.
2. The fee which is assessed shall be the joint and several responsibility of each responsible party regardless of whether that person has any other legal liability apart from this section, and regardless of whether the responsible party is at fault. The fire chief or his authorized representative may charge this fee directly to the insurer of any person made responsible therefor under this section. ;oh5; 191.007 ..... Cost calculation.

#### Sec. VII.

A. When the township fire department responds to an incident at which hazardous materials are released, or there is a threat of their release, then actual costs incurred by the township shall be reimbursed by the responsible parties, joint and severally, including but not limited to:

1. \$100.00 per hour, or fraction thereof, for each fire department vehicle required, in the opinion of the officer in command, to stand by at the hazardous materials incident. For each hour, or fraction thereof, that any pumps are activated, an additional sum of \$25.00 per hour shall be charged.
2. All personnel-related costs incurred by the township as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to: wages, salaries and fringe benefits and insurance for full-time and part-time fire fighters and rescue personnel; overtime pay and related fringe benefit costs for hourly employees; and fire run fees paid to on-call fire fighters and rescue workers. All personnel-related charges shall commence after the first hour that the fire department or rescue has responded to the hazardous materials incident, and shall continue until all township personnel have concluded hazardous materials incident-related responsibilities.
3. Other expenses incurred by the township in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, medical and hospitalization costs, and the replacement costs related to damaged or contaminated equipment, extinguishing agents, absorption, dilution, or neutralizing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous materials incident.
4. Charges to the township imposed by any local, state or federal government entities related to the hazardous materials incident.

5. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

191.008 - Failure to pay; procedure to recover. ;p0; Sec. VIII. All fees assessed pursuant to this ordinance shall be paid within thirty (30) calendar days of service of the statement therefor. Any person who fails to pay a fee assessed pursuant to this section within thirty (30) calendar days of service of the statement therefor shall be considered in default. In case of default, the Township of Nottawa may commence suit to recover the fee, plus interest of 1% per month or part of a month during which the fee remains unpaid, together with any other costs allowed by law. The unpaid bill and accumulated interest shall become a lien on the property.

191.009 - Freedom of Information Act applicable.

Sec. IX. A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, being Section 15.231 et seq. of the Michigan Compiled Laws.

191.010 - Severability.

Sec. X. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

191.011 - Repeal.

Sec. XI. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

191.012 - Effective date.

Sec. XII. This ordinance shall take effect 30 days after publication as required by law.

## **Part 192**

### **192.000 - FIRE AND RESCUE SERVICE COST RECOVERY**

**Ord. No. 34 Adopted: November 15, 2004**

THE TOWNSHIP OF NOTTAWA ST. JOSEPH COUNTY, MICHIGAN ORDAINS:

192.001 - Purpose.

This ordinance is enacted to: protect the public health, private property, and public safety; to protect the public funds from the high cost of providing fire fighting and rescue services; and to provide for the recovery of reasonable expenses from the landowner, vehicle owner, or insurer who may be responsible for the fire or costs of fire suppression or the patient or insurer who may be in need of rescue or emergency medical services.

192.002 - Title.

This ordinance shall be known and cited as the "Fire and Rescue Service Cost Recovery Ordinance."

#### 192.003 - Jurisdiction.

This ordinance recognizes that Nottawa Township is part of a multi-governmental agreement regarding fire and rescue services and, therefore, this ordinance applies to any fire and rescue service performed within the jurisdiction of Nottawa Township by township fire and rescue department, but not for privately contracted advanced life support emergency medical services.

#### 192.004 - Costs Recovery for Incendiary-Type Fires.

- A. The fire department shall be entitled to recover all costs and economic damages incurred in conjunction with any incendiary-type fires. The costs shall include, but are not limited to, those associated with the fire extinguishment, recovery, investigation, and clean-up.
- B. The costs and damages shall be the joint and several responsibility of the person(s) responsible for causing the fire or who are owners or insurers of the property protected. The responsible person(s) shall pay all costs and damages within thirty (30) days of demand by the fire department.
- C. The township shall have a lien for all unpaid costs and damages incurred by the fire department as above described and may enforce the lien in the manner prescribed by the general laws of the state providing for the enforcement of personal property tax liens.

#### 192.005 - Costs Recovery for Rescue Services.

- A. The rescue department shall be entitled to recover all costs and damages incurred in conjunction with any rescue incident, including rescue services associated with incendiary-type fires. The costs shall include, but are not limited to, those associated with emergency medical services; extrication; transportation; communications; assistance to police and other agencies; investigation; personal protection; and related services.
  - B. The costs and damages shall be the joint and several responsibility of the person(s): who are sick or injured; who are responsible for causing injury or apparent injury; who own the real estate or a motor vehicle associated with any injury (except that a landowner shall not be responsible for vehicular accidents involving third parties who have no permission to be on the landowner's premises) or who are insurers of the persons or property be protected. The responsible person(s) shall pay all costs and damages within thirty (30) days of demand by the rescue department.
  - C. The township shall have a lien for all unpaid costs and damages incurred by the rescue department as above described and may enforce the lien in the manner prescribed by the general laws of the state providing for the enforcement of personal property tax liens. ;oh5;
- 192.006 ..... Billing Procedure.

Following the conclusion of a fire or rescue incident, the fire chief, or his or her designee, shall submit a detailed listing of all known expenses associated with the incident to the township treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's invoice shall demand full payment within thirty (30) days of receipt of the bill. Any additional expenses that become known to the township 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 unpaid after thirty (30) days, the township shall impose a late charge of one percent (1%) per month, or fraction thereof, which shall also be a lien on the property.

#### 192.007 - Costs and Expenses.

Costs and expenses for services attributable to a hazardous materials incident shall not be included here because they are provided for under another ordinance.



#### 192.008 - Other Remedies.

The township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under this ordinance does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.

#### 192.009 - Severability.

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or unenforceability of the balance of this ordinance which shall remain in full force and effect.

#### 192.010 - Repealer.

The enactment of this ordinance replaces and repeals Township Ordinance 23 which was duly adopted on August 19, 1997.

**Editor's note**— This ordinance actually repeals Township Ordinance No. 24, pertaining to fire service cost recovery, which was duly adopted on August 19, 1996. This ordinance does not repeal Ordinance No. 23, pertaining to hazardous materials incident cost recovery.

#### 192.011

The Township Board may, by resolution, set limits on the amount recoverable for fire or rescue services, including specific types of fires or rescues.

#### 192.012 - Effective Date.

This ordinance shall take effect 30 days after publication as required by law. All ordinances or parts of ordinances in conflict specifically including Ordinance No. 23, are hereby repealed.

### **Part 220 - CONSTRUCTION REGULATIONS AND HOUSING**

#### **Part 221**

#### **221.000 - SAND LAKE ACCESS SITE**

**Ord. No. 40      Adopted: July 21, 2014**

#### **ARTICLE 1**

#### **221.100 - SHORT TITLE AND PURPOSE**

#### **221.101 - Short title.**

Sec. 1.01.1 This Ordinance shall be known as "The Sand Lake Access Site Ordinance".

## 221.102 - Purpose.

Sec. 102.1 The purpose of the Sand Lake Access Site Ordinance is to preserve the natural environment and to provide a safe and readily accessible waterfront access site, to preserve the continued recreational access for watercraft onto the waters of Sand Lake.

Sec. 102.2 This Ordinance is also intended to preserve the property rights of the riparian property owners on Sand Lake and to insure that they will be free from trespassing, disturbance of the peace, damage to personal property, and to limit overcrowding boat traffic on Sand Lake.

Sec. 102.3 The Sand Lake Access Site and this Ordinance shall apply to the real property described as:

### Parcel

The following described premises located in the Township of Nottawa County of St. Joseph N 370.4 FT OF NE ¼ NE ¼ SEC #T65 R10W LYING ELY of PRAIRIE RIVER. (BDY CHG W/012-034-001-01 MAY/03) AKA the Public Access Site at Nottawa Township, Sand Lake Park, Nottawa, MI.

Sec. 102.4 All references to Township in this Ordinance shall refer to Nottawa Township, a statutory Township in St. Joseph County, Michigan.

## ARTICLE 2

## 221.200 - ACCESS SITE REGULATIONS

### 221.201 - Regulations.

Sec. 201.1 The regulations under the ordinance known as the "Nottawa Township Parks Ordinance" shall apply to the Access Site.

Sec. 201.2 The Access Site Property is a public access site and is not for the benefit of any specific group of non-waterfront land owners.

### 221.202 - Vehicle Parking.

Sec. 202.1 Vehicles and trailers using the Access Site Property for the purpose of launching watercraft shall be parked within the available parking area designated for that purpose on the Access Site Property except those who are subject to Section 202.2. Vehicles improperly parked within the available parking areas, parked in a restricted zone, or launch access drive shall be subject to Section 221.206: Violations, Penalties and Enforcement.

Sec. 202.2 No vehicles and/or trailers shall be permitted on the Access Site Property between the hours of 1:00 a.m. and 5:00 a.m.

## ARTICLE 3

## 221.203 - Import of Invasive Aquatic Species and Mooring of Watercraft Prohibited.

Sec. 203.1 Vehicles, trailers, and watercraft using the Access Site Property are to be inspected by their users prior to entering the launch ramp area. Access site users are required to remove all vegetation from their vehicles, trailers, and watercraft. Access site users are also required to drain their watercraft of accumulated bilge water and empty all live wells prior to entering the water. At no time shall vegetation or drained water be allowed to enter the waters of Sand Lake. Access site users who are leaving are encouraged to perform a thorough post inspection upon retrieval of their watercraft. These measures are an important step in the halt of the importation of unwanted Invasive Aquatic Species into Michigan waters by access site users.

Sec. 203.2 No watercraft shall remain unattended and moored, tied, anchored or otherwise fastened to the shore or within the waters at the Access Site Property at any time unless necessary for the

launching or retrieval of a watercraft by its user or for the use of sanitary facilities. In any event, no watercraft shall be unattended, moored, tied, anchored or otherwise fastened to the shore for longer than 1 hour.

#### ARTICLE 4

##### 221.204 - Reduced Noise Operation.

Sec. 204.1 Watercraft operators shall navigate at levels of reduced power and speed, necessary for the type of watercraft being operated, to produce a reduced level of noise between the hours of 5:00 a.m. - 7:30 a.m. and 10:00 p.m. - 1:00 a.m. The level of watercraft operation shall be minimized to avoid nuisance complaints and disturbance of the peace to waterfront residents.

#### ARTICLE 5

##### 221.205 - Organized Fishing Contest/Tournament.

Sec. 205.1 Organized Fishing Contests/Tournaments ("Fishing Contest") are described as five or more fishing watercraft containing one or more licensed fishermen and/or fisherwomen engaging in competitive fishing for points, prizes, gratuities, or other awards. A Fishing Contest from the Access Site Property can only be held on Sand Lake if a permit has been issued by Nottawa Township.

Sec. 205.2 Fishing Contest/Tournament Permit: Individuals or organizations wishing to hold a Fishing Contest shall submit a written request for a "Fishing Contest/Tournament Permit Application to the Township Supervisor or download same from the Nottawa Township Web Site after January 1 of each calendar year.

- A. Upon receipt of the request, the Township will send applicants a permit application on a form provided by the Township.
- B. The permit application form accompanied by the payment of a non-refundable application fee of \$30.00 must be received by the designated township official not less than 14 days prior to the scheduled tournament date.
- C. If the application is incomplete, then the applicant will be informed by the designated township official if additional information is necessary for permit approval.
- D. A copy of the approved application and Fishing Contest/Tournament Permit shall be returned to the Applicant upon final approval by the designated township official. The approved Permit may include restrictions or conditions.
- E. If an application is rejected, then a copy of the rejected application including a statement explaining the reasons for the rejection shall be returned to the applicant upon final determination by the designated township official.
- F. If approved, the Contest Director and participants must abide by restrictions and conditions, if any.

Sec. 205.3 Application Requirements: Every application shall be accompanied by the following information and data:

- (1) Name and address of organization sponsoring the contest or individuals organizing the fishing contest.
- (2) Name, address, and cell phone number of the designated Contest Director.
- (3) Number of anticipated water craft and contestants in the fishing contest.
- (4) Point of weigh-in. The point of weigh-in shall be held at the access site parking area.
- (5) Date and start/quit times of the fishing contest.

Sec. 205.4 Approved Fishing Contest/Tournament Permit Requirements: Participants shall provide the following information and fees prior to launching watercraft on the permitted date. The information and fee shall be on a form provided by the township and deposited in a location designated at the access site for this purpose.

- (1) A copy of the approved permit.
- (2) A fee of \$5.00 for each participating watercraft.
- (3) A complete listing of tow vehicle and trailer plate numbers.
- (4) A complete listing of Watercraft Registration numbers including expiration dates.

Sec. 205.5 Fishing Contest/Tournament Permits shall not be issued for: any Free Fishing Dates published by the Michigan DNR.; Memorial Day; July 4<sup>th</sup>; Labor Day; and weekend days adjacent to the previously listed holidays. The official opening day of bass season as published by the Michigan DNR may be a tournament date, even if it falls on a restricted day listed above.

Sec. 205.6 Fishing Contest/Tournament Permits issued for the opening day of bass season as published by the Michigan DNR shall be limited to individuals or organized groups located within a 25 mile radius of Nottawa Township and shall be granted on a first come first serve basis.

Sec. 205.7 Fishing Contest/Tournament Permits on Sand Lake shall be limited to (one) 1 tournament per calendar day, and shall be issued on a first come - first serve basis according to a completed application.

Sec. 205.8 Fishing Contest/Tournament Permits issued for Organized Fishing Contests/Tournaments will limit the number of participating watercraft in accord with the following schedule:

1. Monday thru Friday 10 watercrafts.
2. Saturday and Sunday 8 watercrafts.

Sec. 205.9 Participants shall be subject to the requirements listed in Section 221.202.2 Vehicle Parking.

Sec. 205.10 Participants in an Organized Fishing Contest/Tournament shall not launch boats prior to 5:00 a.m.

Sec. 205.11 Organized Fishing Contest/Tournament shall not last longer than (six) 6 hours on any specific day.

Sec. 205.12 The number of Organized fishing Contests/Tournaments may be (four) 4 in any calendar year.

Sec. 205.13 Charitable Fishing Contest/Tournaments launched from the Access Site Property that are promoted and organized for the purpose of supporting a recognized and approved charity by donating all proceeds to the charity, may be considered as a special event by Nottawa Township whereby the Township may consider waiving certain restrictions, and permit fees.

Sec. 205.14 The designated director of a Fishing Contest shall have a copy of the Permit with him at all times during the Fishing Contest. The director shall be present and easily identifiable at all times during the Fishing Contest. The director is required to be accessible by cell phone at the number provided on the Fishing Contest/Tournament Permit application at all times during the Fishing Contest.

Sec. 205.15 Permits for Organized Fishing Contests/Tournaments which violate this ordinance, or any restriction or condition of the permit, may be revoked and future applications for permits denied to the organization or individuals in violation of any State law or local ordinance.

## ARTICLE 6

### 221.206 - Violations, Penalties and Enforcement.

Sec. 206.1 Violation: Any person who violates, disobeys, fails, neglects or refuses to comply with any provision of this ordinance, any administrative decision made under the ordinance, or any permit or approval issued under the Ordinance, including any restrictions or conditions imposed thereon, or who causes, allows or consents to any of same, shall be responsible for a civil infraction deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

Sec. 206.2 In the case of a Fishing Contest/Tournament, each individual watercraft owner/operator, as well as the designated director of the Fishing Contest, in violation of this ordinance shall be responsible for a civil infraction.

Sec. 206.3 Municipal Civil Infraction: A violation of this ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punished by a civil fine determined in accordance with the recommended following schedule:

OFFENSE	MINNIMUM FINE	MAXIMUM FINE
First	\$100.00	\$500.00
Second	\$200.00	\$500.00
Third	\$325.00	\$500.00
Fourth or more*	\$500.00	\$500.00

\* Within the three calendar years immediately preceding the date of the offense at issue.

Additionally the violator shall pay costs that may include all expenses, direct and indirect, which Nottawa Township or its agent has incurred in connection with the municipal civil infraction. In no case, however, shall cost of less than \$20.00 be ordered.

Sec. 206.4 Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce its provisions.

## ARTICLE 7

### 221.207 - Rules and Additional Regulations

Sec. 207.1 Nottawa Township may adopt additional Sand Lake Access Site Rules and Regulations not listed within this ordinance when deemed necessary for site enhancement or public safety. Additional rules and regulations shall be adopted by resolution.

Sec. 207.2 Nottawa Township shall post a complete listing of Ordinance 40 Sand Lake Access Site and all other adopted Access Site Rules and Regulations in a location visible to all access site users. Compliance with posted Ordinance 39 and additional Access Site Rules and Regulations is mandatory.

## ARTICLE 8

#### 221.208 - Recognized Access Site.

Sec. 208.1 The Access Site Property is the only site recognized and regulated by Nottawa Township to provide public access to Sand Lake.

#### ARTICLE 9

#### 221.209 - Liability and Assumption of Risk.

Sec. 209.1 The Access Site Property is located on land owned by Nottawa Township, so any person using the Access Site Property and/or the facilities located there, shall assume the risk of any injury, damage or loss suffered or incurred while using the property and/or facilities and furthermore shall hold the Property Owner free from any liability related to any injury, damage or loss.

### Parts 222—249 - CONSTRUCTION REGULATIONS AND HOUSING

#### Part 250

#### 250.000 - DIVISION OF LOTS IN RECORDED PLATS

**Ord. No. 6      Adopted: December 19, 1977**

250.001 - [Applicability of ordinance; requirements.]

Pursuant to Section 560.263 of Act 288, P.A. 1967, as amended, the Subdivision Control Act, every division of a lot in a recorded subdivision shall be subject to the provisions of this ordinance. The owner seeking approval to divide a lot shall file an application in affidavit form with the township clerk, which shall set forth the reasons for the proposed division and shall be accompanied by an illustrative sketch or drawing, showing original and resulting dimensions. Where the application states that the purpose is to add to adjoining existing building sites, and not to create separate building sites, the township board may approve the application when it is satisfied no building permit is necessary. Where a separate building site is being created by division of a lot in a recorded plat, no building permit shall be issued, or any building construction commenced, until the suitability of land for safe installation of a septic tank and individual well has been approved by the county (or district) health department. No lot in a recorded plat shall be divided into more than 4 parts and resulting building lots shall not be less in area than permitted by the township (or county) zoning ordinance and in no case less than 65 feet wide at the front line or less than 12,000 square feet in area.

## Part 251

### 251.000 - LAND DIVISION<sup>[1]</sup>

**Ord. No. 33 Adopted: April 20, 1998**

Footnotes:

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**Editor's note**— A summary of Ord. No. 33 has been included within this volume. The full text of Ord. No. 33 is available for inspection and may be purchased at the office of the township clerk during regular business hours of regular business days.

251.001 - Title.

Sec. I. This Ordinance shall be known and cited as the "Nottawa 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.

251.003 - Definitions.

Sec. III. This Section defines terms and phrases used in this Ordinance.

251.004 - Prior approval requirement for land divisions.

Sec. IV. Sets out the requirements for prior review and approval of land divisions.

251.005 - Application for land division approval.

Sec. V. Sets out the documents required to be filed along with the application for land division approval.

251.006 - Procedure for review of applications for land division approval.

Sec. VI. Sets out the procedure to be followed when an application for land division approval has been filed; and states that the divisions must be approved or disapproved within 45 days after receipt of such application.

251.007 - Standards for approval of land divisions.

Sec. VII. States that a proposed land division shall be approved if all criteria in this section are met, i.e. minimum width, minimum depth, minimum area, adequate accessibility.

251.008 - Allowance for approval of other land divisions.

Sec. VIII. Provides for the alternate methods of allowing for land divisions when the proposed division does not comply with the applicable requirements.

251.009 - Consequences of noncompliance with land division approval requirements.

Sec. IX. Any parcel created without compliance with this ordinance shall not be recognized on the assessment roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed.

251.010 - Penalties and enforcement.

Sec. X. Provides for the penalty for violation of the ordinance and injunctive relief.

251.011 - Severability.

Sec. XI. Provides that if any portion of this Ordinance is declared invalid such invalidity shall not effect any other portion of this Ordinance.

251.012 - Repeal.

Sec. XII. Repeals all ordinances or parts of ordinances in conflict herewith.

251.013 - Effective date.

Sec. XIII. This Ordinance shall take effect upon publication after adoption.