

DISPLAY OF STREET NUMBERS

Ordinance No. 468

Adopted: September 18, 1995

An ordinance to require that each structure in the Charter Township of Fenton to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way or private road and to provide penalties for violation thereof.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN, ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the health, safety and welfare of the residents of the Charter Township of Fenton by requiring that street numbers be displayed in order that they may be easily observed and readable from the public right-of-way or private road by operators of emergency vehicles.

SECTION 2. Regulation.

Each structure in the Charter Township of Fenton to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way or private road. All numbers shall be in Arabic numerals not less than three (3) inches (76mm) high and of one-half (1/2) inch (13mm) stroke. If the structure is more than seventy-five (75) feet from the right-of-way, the numbers shall also be placed at or near the driveway entrance, not more than fifteen (15) feet from the right-of-way or private road.

SECTION 3. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 528, 5-18-98; Ord. No. 570, 2-5-01)

SECTION 5. Effective Date.

This ordinance shall be published as required by law and shall become effective 30 days after its enactment.

Enacted at a regular meeting of the Charter Township of Fenton Board of Trustees held on the 18th day of September, 1995.

EMERGENCY SERVICES
Ordinance No. 469
Adopted: September 18, 1995

An ordinance to provide for the collection of fees for providing fire services for certain fires and fire related responses, establishing a fee structure, and providing a means of contesting such fees, pursuant to that authority of MCL 41.806a, being 1990 PA 102.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY MICHIGAN ORDAINS:

SECTION 1. Applicability.

This ordinance shall apply to all situations and circumstances where the Fenton Township Fire Department responds to a request for its professional assistance and causes the equipment and/or the personnel of the fire department to respond.

EXEMPT FROM THE PROVISIONS OF THIS ORDINANCE ARE:

- A. Structure fires on real property located within the geographic boundaries of the Township that are not intentionally caused by the property owner or occupants.
- B. The rendering of assistance and/or service to the personal property of residents of the Township, their family members and guests, except incidents described in Section 2, (D), (E), & (F) below. A resident, for the purposes of this ordinance is defined as a person who has an address located within the Township on his or her driver's license or who is a registered voter or a property owner in the Township.
- C. Situations wherein any assistance is rendered pursuant to a mutual aid agreement whereby the provisions of this ordinance would conflict with the terms of the mutual aid agreement.

THIS ORDINANCE IS IN ADDITION TO, AND NOT IN PLACE OF OTHER ORDINANCES AND LAWS AND IS NOT MEANT TO IMPLICITLY REPEAL ANY ORDINANCE.

(Amended: Ord. No. 533, 8-3-98)

SECTION 2. Fees and Collection.

For any response to a situation by the Fenton Township Fire Department, the owner and/or operator and other person or entity having control of the object for which the circumstance or situation caused the fire department to respond shall pay:

- A. \$550.00 per hour per responding unit for a rescue or fire related call.
- B. \$350.00 minimum for a medically related call.
- C. \$ 10.00 per man hour responding to the situation.
- D. The actual cost of replacement for any supplies and/or materials damaged and/or used.
- E. \$150.00 per false alarm caused by automatic alarm systems, (after one warning).
- F. \$550.00 per hour per responding unit, plus materials used for hazardous material related incidents.

Funds collected under this ordinance shall be recorded as revenues in the Fire Fund.

Within thirty (30) days after a response, the Fire Chief shall cause to be issued a statement of fees and the basis for such. That statement shall be payable within thirty (30) days of

the date of the statement. A copy of this ordinance shall be included with and attached to the statement.

Upon the failure of the responsible party to pay such fees with thirty (30) days, the Fire Chief may cause the necessary action to be taken to collect such fees.

(Amended: Ord. No. 533, 8-3-98, Ord. No. 564, 6-5-00; Ord. No. 564, 6-5-00)

SECTION 3. Contesting Statement and Appeal.

Any person or entity who disagrees with the statement for costs as sent by the fire chief may seek to resolve the disagreement with the fire chief within fourteen (14) days of the date of the statement. The fire chief, at his discretion, may adjust the amount of the statement based upon the position of the responsible party.

Any person or entity who wishes to further contest the determination of the fire chief as to the cost to be assessed, shall appeal that determination to the Fenton Township Board of Trustees within thirty (30) days of the date of the statement.

SECTION 4. Severability.

Each and every article, section and subsection of this ordinance, and each provision of each article section and subsection is declared to be separable and severable, and a judicial determination that any article, section, subsection or provision of this ordinance is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision.

SECTION 5. Effective Date.

This ordinance shall take immediate effect 30 days after its enactment and shall be published as required by law.

Enacted at a regular meeting of the Charter Township of Fenton Board of Trustees held on the 18th day of September, 1995.

OPEN BURNING REGULATION

Ordinance No. 530

Adopted: August 3, 1998

An ordinance prohibiting open burning within the Charter Township of Fenton, Genesee County, Michigan, except under limited conditions and pursuant to permit; prescribing information to be disclosed in an application for permit; regulating permitted open burning; and providing a penalty for the violation thereof.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Purpose.

Consistent with the letter and spirit of Public Act 359 of 1947, as amended, it is the purpose of this Ordinance to prohibit all open burning in the Charter Township of Fenton, except under limited conditions and pursuant to permit.

SECTION 2. Definitions.

Agricultural Fire. The burning of brush, tree stumps, branches and other vegetation for the clearing of land in preparation for agricultural use.

Authorized Township Official. A Police Officer, the Township Building Inspector, the Township Ordinance Enforcement Officer, the Township Supervisor or any other township employee specially designated in writing by the Township Board for the purpose of enforcing this Ordinance.

Bonfire. A recreational fire that is larger than is determined to be necessary for outdoor cooking.

Open Burning. A fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

Township. The Charter Township of Fenton.

SECTION 3. Prohibition of Open Burning.

Except as provided in Section 4, open burning of any materials and of any type is expressly prohibited.

SECTION 4. Permitted Open Burning.

4.1 Small fires for outdoor cooking, (no larger than 3' x 3' x 3'; no burning of leaves or grass clippings), and fires purposely set for the actual instruction and training of public or industrial firefighting personnel may be allowed at any time, and do not require a permit. Larger recreational fires, (i.e. bonfires), are prohibited.

(Amended: Ord. No. 740, 9-19-11)

4.2 Agricultural fires on parcels of land which are used for agricultural purposes and are ten (10) acres or more in total area may be allowed after first having secured a permit therefor issued by the Township Fire Department. An application for permit shall be submitted not less than one (1) business day before the intended open burning.

4.3 Permits may be secured during regular business hours and, at a minimum shall include the following information:

- a. The name and address of the applicant.
- b. The location of the land or premises where the open burning is to occur.
- c. The type of material(s) to be burned.
- d. The time and date intended for such open burning.

Fees for open burning permits may be established by resolution of the Township

Board.

- 4.4 Applications for permits may be denied, or permits may be issued with conditions, cancelled or revoked, based upon a determination by the Township Fire Department that the requested open burning represents a potential hazard or endangerment to persons or property.

(Amended: Ord. No. 590, 2-4-02)

SECTION 5. Regulation of Permitted Open Burning.

Open burning for which a permit has been issued shall:

- a. Occur only at the time posted on the permit, and be extinguished one hour before sunset.
- b. Not be located within 200 feet of structures, combustible material(s) or wood lots and not closer than 100 feet of any property lines.
- c. Not include burning of building demolition or excess construction materials.
- d. Comply with all conditions of the permit.

All permit holders shall be fully responsible for containing such open burning and shall assume any and all civil and/or criminal liabilities which may result from a failure to contain such fire.

SECTION 6. Enforcement.

The Township Fire Chief, the Township Assistant Fire Chief and any other Authorized Township Official shall act as enforcement officers of this Ordinance.

(Amended: Ord. No. 740, 9-19-11)

SECTION 7. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

SECTION 8. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 9. Effective Date.

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 3rd day of August, 1998.

ICE-RETARDANT SYSTEMS

Ordinance No. 692

Adopted: November 5, 2007

An ordinance prohibiting the use of ice-retardant systems the Charter Township of Fenton.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN
ORDAINS

SECTION 1. Purpose

To protect the health and safety of township residents, it is the intent of this ordinance to prohibit the use of ice-retardant systems on all waterfront properties on public lakes within the Charter Township of Fenton.

SECTION 2. Definitions

A. Ice-retardant System

A mechanical device(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

B. Public Lake

A lake with two or more property owners adjacent to it.

SECTION 3. Regulations

No person shall operate an ice-retardant system on a public lake in Fenton Township.

SECTION 4. Enforcement and Penalties

This ordinance will be enforced by the Township Code Enforcement Officer. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred Dollars (\$500.00) and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed ninety (90) days, or by both, such fine, costs, and imprisonment in the discretion of the Court. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 5. Validity

Each section of this ordinance, and each provision of each section, is hereby declared to be separable, and the holding of any section or provision thereof to be invalid or unenforceable shall not affect the validity or enforceability of any other section or provision.

SECTION 6. Repeal

All other ordinances or resolutions, insofar as the same or any part thereof may be inconsistent with any provision of this ordinance, are hereby repealed.

SECTION 7. Effective Date

This ordinance shall be published as required by law and shall take effect July 1, 2008.

Enacted at a regular meeting of the Board of Trustees of the Charter Township of Fenton, held on the 5th day of November 2007.

EMERGENCY ACCESS KEY LOCK BOXES

Ordinance No. 701

Adopted: October 6, 2008

An ordinance to require commercial and industrial structures in the Charter Township of Fenton to install an exterior key lock box in order to provide emergency access to such structures.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN,
ORDAINS:

SECTION 1. Purpose

The purpose of this ordinance is to promote the health, safety and welfare of the residents of the Charter Township of Fenton by requiring that certain structures have key lock box installed on the exterior structure to aid the Fenton Township Fire Department in gaining access to the structure when responding to calls for emergency services.

SECTION 2. Definitions

The following terms shall, for purposes of this ordinance have the meanings stated below:

A. Commercial Structure

1. Any commercial or industrial structures protected by an automatic alarm system or automatic fire suppression system, or any such structures that are secured in a manner than restricts access during an emergency.
2. Any multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
3. All governmental structures.
4. All nursing / assisted living facilities.

B. Fire Chief

The Fire Chief of the Charter Township of Fenton.

C. Township

The Charter Township of Fenton.

SECTION 3. Regulation

All Commercial Structures shall be subject to the following regulations:

- A. The Fire Chief shall designate the type of key lock box system to be implemented within the Township and shall have the authority to require all Commercial Structures to use the designated system.
- B. The Fire Chief shall be authorized to implement rules and regulations for the installation and use of the key lock box systems.
- C. The key lock box shall be located at a height of not less than four (4) feet and not more than six (6) feet above final grade with an unobstructed view from the entryway, and shall be connected to the N.F.P.A. 72A fire panel when provided.
- D. The owner or operator of a Commercial Structure shall, at all times, keep a key/access card in the lock box that will allow for emergency access to the structure.
- E. Any Commercial Structure constructed after the effective date of this Ordinance shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

- F. Commercial Structures in existence as of the effective date of this Ordinance shall have a period of six (6) months from the effective date of this Ordinance to achieve compliance.

SECTION 4. Repeal

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

SECTION 5. Penalty for Violation

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days. Each week that a violation exists shall be considered a separate offense.

SECTION 6. Effective Date

This ordinance shall be published as required by law and shall become effective 30 days after its enactment and publication.

Enacted at a regular meeting of the Charter Township of Fenton Board of Trustees held on the 6th day of October 2008.

DANGEROUS BUILDINGS

Ord. No. 719

Adopted: March 1, 2010

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Title

This Ordinance shall be known and cited as the Fenton Charter Township Dangerous Buildings Ordinance.

SECTION 2. Definitions

A. **"Dangerous building"** means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.
2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
10. A building or structure remains unoccupied for a period of 180 consecutive

days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, *et seq.*), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

- a. A building or structure if the owner or agent does both of the following:
 - i. Notifies the County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the County Sheriff's Department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - ii. Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code
 - b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.
- B. **"Enforcing agency"** means this Township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this Ordinance.
- C. **"Township Building Code"** means the building code administered and enforced in the Township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, *et seq.*).

SECTION 3. Prohibition of Dangerous Buildings

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.

SECTION 4. Dangerous Building Hearing Officer.

The Hearing Officer shall be appointed by the Township Supervisor and shall serve at their discretion. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

SECTION 5. Procedures for Determination of Status of Dangerous Building

- A. **Determination of Dangerous Building.** The Building Official or other designated member of the Township shall make the determination that a building or structure is dangerous as defined by this ordinance.
- B. **Notice Requirement.** Upon determination that a building or structure is dangerous, the Building Official or other designated member of the Township shall issue a notice that the building or structure is a dangerous building and that a hearing on the issue

will be held by the Hearing Officer

1. **Parties Entitled to Notice.** The notice shall be served on each owner of, or party with interest in, the building or structure in whose name the property appears on the last local tax assessment records of the Township.
 2. **Contents of Notice.** The notice shall:
 - a. specify the time and place of a hearing on whether the building or structure is a dangerous building
 - b. state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
 3. **Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested and regular mail, addressed to the owner or party in interest at the address shown on the last local tax assessment records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing.
- C. **Filing Dangerous Building Notice with Hearing Officer.** The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- D. **Hearing Testimony and Decision.** At a hearing prescribed by this Ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. A record of the hearing shall be prepared and maintained by the Township.
- E. **Compliance with Hearing Officer Order.** If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section 2.A.10 of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.
- F. **Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 5 E. of this Ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than 5 days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner; agent or lessee in the manner prescribed in Section 5 B.3 of this Ordinance.
- G. **Enforcement Hearing Before the Township Board.** The Township Clerk shall schedule a hearing before the Township Board not less than 30 days after the order of the Hearing Officer, and shall give notice to the owner, agent or lessee in the manner prescribed in Section 5 B.3 of this Ordinance of the time and place of the hearing. At

the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Township Board shall approve, disapprove or modify the order. If the Township Board approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

(Amended: Ord. No. 760, 2-17-14)

SECTION 6. Implementation and Enforcement of Remedies

- A. **Implementation of Order by Township.** In the event of the refusal or failure of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition of the building, the making safe of the building or maintaining the exterior of the building, structure or grounds adjoining the building or structure.
- B. **Reimbursement of Costs.** The costs of the remedies outlined in Section 6.A. above, incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- C. **Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Treasurer of the amount of the costs of the remedies outlined in Section 6.A. above, by first class mail at the address shown on the Township records.
- D. **Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the Township Treasurer of the notice of the amount of the cost, the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, until paid.
- E. **Court Judgment for Unpaid Costs.** In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- F. **Enforcement of Judgment.** A judgment in an action brought pursuant to Section 6.E. of this Ordinance may be enforced against assets of the owner other than the building or structure.

(Amended: Ord. No. 760, 2-17-14)

SECTION 7. Sanction for Nonconformance with Order

Any person or other entity that fails or refuses to comply with an order approved or hearing prescribed in Section 5.D of this Ordinance for a hearing on the findings and modified by the Township Board, under Section 5.G of this Ordinance within the time prescribed by that Section shall be guilty of a misdemeanor. Upon conviction thereof before any court of

competent jurisdiction, they shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance. (Amended: Ord. No. 760, 2-17-14)

SECTION 8. Appeal of Township Board Decision

An owner aggrieved by any final decision or order of the Township Board under Section 5.G of this Ordinance may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Amended: Ord. No. 760, 2-17-14)

SECTION 9. Severability

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.

SECTION 10. Repeal

All ordinances or parts of ordinances in conflict herewith, including Ordinance No. 714, are hereby repealed; provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

SECTION 11. Effective Date

This Ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 1st day of March 2010.

FENTON TOWNSHIP FIRE CODE

Ordinance No. 738

Adopted: July 11, 2011

An ordinance to adopt the 2009 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Charter Township of Fenton; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 702 of the Charter Township of Fenton and all other ordinances and parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Adoption of Fire Code

That a certain document, three (3) copies of which are on file in the office of the Clerk of the Charter Township of Fenton, being marked and designated as the *International Fire Code*, 2009 Edition, including Appendix Chapters B, C, D, E, and F, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Charter Township of Fenton, in the State of Michigan, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Charter Township of Fenton are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. Insertions

The following sections are hereby revised:

Section 101.1 Insert: Charter Township of Fenton

Section 109.3 Insert: Misdemeanor, \$500.00, 90 days

Section 111.4 Insert: \$500.00, \$1,000.00

SECTION 3. Establishment of Limits

The geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:

Section 3204.3.1.1: the storage of flammable cryogenic fluids in stationary containers is prohibited in the R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH and PUD zoning districts.

Section 3404.2.9.5.1: the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH and PUD zoning districts.

Section 3406.2.4.4: the storage of Class I and Class II liquids in above-ground storage tanks is prohibited in the R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH and PUD zoning districts.

Section 3804.2: the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas in the R-1, R-2, R-3, R-4, R-5, R-6, R-M, R-MH and PUD zoning districts.

SECTION 4. Repeal of Inconsistent Ordinances

Ordinance No. 702 of the Charter Township of Fenton and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Saving Clause

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

SECTION 6. Affect on Legal Proceedings

Nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 7. Publication

The Fenton Township Clerk is hereby ordered and directed to cause this Ordinance to be published according to current law and practice.

SECTION 8. Effective Date

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 11th day of July 2011.

WATERWAYS & MARINE SAFETY

Ordinance No. 793

Adopted December 19, 2016

An ordinance to adopt, by reference, certain parts of Michigan law relating to marine safety, and to control certain activities upon the waterways within the Charter Township of Fenton, and providing for penalties for violations thereof, as allowed by MCL 324.80113, all for the general health, welfare and safety of the residents of Fenton Township.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1. Adoption of Provisions of the Watercraft and Marine Safety Act

- A. The provisions of Michigan Law, specifically MCL 324.80101 to and inclusive of MCL 324.80104, which sets forth definitions, are hereby adopted by reference.
- B. The provisions of Michigan Law, specifically MCL 324.80122 to and inclusive of MCL 324.80124, relating to the conditions for the operation of vessels, providing for exemptions, and relating to the certificate of title and the certificate of the numbers for the vessels, are hereby adopted by reference.
- C. The provisions of Michigan Law, as set forth in MCL 324.80126, which provides for dealer certificates of number and dealer decals on vessels, are hereby adopted by reference.
- D. The provisions of Michigan Law, as set forth in MCL 324.80144 to and inclusive of MCL 324.80153, regulating the operation of vessels, including the speed and other regulations relating to the specific operation of vessels and the use of those vessels, are hereby adopted by reference.
- E. The provisions of Michigan Law, as set forth in MCL 324.80155, regulating divers, the point of submergence, and the distance from diver's flag, are hereby adopted by reference.
- F. The provisions of Michigan Law, as set forth in MCL 324.80166 to and inclusive of MCL 324.80173, providing for the circumstances for an arrest without a warrant, the issuance of a summons, and permitting peace officers to stop a vessel upon reasonable suspicion, and prohibiting the furnishing of false information to a peace officer, are hereby adopted by reference.

SECTION 2. Penalties

- A. A person convicted of violating this Ordinance is guilty of a misdemeanor, and shall be punished by one or more of the following:
 - 1. Community service for not more than forty-five (45) days;
 - 2. Imprisonment for not more than ninety-three (93) days;
 - 3. A fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

- B. That in addition to the penalties provided herein, the Court may order the person to pay the cost of the prosecution, which shall not be less than Fifty Dollars (\$50.00), and the Court shall also impose the sanctions as set forth under Michigan law, being MCL 324.80185 and MCL 324.80186.

SECTION 3. Severability

Each and every article, section and subsection, of this ordinance, and each provision of each article, section and subsection, is declared to be separable and severable, and a judicial determination that any article, section, subsection or provision of this ordinance is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision.

SECTION 4. Effective Date

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 19th day of December 2016.