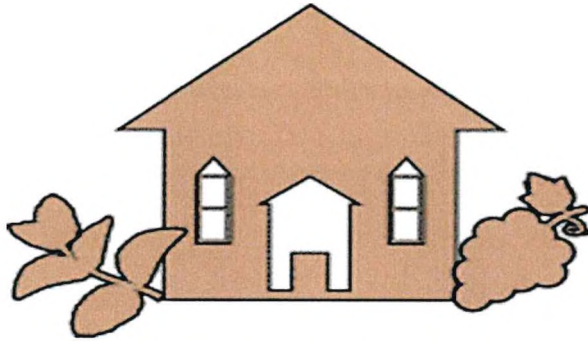


**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—ESTABLISHED 1839 **m**—

Hamilton Township General Ordinances

1. Anti-Noise and Public Nuisance
2. Blight
3. Noxious Weed Ordinance
4. International Property Maintenance Code Adoption
5. Outdoor Burning
6. Fire Department Cost Recovery
7. Cemetery
8. Adult-Use Marijuana Opt Out

Please see our website at www.hamiltontownshipmi.org



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—= ESTABLISHED 1839 **m**—

Hamilton Township General Ordinances

L Anti-Noise and Public Nuisance

Please see our website at www.hamiltontownshipmi.org

TOWNSHIP OF HAMILTON
COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. 01/6-12-18

ANTI-NOISE ORDINANCE

Adopted: JUNE 12, 2018

Effective: JULY 21, 2018

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Hamilton Township, Van Buren County, Michigan, by the regulation of noise within said township; to prescribe sanctions for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Hamilton Township Anti-Noise Ordinance.

SECTION 2

ANTI-NOISE REGULATIONS

- A. No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Hamilton.
- B. The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or a collision.

- (2) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.
- (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (5) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (6) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefore from the Township Board.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- (8) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, in such manner as to emanate noise or disturbance unreasonably annoying to other persons, including the streets and highways therein, other than between the hours of 6:00 A.M. and sundown on week days except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the Building Inspector of the township which permit shall specify the period that the activity may continue.
- (9) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.

- (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 - (12) The operation of any racetrack, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- C. None of the prohibitions hereinbefore enumerated shall apply to any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - D. None of the prohibitions hereinbefore enumerated shall apply to any operator of Agricultural equipment for farming purposes on or near an operating farm within the Township.

SECTION 3

VALIDITY

The several provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION 4

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, 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.

- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order

necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	\$500
--- 2nd offense	\$ 325.00	\$500
--- 3rd or subsequent offense	\$ 500.00	\$500

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Hamilton Township, and by such other person or persons as the Township Board may designate.

SECTION 5

CONFLICTING ORDINANCES

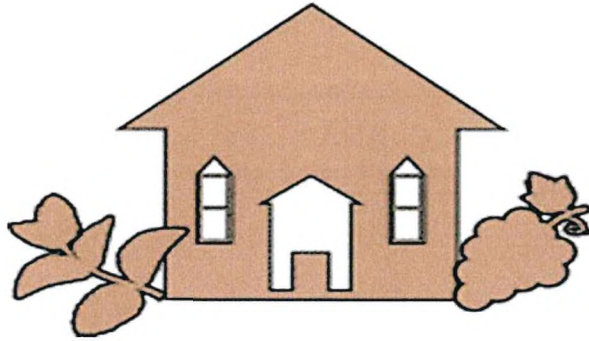
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6

EFFECTIVE DATE

This ordinance shall become effective 30 days after publication after adoption.

Tina Leary, Hamilton Township Clerk



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—ESTABLISHED 1839 m

Hamilton Township General Ordinances

2. Blight Ordinance

Please see our website at www.hamiltontownshipmi.org

ORDINANCE NO. 2009-1

AS AMENDED BY ORDINANCE NUMBERS

**09-08-15-01 AND 09-08-15-02 ANTI-BLIGHT ORDINANCE HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

AN ORDINANCE TO FURTHER THE PUBLIC HEALTH, PEACE, SAFETY AND ENVIRONMENTAL QUALITY OF HAMILTON TOWNSHIP, VAN BUREN COUNTY, MICHIGAN, BY THE PREVENTION, REDUCTION OR ELIMINATION OF BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE TOWNSHIP OF HAMILTON, VAN BUREN COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF HAMILTON, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: Purpose. Consistent with the letter and spirit of Public Act 344 of 1945 (MCL et seq), as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in Hamilton Township, Van Buren County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

Section 2: Causes of Blight or Blighting Factors. It is hereby determined that the following uses, activities and structures are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On or after the effective date of this Ordinance it shall be unlawful for any person, firm, corporation or other entity to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Township of Hamilton, Van Buren County, Michigan owned, leased, rented or occupied by such person, firm, corporation or other entity:

A. Storage of Junk Motor Vehicles. The term 'junk motor vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan and any motor vehicle, whether licensed or not, which is inoperable. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other cause. Any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk motor vehicles shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed, but operable motor vehicle, may be displayed for sale outdoors by the owner of said vehicle on his/her premises, for a period not exceeding sixty days; and provided further that operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership may be stored outdoors; and inoperable motor vehicles may be parked and kept outdoors on the premises of a motor vehicle repair garage facility for a period of thirty days, with an additional

thirty day extension upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation and that additional time is required for settlement before the vehicle can be moved.

B. Storage of Junk Recreational Vehicles, Equipment and Watercraft.

The term 'junk recreational vehicles, equipment and watercraft' shall include, but is not limited to any motor home or motorized dwelling, travel trailer, pickup camper, pop-up trailer, tent trailer, and similar equipment, boat, pontoon boat, watercraft, boat trailer or other device designed for water recreational purposes all of which are not registered with the State of Michigan, and shall also include, whether registered or not, all of the foregoing items which are inoperable for any reason. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. Any of the aforesaid items which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk recreational vehicles, equipment and watercraft shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed , but operable recreational vehicle, equipment and watercraft may be displayed for sale outdoors by the owner of same on his/her premises, for a period not exceeding sixty days; and provided further that recreational vehicles, equipment and watercraft which are for sale or on the premises of a licensed and established new or used recreational vehicle, equipment and watercraft dealership for storage or repair may be stored outdoors.

C. Storage of Junk Machinery and Equipment.

The term "junk" machinery and equipment shall include all machinery and equipment which is inoperable. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other causes for a period in excess of sixty (60) days. No junk machinery or equipment shall be parked, kept or stored on any premises except in a completely enclosed building; provided however, that the outdoor orderly storage of farm machinery and equipment shall be permitted on any operating farm if same is stored a minimum of 150 feet from the property line of said premises, and/or 150 feet from any road right-of-way.

D. Storage of Building Materials.

Building materials shall include, but not be limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing material of either wood or metal, or any other materials used in constructing any structure or fence. No building materials shall be kept or stored on any premises except in a completely

enclosed building; provided however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon said premises, and said materials are intended for use in connection with such construction; and provided further that the outdoor orderly storage of building materials is permitted on any operating farm if same is stored a minimum of 150 feet from the property line of said premises, and/or 150 feet from any road right-of-way.

E. Accumulation of Rubbish and Garbage. The term "rubbish" shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, tree branches, yard trimmings, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to any reasonable use. The term "garbage" shall include the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. All premises shall be kept free from the accumulation of rubbish or garbage. All garbage shall be placed in containers and said containers shall not be exposed to a public road except for the day that same is to be removed from the premises.

F. Uninhabitable Dwelling. The existence of any structure or part of a structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

G. Vacant Dwelling. The existence of any vacant dwellings, garage or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.

H. Partially Completed Structure. The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit, and unless such construction is completed within a reasonable time.

Section 3: Enforcement and Violations.

A. This Ordinance shall be enforced by such person(s) who shall be so designated by the Hamilton Township Board.

Section 4: Sanctions.

A. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00.

B. Additionally the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which Hamilton Township, Van Buren County, Michigan has incurred in connection with the violation, including all expenses that the township incurs in removing the blight. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under MCL 600.8302 (4).

C. In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by Hamilton Township, Van Buren County, Michigan within thirty days after payment is due, the township may obtain a lien against the offending real estate for any violation involving the use or occupation of land or any building or other structure located thereon. Said lien may be enforced and discharged by the placement of a Blight Assessment on the property taxes assessed against the offending parcel of real estate.

D. Each day a violation of *this* Ordinance continues to exist constitutes a separate violation.

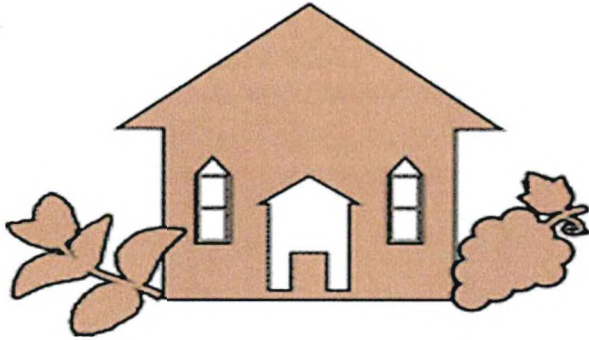
E. The Hamilton Township Board may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section5: Repeal. Ordinance No. 2002-01 is hereby repealed and all other Ordinances or parts thereof of the Township of Hamilton, Van Buren County, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6: Severability. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7. Effective Date. The Township Clerk of the Township of Hamilton, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect thirty days after the publication of this Ordinance.

Gayle Gerkey, Clerk
Township of Hamilton



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—ESTABLISHED 1839 **m—**

Hamilton Township General Ordinances

3. Noxious Weed Ordinance

Please see our website at www.hamiltontownshipmi.org

TOWNSHIP OF HAMILTON
COUNTY OF VAN BUREN, STATE OF MICHIGAN
HAMILTON TOWNSHIP ORDINANCE NO. 2-9-16-01

NOXIOUS WEED AND UNCONTROLLED PLANT GROWTH ORDINANCE

Adopted: February 9, 2016

Effective: March 19, 2016

An Ordinance adopted pursuant to 1941 Public Act 359, as amended, and 1945 Public Act 246, as amended, to secure the health, safety and welfare of the people of the Township; to protect agricultural crops from invasive plant species, and to avoid a blighting factor, by the control, regulation, and eradication of certain noxious weeds, and also certain plant growth of excessive height; to establish remedies, provide for the enforcement, and fix sanctions for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF HAMILTON
VAN BUREN COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and may be cited as the Hamilton Township Noxious Weed Ordinance.

SECTION 2

DEFINITIONS

As used in this ordinance the following words and terms shall have the meanings stated herein:

- A. "Noxious Weeds" means Canada thistle (*Cirsium Arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard,

species of Brassica or Sunapis), wild carrot (Daucus Carota), bindweed (Convolvulus Arvensis), perennial sowthistle (Sonchus Arvensis), hoary alyssum (Berteroa Incana), ragweed (Ambrosia Elatior 1.), poison ivy (Rhus Toxicodendron), poison sumac (Toxicodendron Vernix), and any other plant species which the Township Board determines, by resolution, is regarded in the community as a common nuisance weed.

- B. "Uncontrolled Plant Growth" means any non-woody vegetation exceeding a height of 8 inches; except where such vegetation is not out of character with the development of and landscaping in the surrounding area within 500 feet, and also excepting all small grain or food crops, such as wheat, corn, oats, barley or rye, and garden vegetables.
- C. "Owner" and "occupant" shall mean any person or entity with any ownership or possessory right or interest, including deed holders and land contract vendees (whether recorded or unrecorded), mortgagees, lessees, and other tenants, residents, and any agent of any of same.

SECTION 3

DUTY TO DESTROY / CUT NOXIOUS WEEDS AND UNCONTROLLED PLANT GROWTH

- A. The owner and occupant of land on which noxious weeds are found growing shall destroy such weeds before they reach a seed bearing stage, ora height of 8 inches, whichever occurs first, and shall prevent their regrowth; provided that this requirement shall not apply to any incidental noxious weeds in fields devoted to growing any small grain or vegetable crop.
- B. The owner and occupant of the following described lands shall keep uncontrolled plant growth thereon cut to a height of not more than 8 inches:
 - (1) lots within platted subdivisions and condominium subdivisions, including vacant lots.
 - (2) unplatted lands with a dwelling or other occupied building thereon, for a depth of 165 feet, the depth of the parcel, or the depth of the established yard area, whichever is less.

SECTION 4

PUBLIC NUISANCE

All noxious weeds and uncontrolled plant growth in violation of the provisions of this ordinance are hereby declared to be a public nuisance.

SECTION 5

ADMINISTRATIVE PROCEDURES AND REMEDIAL ACTIONS TO ENFORCE ORDINANCE

- A. The Township shall give notice of the application of this ordinance by one or both of the following means:
- (1) publish in a newspaper of general circulation in the Township during the month of March a Notice that weeds and/or plant growth in violation of this ordinance not destroyed/cut by May 1 of that year as required by this Ordinance may be destroyed/cut by the Township, and that the owner of any such land shall be charged with the expenses incurred by the Township to destroy/cut such weeds/plant growth as many times as is necessary to keep the land in compliance with this ordinance, and that the Township shall have a lien against the land for the amount of such expenses, and that such lien shall be enforced in the manner provided by state law for the enforcement of real property tax liens; and/or
 - (2) mail by certified mail with return receipt requested a notice to the owner, occupant or agent of any lands in violation of this ordinance, describing the methods of treating and eradicating the weeds and/or of otherwise complying with this ordinance, and giving notice of those matters referenced in subsection (1) immediately above. Failure to give such notice shall not constitute a defense to any action to enforce the payment of any penalty or debt provided for in this ordinance.
- B. If the owner/occupant/agent has failed or refuses to comply with the ordinance after either form of notice provided for in Section 5.A. above, the Township or its agent/designee may enter upon such land with or without mechanical equipment and destroy/cut the weeds/plant growth thereon in violation of this ordinance.
- C. All expenses incurred in such destruction/cutting shall be paid by the owner of such land. The Township shall have a lien upon such land for the full amount of such expenses, which may be enforced in the same manner as the enforcement of real property tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expenses shall be subject to all interest and penalties provided for taxes due and collectible within the Township under the general tax laws of the State of

Michigan. In addition to the foregoing, the Township may sue the owner in an appropriate court of law for the collection of such expenses.

SECTION 6

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
— 1st offense	\$ 100.00	—
--- 2nd offense	\$ 200.00	—
--- 3rd or subsequent offense	\$ 350.00	—

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. This ordinance shall be administered and enforced by the person designated by the Township Board as the Township Noxious Weed Commissioner, by the Ordinance Enforcement Officer(s) of the Township, or by such other person(s) as the Township Board may designate from time to time.

SECTION 7

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 a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 8

REPEAL

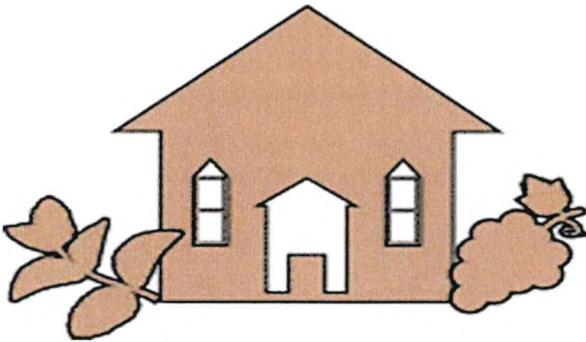
All ordinances or parts of ordinances in conflict herewith are hereby repealed. Specifically Section 302.4 of the International Property Maintenance Code (adopted as part of Ordinance No. 28) is hereby repealed.

SECTION 9

EFFECTIVE DATE

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

Hamilton Township
Gayle Gerkey, Clerk



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
— ESTABLISHED 1839 **m**—

Hamilton Township General Ordinances

4. International Property Maintenance Code adoption

Please see our website at www.hamiltontownshipmi.org

HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 01/04-14-2020

ADOPTED: April 14, 2020

EFFECTIVE: May 24, 2020

An Ordinance adopting the 2018 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures in Hamilton Township; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF HAMILTON
VAN BUREN COUNTY, MICHIGAN

ORDAINS:

SECTION I

PURPOSE

The purpose of this Ordinance is to adopt a standardized property maintenance code to regulate and govern the conditions and maintenance of structures within the Township by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of unsafe buildings and structures; and to allow for the demolition of unsafe and dangerous structures within the Township.

SECTION II

ADOPTION OF CODE

A certain document, three (3) copies of which are on file in the office of the Township Clerk, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Hamilton Township, Van Buren County, Michigan. All of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township Clerk 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 III this ordinance.

SECTION III

AMENDMENTS TO ADOPTED CODE

The following sections of the adopted code are hereby amended as follows:

Section 101.1 Remove “[Name of jurisdiction]” and insert “Hamilton Township”.

Section 103.5 Remove the paragraph and replace it with the following: “Fees shall be set in amounts approximating the costs to the Township thereof via resolution which shall be adopted by the Township Board and may be amended from time to time as the Board sees fit”.

Remove Section 302.14 and replace it with “This section reserved for future expansion”.

Section 304.14 Remove the first instance of the phrase “[DATE]” and replace it with “May 30”. Remove the second instance of the phrase “[DATE]” and replace it with “September 30”.

Section 602.3 remove the first instance of the phrase “[DATE]” and replace it with “October 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.

Section 602.4 remove the first instance of the phrase “[DATE]” and replace it with “October 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.

Remove Section 106.2 and replace it with “This section reserved for future expansion”.

Remove Section 106.3 and replace it with the following:

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

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 150.00	\$ 500.00
-2 nd Offense*	\$ 300.00	\$ 500.00
-3 rd Offense*	\$ 425.00	\$ 500.00
-4 th or More Offense*	\$ 500.00	\$ 500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

An owner, tenant, occupant, land contract vendor or vendee who causes allows or permits a violation to exist or continue shall be liable as a principal.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Hamilton Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.”

Section 106.4 is hereby eliminated in its entirety and replaced with the phrase “Section 106.4 reserved for future expansion”.

Section 107.4 is hereby amended by the removal of “106.4” and replacing the same with “106.3”.

SECTION IV

SEVERABILITY

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

SECTION V

REPEAL OF CONFLICTING ORDINANCES

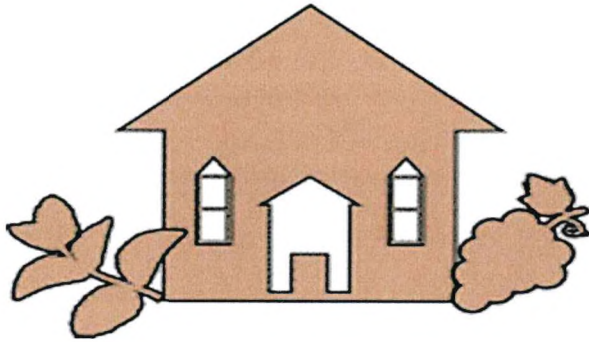
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION VI

EFFECTIVE DATE

This ordinance shall take effect 30 days following publication of a summary thereof, following adoption.

HAMILTON TOWNSHIP
Tina Leary, Clerk
PO Box 35
Decatur, MI 49045
269-423-7852



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—= ESTABLISHED 1839 m

Hamilton Township General Ordinances

5. Outdoor Burning Ordinance

Please see our website at www.hamiltontownshipmi.org

**HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. 11-11-14-01
AS AMENDED BY ORDINANCE NO. 09-08-15-03
AS FURTHER AMENDED BY ORDINANCE NO. 10-13-15-01**

**OUTDOOR BURNING ORDINANCE
ADOPTED: NOVEMBER 11, 2014
EFFECTIVE: DECEMBER 20, 2014
AMENDMENT EFFECTIVE: OCTOBER 24, 2015
AMENDMENT EFFECTIVE: OCTOBER 23, 2015**

An Ordinance to regulate outdoor burning, including open fires and burning in incinerators/waste burners; and to provide for sanctions for violation of this Ordinance.

THE TOWNSHIP OF HAMILTON, VAN BUREN COUNTY, MICHIGAN ORDAINS:

**SECTION 1
PURPOSE**

This Ordinance is adopted in the interest of public safety, and is designed to promote the general peace, health, safety and welfare of the Township. This Ordinance is adopted pursuant to the authority vested in Townships by Part 115 of Public Act No. 451 of 1994 (MCL 324.11522), as amended. The purpose of the Ordinance is to authority the outdoor burning of certain waste material, to provide for the control of fires, and to establish reasonable standards to safeguard life and property from the hazards of burning materials on open lands and outside of containers. Any such burning of materials in approved containers or outside of containers shall hereafter be controlled in accordance with the provisions of this Ordinance.

**SECTION 2
DEFINITIONS**

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

Commanding Officer means the fire chief of the Decatur-Hamilton Volunteer Fire Department, the fire inspector, the highest ranking officer of the fire department on duty in accordance with the fire department's bylaws, or a firefighter acting on orders of one of the personnel listed in this definition.

Fire Department means the Decatur-Hamilton Volunteer Fire Department in Van Buren County, Michigan.

Incinerator/Waste Burner means a non-combustible masonry or metal container, no larger than 55 U.S. gallons or 7.35 cubic feet in good condition and containing no openings larger than %: square inch, used for residential burning of combustible wood and paper products. An incinerator/waste burner shall have a cover or spark arrester with openings no larger than %: square inch.

Cooking Fire and/or *Recreational Fire* means the noncommercial, residential burning of materials, other than rubbish, not exceeding three (3) feet in diameter and two (2) feet in height in which the fuel burned is either contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for and is for the purpose of preparing food.; or, where the fuel area is not contained and the fire is for pleasure, religious, ceremonial, cooking or other similar purposes.

Open Fire means the burning of combustibles, other than paper products, or other fires involving the burning of natural products, in an outdoor location where the fuel (combustibles) being burned is not contained in an approved incinerator/waste burner, outdoor fireplace, barbecue grill or barbecue pit and the smoke and other emissions are released directly into the air. During open fires, air pollutants do not pass through a chimney or stack. Open fires do not include recreational fires.

Agricultural fire means the burning of agricultural products or by-products on a farm or farm field.

Clean Wood means natural wood which has not been painted, varnished, coated, or pressure treated and does not contain resins or glues.

Construction and Demolition Waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure; except as permitted by the Decatur-Hamilton Fire Department for training purposes.

Open Burning is an umbrella term encompassing all types of outdoor fires, including cooking fires, agricultural fires, recreational fires and open fires.

SECTION 3 APPLICABILITY

1. This Ordinance applies to all outdoor and open burning within the Township of Hamilton, Michigan when the ground is not covered in at least two inches of snow.

2. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation; including an accessory building such as a garage or a shop.
3. This Ordinance shall not apply to controlled burns undertaken as a training exercise by the Fire Department.

SECTION 4 PERMITS

A. PERMITS REQUIRED.

- a. A permit issued by the Commanding Officer or other person designated by the Commanding Officer is required and shall be obtained prior to kindling and maintaining any open fire or agricultural fire.
- b. Permits shall not be required for cooking and recreational fires.
- c. Permits shall not be required for the burning of household waste in approved containers/incinerators.
- d. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent.

B. AUTHORITY OF COMMANDING OFFICER

1. When weather conditions warrant, the Commanding Officer shall have the authority to temporarily suspend issuing burning permits, and may temporarily suspend previously issued burning permits for open burning.
2. No burning shall be permitted and no outdoor burning permits shall be authorized when any of the following conditions exist on ozone action days as designated by the community health department or the Michigan Department of Environmental Quality;

C. PERMIT AUTHORITY. Any violation of the conditions of a burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the burning permit shall void the permit.

D. PERMIT FEES. The Hamilton Township Board is hereby given the authority to establish by Resolution at any regular or special public meeting a fee schedule for permits issued hereunder. The Township Board shall further have the right to amend the aforementioned Resolution from time to time within the foregoing limits of reasonableness.

SECTION 5 GENERAL PROVISIONS

1. No incinerator/waste burner fires shall be permitted or located within fifteen (15) feet of a structure or other combustible materials.

2. The Commanding Officer shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition, to create a foul or offensive odor, or to cause smoke emissions that are reasonably offensive to occupants of surrounding property.

3. Every commercial incinerator and commercial barbecue fireplace shall be equipped and maintained with a spark arrester and shall be maintained in good condition, working order and repair at all times.

SECTION 6 REQUIREMENTS OF OPEN FIRES

1. Open fires and cooking fires shall be constantly attended by a responsible person of at least eighteen (18) years of age until such fire is extinguished. A person shall have a garden hose connected to a reliable water supply or other fire-extinguishing equipment readily available for use.

2. Open fires shall only be permitted during daylight hours (sunrise to sunset). Recreational fires are permitted after dark. Open fires may not be added to after 4:00 p.m.

3. No open fire shall be closer than fifty (50) feet from any standing structure.

4. Open fires shall be conducted only on the property on which the materials were generated.

5. All open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways.

6. Combustible materials that may be burned in an open fire are limited to leaves, brush, tree limbs and stumps and non-hazardous lumber. The burning of grass clippings, garbage, building materials, plastic and rubber products is specifically prohibited.

SECTION 7 PROHIBITED BURNING ACTIVITIES

The following burning activities are specifically prohibited by this ordinance:

1. The burning of garbage, plastic and rubber products.

2. The burning of vehicle tires.

3. The burning of construction and demolition waste.

4. The burning of structures or portions of structures for the burning of demolition.

4. The burning of furniture and appliances.
5. The burning of hazardous substances including but not limited to batteries, household chemicals, pesticides, motor oil, gasoline, paints, varnishes, and solvents.
6. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.
7. The burning of any substance or material likely to involve the emission of smoke, fly ash or noxious odor that is unreasonably offensive or disturbing to surrounding property owners and residents or other persons in the area, or to the general public health, safety, or welfare.

SECTION 8
AGRICULTURAL AND CONSERVATION AREA BURNING

- A. **AUTHORITY.** The burning off of areas of fields on farms and conservations areas containing weeds, crop stubble, brush and the like on agricultural land within the township is permitted if a permit is obtained for the same and so long as such burning is conducted in accordance with such permit and the provisions of this Ordinance.
- B. **LOCATION.** The burning off of areas of fields on farms or conservation areas containing weeds, crop stubble, brush and the like on agricultural land within the township is permitted is allowed if a permit is obtained for the same and so long as such burning is conducted in accordance with such permit and the provisions of this Ordinance. Agricultural and Conservation Area burns shall not be conducted closer than 100 feet to any structure or other combustible material, within 30 feet of an adjoining property line, or within 100 feet of a public roadway. Conditions that may cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.
- C. **PERMITS.** Prior to the commencement of an agricultural burn, a permit must be secured from the Commanding Officer.. The permit applicant must be the property owner or in legal control of the property. No burning shall be permitted and no agricultural burning permit will be authorized on ozone action days as designated by the community health department of the Michigan Department of Environmental Quality.
- D. **TIME AND ATMOSPHERIC CONDITIONS.** Agricultural and conservation area burning shall only be performed during daylight hours when atmospheric conditions are conducive for safe operations. Agricultural and conservation area burning must comply with the limits set forth in the burn permit.
- E. **FIRE EXTINGUISHING EQUIPMENT.** A garden hose connected to a pressurized supply, a fire extinguisher with a minimum 4-A rating, buckets full of water, shovels, mechanized earth

moving equipment or other approved fire extinguishing equipment shall be readily available for use at agricultural burns.

- F. ATTENDANCE. Agricultural burns shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment. An attendant shall supervise an agricultural or conservation area burn until the fire has been completely extinguished.
- G. DISCONTINUANCE. The Commanding Officer is authorized to require that an agricultural burn be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or the fire is determined by the chief to constitute a hazardous condition.

**SECTION 9
LIABILITY**

A person utilizing or maintain an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire, even if a permit is issued. The provisions of the Hamilton Township Fire Department Cost Recovery Ordinance shall apply.

**SECTION 10
ENFORCEMENT AND PENALTIES**

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance, including failing to obtain a permit; or who fails to comply with a duly authorized order issued pursuant to this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine in accordance with the following schedule:

1 st offense within 3 year period	\$200	\$500
2 nd offense within 3-year period	\$300	\$500
3 rd offense within 3-year period	\$400	\$500
4 th or more offense within 3-year period	\$500	\$1000

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. This section does not affect the ability of the Township to collect its direct response-related costs in accordance with a Fire Run Charges or a Cost Recovery Ordinance, if the Township has enacted the same.

In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

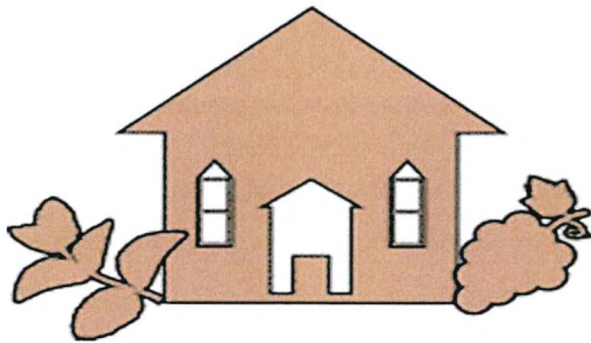
**SECTION 11
SEVERABILITY**

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

**SECTION 12
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

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

Hamilton Township, Van Buren County, MI
Gayle Gerkey, Clerk



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
—ESTABLISHED 1839 m

6. Fire Department Cost Recovery

Please see our website at www.hamiltontownshipmi.org

**HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 11-11-14-02

**ADOPTED: NOVEMBER 11, 2014
EFFECTIVE: NOVEMBER 11, 2014**

FIRE DEPARTMENT COST RECOVERY ORDINANCE

An Ordinance to establish cost-recovery charges for certain fire department and other emergency services made to benefit particular properties within the Township so as not to burden the public as a whole with the costs thereof; to provide methods for the collection of such charges; to provide exemptions thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF HAMILTON, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1

BACKGROUND, PURPOSE AND ENABLING AUTHORITY

- A. **BACKGROUND.** Hamilton Township is a member of the Decatur-Hamilton Volunteer Fire Department operated in Van Buren County, Michigan (hereinafter "fire department"). The fire department is supported by a fire millage at the time of adoption of this Ordinance. This millage is intended to support the fire department as a whole, including the provision of equipment, salaries, training and facilities for the fire department. The Township Board of Hamilton Township has determined that fees for certain unusual charges described below should not be borne by the taxpayers as a whole, but rather should be the responsibility of the person or persons causing the fire run situation.
- B. **PURPOSE.** This Ordinance is adopted for the purpose of defraying the costs of providing certain specified types of fire protection and other emergency services from the general public and directing the costs to those receiving direct benefits from those services; so as to limit the burden of such services on the public at large.
- C. **ENABLING AUTHORITY.** This Ordinance is adopted in accordance with PA 33 of 1951, as amended, allowing the Township Board by Ordinance to adopt Ordinances for the collection of fire run and emergency services charges from the party responsible for the same.

SECTION 2

CHARGES IMPOSED UPON A RESPONSIBLE PARTY OR PARTIES

A recipient or beneficiary of any of the enumerated emergency services set forth herein rendered in Hamilton Township by or on behalf of the Decatur-Hamilton Volunteer Fire Department shall be responsible for payment to the Township of charges for the actual cost of

providing such services in accordance with the provisions of this Ordinance. Such costs are collectible regardless of the whether the person benefited is also paying a fire millage to support the fire department. Such costs shall include but are not limited to:

A. All personnel related costs and fees incurred by the Township as a result of responding to the incident. Such costs include, but are not limited to the responding persons' wages, salaries and fringe benefits, overtime and pay-related fringe benefit costs for hourly employees; and fire run fees paid to any on-call emergency services person responding to the incidental. Individual salaries shall be apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that person nelhas concluded his or her incident-related responsibilities.

B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Fire Department equipment which might be involved in such a response. The resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

C. Additional charges imposed by any other local, state or federal government entities, related to the incident.

D. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures.

SECTION 3 SERVICES FOR WHICH CHARGES ARE IMPOSED

The above-referenced charges shall be imposed for fire department and other Township emergency services rendered in response to the following types of emergency incidents:

- A. Incident involving an outdoor fire, if there has been no permit secured for such fire from the Decatur-Hamilton Volunteer Fire Department;
- B. Incident involving an outdoor fire, even if a permit has been secured for the same, if if-within the past twelve (12) months one or more emergency service calls to the same property also involving an outdoor fire required response by the Decatur-Hamilton Volunteer Fire Department.
- C. An emergency service call to a site when no actual emergency exists, if there have been two (2) or more prior false alarm calls to the same property within the past twelve (12) months.
- D. Incident involving a downed power line. Emergency services personnel-related charges for responses to this type of incident shall commence after the first hour the fire department has responded to the incident and shall continue until all

Township fire department members have ~~personnel~~ personnel—have concluded ~~incident~~ personnel-related responsibilities.

- E. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials of such quantity as to require fire department assistance in either removing the material from the road or in limiting access to the road until the material is removed.

Commented [RS1]: This is a charge to the power company in situations where there is a downed power line and the fire department has to stay at the scene in order to ensure public safety. The power company gets the first hour at no charge with the hopes that they respond and correct the situation within that hour. After the first hour, this is basically a "standing by" charge for the fire department because it cannot abandon oversight of a downed power line until it is repaired AND because the fire department has no ability to repair. The time for repair is all dependent upon the power company.

SECTION 4 EXEMPTION

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing charges.

SECTIONS NON-EXCLUSIVE CHARGE

The foregoing charges shall not be exclusive of other charges that may be made by the Township for the costs and expense of maintaining a fire department and/or for contracting for fire protection service, but shall only be supplemental thereto.

SECTION 6 BILLING PROCEDURES

Following the conclusion of the incident for which charges may be imposed, the Fire Chief or his designee shall submit a detailed listing of all known expenses to the Township Treasurer, who shall prepare an invoice to the responsible party(ies) for payment. The Treasurer's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Fire Chief following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

SECTION? COLLECTION OF CHARGES

If an invoice is not paid in full within forth-five (45) days of the date on the invoice, the Township may exercise any remedy available by law against the responsible party(ies), including the filing of an action in a court of competent jurisdiction.

SECTIONS
MULTIPLE BENEFICIARIES

When a particular emergency service of the type enumerated in Section 3, above benefits more than one person or property, the owner of each property so benefited and each person so benefited shall be liable for the payment of the full charge of such service hereinbefore outlined. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring fire department or emergency services (2) is an owner and/or occupant of or party in control of property for which services were provided; (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled, (4) in the case of an incident involving a false alarm call, the owner and/or lessee of the property which was the subject of the call.

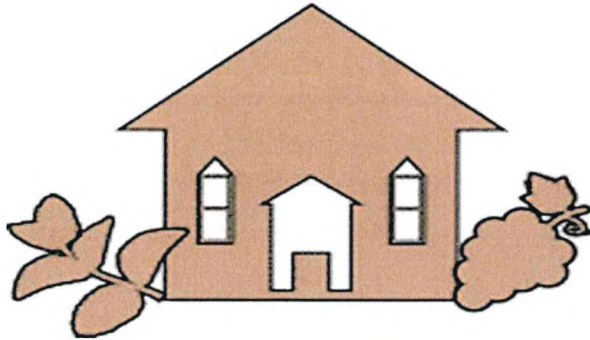
SECTION 9
SEVERABILITY

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

SECTION 10
EFFECTIVE DATE & REPEAL OF CONFLICTING ORDINANCES

This Ordinance has immediate effect. All ordinances or parts of ordinances in conflict with this ordinance, and specifically Ordinance 2012 #3-13, are repealed.

Gayle Gerkey, Clerk



**HAMILTON
TOWNSHIP**
VAN BUREN COUNTY
— ESTABLISHED 1839 **m**—

Hamilton Township General Ordinances

7. Cemetery

Please see our website at www.hamiltontownshipmi.org

**HAMILTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ADOPTED: May 9, 2017

EFFECTIVE: June 24, 2017

Ordinance No. 01/05-09-2017

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by Hamilton Township, in Van Buren County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

HAMILTON TOWNSHIP (“Township”), VANBUREN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the “Hamilton Township Cemetery Ordinance.”

Section 2. Purpose and Intent

The Township Board recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments, and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 3. Definitions

- A. A “cemetery plot” shall consist of a designated area in a Township cemetery sufficient to accommodate one burial space for one deceased person, which may also include one cremains burial, or one infant burial. One “cemetery plot” may also accommodate two cremains burials.
- B. “Township” means Hamilton Township
- C. “Township cemetery” or “cemetery” means any cemetery owned, operated, and/or controlled by the Township.

Section 4. Sale of Cemetery Plots; Nontransferable

- A. The Township shall sell Cemetery plots to Township residents and taxpayers for the purpose of burial for the purchaser of a cemetery plot or his or her immediate

family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

- B. All sales of cemetery plots shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title or right to the cemetery plot sold. Such forms shall be signed by the Township Sexton, Clerk or the Township Clerk's designee, and shall constitute a permit when approved. All sales forms shall be retained in the Township Clerk's office.
- C. Cemetery plots may be sold by the Township to any non-resident and non-taxpayer of the Township on an as needed basis. The Township Sexton is hereby granted the authority to make such sale where the purchaser has a member of their immediate family buried at the cemetery. The non-resident, non-taxpayer may purchase two (2) cemetery plots.
- D. At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must either be a resident or taxpayer of the Township, or be a member of the immediate family of a qualified purchaser. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must sell the cemetery plot back to the Township and repurchase that space in the name of another eligible person, since cemetery plots are otherwise nontransferable.
- E. Cemetery plots are nontransferable, but may be sold back for the original purchase price to the Township (for resale by the Township).
- F. The Township Board shall have the authority to place a limit on the number of cemetery plots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located and within which Township cemetery. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery plots available and whether family or relatives of the person seeking to purchase a cemetery plot or plots are buried adjacent or nearby the cemetery plot or plots requested.
- G. The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer, or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.

- H. The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 5. Purchase Price for Cemetery Plots; Indigent Burials

- A. Each cemetery plot shall cost the sum of \$100.00 for Township residents and taxpayers, \$300.00 for Van Buren County residents and taxpayers, and \$500.00 for non-residents and non-taxpayers. Cemetery plots for infants or cremains shall cost the sum of \$100.00 for Township residents and taxpayers, \$300.00 for Van Buren County residents and taxpayers, and \$500.00 for non-residents and non-taxpayers.
- B. All charges shall be paid to the Township Treasurer.
- C. The Township Board may waive some or all fees for the burial of indigent persons. Furthermore, the Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent persons.
- D. The Township Board may by resolution periodically alter the foregoing fees.

Section 6. Grave Opening Charges

- A. The Township may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.
- B. No cemetery plot shall be opened or closed except under the supervision of the Township Sexton, and the direction and control of the Township Clerk's office.

Section 7. Markers or Memorials; No Monuments

- A. All markers and memorials must be comprised of stone or other equally durable composition and shall be placed at the head of the cemetery plot facing the same direction as the markers and memorials around them. A flat marker comprised of stone or other equally durable composition may be placed flush with the ground on the grave when a cremation burial is placed on a full body vault burial.

- B. Except for monuments which existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item which exceeds thirty-eight (38) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than forty (40) inches above ground level, including the foundation. Unless exception is made by the Township Clerk when an infant is buried with a parent, only one (1) marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial, except a flat, flush set marker for a cremation burial placed on a full body vault burial. Markers shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than forty (40) inches above ground level, including the foundation. No advertising shall be allowed on said markers or memorial.
- C. The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township Sexton, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township. Cemetery plots shall be verified by the monument company with the Township Sexton prior to ordering placement of a foundation.
- D. Should any monument or memorial become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.
- E. The maintenance, repair, and upkeep of a cemetery memorial, marker, urn, or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance, or upkeep regarding any such marker, memorial, urn, or similar item.

Section 8. Interment Regulations

- A. One (1) person as full body vault burial and one (1) person cremation burial, or two (2) person cremation burials shall be buried in a cemetery plot, except for a parent and infant child.
- B. The Township shall be given not less than 36 hours prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township Sexton or such person or persons as are designated by the Township.

- C. The appropriate permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to the Township Sexton or his or her designee(s), prior to interment. Where such permit or form has been lost or destroyed, the Township Sexton must be satisfied, from his or her records, that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.
- D. The surface of all graves shall be kept in an orderly and neat appearing manner within the confines of the cemetery plot involved.

Section 9. Disinterments

- A. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses, and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit, or official, and a copy of the same has been filed with the Township. All disinterment's are to be supervised by the Township Sexton.
- B. The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

Section 10. Winter Burials

- A. The Township may charge additional fees for winter burials.
- B. If a winter burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until a spring burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.

Section 11. Cremains

- A. Cremains may be buried in a container approved by the Township in a cemetery plot or in a columbarium which has been installed by the Township within a Township cemetery.
- B. No cremains or human ashes shall be scattered or dispersed within a Township cemetery outside of designated Scatter Garden area and under the supervision of the Sexton.

Section 12. Decorations and Plantings

- A. Summer plot decorations of flower pots, urns may be placed and maintained at the head stones of graves from May 1 through September 30 of each year. Winter plot decorations, including grave blankets, may be placed and maintained from November 1 through March 31 of the following year. Flags and flag holders are provided for all Veterans. Flags are put in place each year just prior to Memorial Day.
- B. No tree, shrub, landscaping, or similar plantings shall be permitted by individuals. The Township will be responsible for all such plantings.
- C. Perennial flowers may be planted in urns or vases on either side of the memorial. Annual flowers shall be planted within 12 inches of the memorial and not extend past lot boundaries in full bloom. Cut flowers shall be allowed the same as annual flowers. Artificial flowers are to be placed on the sides or in front of memorials the same as regular flowers.
- D. To memorialize loved ones and to beautify and enhance the appearance of the Township cemeteries, the Township Board will provide a tree planting program. These trees may be purchased by you or your family independently or through the Township Board. All plantings will be done in an orderly fashion in accordance with the master plan established by the Township Board.
- E. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- F. Mounds, bricks, blocks, and any borders which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers, and other items which through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.
- H. Surfaces other than earth or sod are prohibited.
 - 1. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and plastic flower containers must be removed from the cemetery within 10 days after a burial.
- J. No glass containers or items are allowed in the cemetery except for markers, memorials, flowers, urns, solar lights, and iron works expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, signs, trellises, landscaping, bricks, stones, grave border materials, or other structures) shall be installed or maintained within a Township cemetery, nor shall any grading, digging, mounding, or similar alteration of the ground or

earth occur except as authorized by this Ordinance or by the Township for the purposes of decorating or adding plantings to grave sites.

Section 13. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in, and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident, or other calamity which might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of, or deterioration of any burial monument, headstone, flower urn, or other item placed at or near a cemetery plot, burial site, or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies, and holds harmless the Township for, from, and against any injury, damages, causes of action, claims, costs, and expenses associated with, relating to, and/or involving the cemetery plot or similar right, any headstone, monument, or similar items, and any matter related to the cemetery involved. Such waiver, release, and hold harmless provision shall apply not only to the Township, but also as to any Township employee, officer, official, or agent.

Section 14. Forfeiture of vacant cemetery plots

Cemetery plots sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- A. Notice shall be sent by the Township Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that that all rights with respect to said plots will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- B. No written response to said notice indicating a desire to retain the cemetery plots in question is received by the Township Clerk from the last owner of record of said plots, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 15. Repurchases of plots

The Township may repurchase any cemetery plot from the owner for a price set by the Township Board, upon the written request of said owner or his or her legal heirs or representatives.

Section 16. Records

The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits, and any other records of the Township related to Township cemeteries and the same shall be open to public inspection at all reasonable business hours.

Section 17. Vaults

- A. All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
- B. Cremains shall be in a container approved by the Township.

Section 18. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed at dusk until dawn the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to any Township official, a person accompanied by the Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 19. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- A. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.
- B. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- C. No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- D. There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- E. There shall be no destruction of cemetery property.
- F. There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery.
- G. There shall be no headstones, ornaments, fences, trellises, signs, or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.

- H. There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- I. There shall be no digging, grading, or mounding unless expressly authorized by this Ordinance.
- J. There shall be no driving of an automobile, truck, or any vehicle on any portion of a cemetery except the designated roads or drives.
- K. All unauthorized off-road motor vehicles are prohibited in the cemetery at all times, including, but not limited to snowmobiles, four-wheelers, go-carts, or similar motorized vehicles.
- L. There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- M. There shall be no disinterment or grave openings unless approved by the Township.
- N. There shall be no possession or consumption of any alcoholic beverage.
- O. There shall be no picnicking or consumption of food without prior Township approval.
- P. There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- Q. There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- R. There shall be no littering or dumping.
- S. There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- T. There shall be no private signs, moving displays, or changeable copy on a sign.
- U. There shall be no fires, candles, or open flames.
- V. No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- W. There shall be no exceeding of posted speed limits.
- X. There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped persons.

Y. No firearms or archery arrows shall be discharged or shot except that military or other Veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.

Z. No person shall engage in any fight, quarrel, or disturbance.

AA. Cremains or ashes of a deceased person shall not be scattered or dispersed.

BB. There shall be no dumping, vandalizing, or tipping over of any lawful garbage container or receptacle.

Section 20. Fees

The Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 21. Applicability of this Ordinance

A. This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.

B. The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.

C. The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Section 22. Interpretation by the Township Board

The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions, or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

Section 23. Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags) or other item which has

been placed, installed, left, or maintained in any Township cemetery in violation of this Ordinance, or any county, state, or federal law, statute, or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained, or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained, or kept in a Township cemetery unless expressly authorized by this Ordinance. Even if such an item is authorized to be installed, kept, maintained, or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from, or liability to the person or persons who installed, maintained, or left such item in a Township cemetery.

Section 24. Penalties

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 25. Township Officials Who Can Enforce this Ordinance

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Clerk
- Township Ordinance Enforcement Officer
- Any deputy of the county sheriff's department

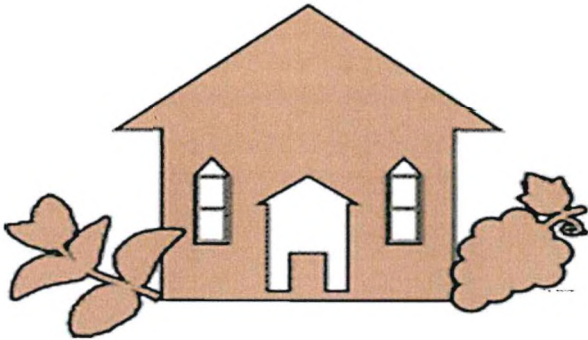
Section 26. Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 27. Effective Date; Conflicts

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Tina Leary, Clerk
Hamilton Township
P. O. Box 35
Decatur, MI 49045
269-268-0148



HAMILTON TOWNSHIP

VAN BUREN COUNTY
—= ESTABLISHED 1839 m—

Hamilton Township General Ordinances

8. Adult-Use Marijuana Opt-Out

Please see our website at www.hamiltontownshipmi.org

**TOWNSHIP OF HAMILTON
COUNTY OF VAN BUREN, STATE OF MICHIGAN**

ORDINANCE NO. 5-14-19-02

ADOPTED: May 14,2019

EFFECTIVE: June 22, 2019

PROHIBITION OF MARIJUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit Marijuana establishments within the boundaries of Hamilton Township pursuant to Initiated Law 1 of 2018, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE TOWNSHIP OF HAMILTON
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

**SECTION 1
TITLE**

This ordinance shall be known as and may be cited as the Hamilton Township Prohibition of Marijuana Establishments Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, as may be amended.

**SECTION III
NO MARIJUANA ESTABLISHMENTS**

Hamilton Township hereby prohibits all Marijuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018 as may be amended.

**SECTION IV
VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V
SEVERABILITY

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

SECTION VI
REPEAL

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

SECTION VII
EFFECTIVE DATE

This ordinance shall take effect 30 days after the date of publication, after adoption.

HAMILTON TOWNSHIP
Tina Leary, Clerk