

# **TOWNSHIP OF PIERSON**

**COUNTY OF MONTCALM, MICHIGAN**

## **GENERAL ORDINANCES**

(Including all amendments adopted through December 10, 2019)

## TABLE OF CONTENTS

		<b>Page</b>
<b>CHAPTER 1</b>	<b>TRASH ORDINANCE (ORD. NO. 90-1)</b> .....	<b>1-1</b>
Section 1.	<b>Definitions.</b> .....	1-1
Section I.	<b>Unlawful Acts.</b> .....	1-1
Section II.	<b>Penalty</b> .....	1-1
<b>CHAPTER 2</b>	<b>INOPERABLE MOTOR VEHICLE ORDINANCE (ORD. NO. 90-2)</b> .....	<b>2-1</b>
<b>CHAPTER 3</b>	<b>TRUCK ROUTE ORDINANCE (ORD. NO. 91-3)</b> .....	<b>3-1</b>
Section 1.	<b>Definitions.</b> .....	3-1
Section 2.	<b>Rule of Construction.</b> .....	3-1
Section 3.	<b>Truck Routes.</b> .....	3-1
Section 4.	<b>Prohibition Against Travel on Other Than Truck Routes</b> .....	3-2
Section 5.	<b>Exemptions.</b> .....	3-2
Section 6.	<b>Pick-ups, Deliveries, Service Calls.</b> .....	3-2
Section 7.	<b>Leaving or Returning to Home or Place of Business.</b> .....	3-3
Section 8.	<b>Special Permits.</b> .....	3-3
Section 9.	<b>Signs</b> .....	3-3
Section 10.	<b>Penalties.</b> .....	3-3
Section 11.	<b>Severability.</b> .....	3-3
Section 12.	<b>Administrative Liability.</b> .....	3-3
Section 13.	<b>Repeal.</b> .....	3-3
Section 14.	<b>Effective Date.</b> .....	3-4
<b>CHAPTER 4</b>	<b>ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE (ORD. NO. 93-2)</b> .....	<b>4-1</b>
Section 1.	<b>Title.</b> .....	4-1
Section 2.	<b>Anti-Noise Regulations.</b> .....	4-1
Section 3.	<b>Exception.</b> .....	4-2
Section 4.	<b>Validity.</b> .....	4-2
Section 5.	<b>Penalties.</b> .....	4-2
Section 6.	<b>Effective Date.</b> .....	4-2
<b>CHAPTER 5</b>	<b>BOAT LAUNCH ORDINANCE (ORD. NO. 96-1)</b> .....	<b>5-1</b>
Section 1.	<b>Authority.</b> .....	5-1
Section 2.	<b>Name.</b> .....	5-1
Section 3.	<b>Purpose.</b> .....	5-1
Section 4.	<b>Definitions.</b> .....	5-1
Section 5.	<b>Regulations.</b> .....	5-2
Section 6.	<b>Penalties.</b> .....	5-3
Section 7.	<b>Severability.</b> .....	5-3
Section 8.	<b>Repeal.</b> .....	5-3
Section 9.	<b>Effective Date.</b> .....	5-3

<b>CHAPTER 6</b>	<b>LAND DIVISION ORDINANCE (ORD. NO. 97-13).....</b>	<b>6-1</b>
Section 1.	<b>Title and Purpose. ....</b>	6-1
Section 2.	<b>Definitions. ....</b>	6-1
Section 3.	<b>Land Division Approval Required. ....</b>	6-2
Section 4.	<b>Application for Land Division Approval. ....</b>	6-2
Section 5.	<b>Minimum Requirements for Approval of Land Divisions. ....</b>	6-3
Section 6.	<b>Exempt Splits and Other Divisions not Subject to Approval.....</b>	6-4
Section 7.	<b>Approval of Land Division. ....</b>	6-5
Section 8.	<b>Penalties and Other Remedies. ....</b>	6-6
Section 9.	<b>Severability. ....</b>	6-6
Section 10.	<b>Effective Date.....</b>	6-6
<b>CHAPTER 7</b>	<b>ADULT USE ORDINANCE (ORD. NO. 98-__ ) .....</b>	<b>7-1</b>
Section 1.	<b>Regulation of Adult Uses. ....</b>	7-1
Section 2.	<b>Violations and Penalties.....</b>	7-4
Section 3.	<b>Effective Date.....</b>	7-4
<b>CHAPTER 8</b>	<b>PLANNING COMMISSION ORDINANCE (ORD. NO. _____) .....</b>	<b>8-1</b>
Section 1.	<b>General Provisions. ....</b>	8-1
Section 2.	<b>Transition.....</b>	8-1
Section 3.	<b>Membership and Officers.....</b>	8-1
Section 4.	<b>Powers and Duties.....</b>	8-3
Section 5.	<b>Meetings. ....</b>	8-3
Section 6.	<b>Notice; Effective Date. ....</b>	8-3
<b>CHAPTER 9</b>	<b>VIOLETIONS BUREAU ORDINANCE (ORD. NO. 2019-01).....</b>	<b>9-1</b>
Section 1.	<b>Title.....</b>	9-1
Section 2.	<b>Penalties. ....</b>	9-1
Section 3.	<b>Establishment, Location and Personnel of Municipal Ordinance Violations Bureau.....</b>	9-2
Section 4.	<b>Bureau Authority. ....</b>	9-2
Section 5.	<b>Ordinance Violation Notice Requirements.....</b>	9-2
Section 6.	<b>Record and Accounting. ....</b>	9-3
Section 7.	<b>Availability of Other Enforcement Options. ....</b>	9-3
Section 8.	<b>Severability. ....</b>	9-3
Section 9.	<b>Repeal. ....</b>	9-3
Section 10.	<b>Lien for Unpaid Penalties.....</b>	9-4
<b>CHAPTER 10</b>	<b>WINSLOW PARK ORDINANCE (ORD. NO. 2019-02) .....</b>	<b>10-1</b>
Section 1.	<b>Statement of Purpose. ....</b>	10-1
Section 2.	<b>Principles of Oversight. ....</b>	10-1
Section 3.	<b>Amendments. ....</b>	10-2
Section 4.	<b>Use Regulations. ....</b>	10-2
Section 5.	<b>Publication and Effective Date.....</b>	10-2

## CHAPTER 1

### TRASH ORDINANCE (ORD. NO. 90-1)

An ordinance to abate nuisances and preserve the public health, safety, and general welfare of the Township by regulating the storage and accumulation of trash and debris within Pierson Township and to provide penalties for the violation thereof.

#### THE TOWNSHIP OF PIERSON ORDAINS:

##### Section 1. **Definitions.**

- A. The term “Trash” and “Debris” are meant to include property of every kind that is customarily kept or used in a building or home, but that is outside of a building or home; examples include, but are not limited to the following: kitchen appliances, T.V.’s, clothing, empty cans, food containers, bottles, crockery, utensils and boxes. “Trash” and “Debris” also includes pieces of iron or metal, disconnected parts of motor vehicles or machinery, used lumber, ashes, garbage, industrial by-products or waste.
- B. The term “Person” as used herein shall include any person, legal entity, or corporation.

##### Section I. **Unlawful Acts.**

- A. It shall be unlawful for any person to accumulate, place, or allow or permit the accumulation or placing of trash or debris on any premises in the Township of Pierson.
- B. It is not un-lawful to accumulate, place, allow, or permit the accumulation of trash and debris:
  - 1. In a licensed junk yard.
  - 2. In receptacles for not longer than seven (7) days awaiting disposal.
  - 3. Temporarily outside of a building or home for a period not to exceed three (3) days.

##### Section II. **Penalty.**

Repealed by Ord. No. 2019-01.

Adopted: June 5, 1990  
Amended: June 11, 2019

## CHAPTER 2

### INOPERABLE MOTOR VEHICLE ORDINANCE (ORD. NO. 90-2)

An ordinance to abate nuisances and preserve the public safety and general welfare of the Township of Pierson by regulating the parking and storage of motor vehicles, motorized equipment, machinery and equipment.

#### THE TOWNSHIP OF PIERSON ORDAINS:

Motor vehicles of any kind or type without current license or registration plates shall not be parked or stored within the yards on any residential, agricultural, or commercially zoned property in the Township of Pierson; nor may any inoperable motorized equipment, machinery or equipment be parked or stored within said yards.

Inoperable motor vehicles, whether licensed or not, shall not be parked or stored within the yards on any residential, agricultural or commercially zoned property.

#### **Definitions.**

- A. **Inoperable motor vehicle** – a motor vehicle is inoperable when by reason of dismantling, disrepair, or any other cause, it is incapable of being propelled under its own power. Any motor vehicle that has a main component part missing or unattached shall be deemed to be dismantled. Motorized equipment includes snowmobiles, farm equipment that is normally propelled by a motor on the unit, lawn mowers, and any equipment that utilizes a motor in its operation.
- B. **Yard** – the area surrounding a building or home; the outside area (unenclosed) of vacant lots, or property within the boundaries of Pierson Township. A building is considered to be any structure that has a roof.

#### **Penalties.**

Repealed by Ord. No. 2019-01.

Adopted: June 5, 1990  
Amended: June 11, 2019

## CHAPTER 3

### TRUCK ROUTE ORDINANCE (ORD. NO. 91-3)

An ordinance to establish and regulate truck traffic routes; to prohibit truck traffic on other roads; and to provide penalties for the violation thereof.

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1. **Definitions.**

- A. **Implement of Husbandry** means every vehicle which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.
- B. **Road** means any street, highway or route within Pierson Township.
- C. **Semi-Trailer** means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.
- D. **Trailer** means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- E. **Truck** means every motor vehicle which is designed, used or maintained primarily for the transportation of property, except a pick-up truck for the transportation of property, except a pick-up truck, or a van designed so as to carry loads of no more than one ton.
- F. **Truck Tractor** means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- G. **Person** includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 2. **Rule of Construction.**

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 3. **Truck Routes.**

The following roads in Pierson Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- A. Federal Road.
- B. Cannonsville Road from Federal Road west to US 131 expressway.
- C. Amy School Road from Cannonsville Road south to Central Sanitary Landfill entrance.

**Section 4. Prohibition Against Travel on Other Than Truck Routes.**

Except as expressly permitted under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in Pierson Township on any road other than a designated truck route.

**Section 5. Exemptions.**

The truck route limitations prescribed in this Ordinance shall not apply to:

- A. Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property, or
- B. Implements of husbandry incidentally moved upon a road, or
- C. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township, or
- D. Garbage service vehicles while involved in the provision of services to residents of the Township, or
- E. Trucks hauling sand, gravel and other permitted mineral material from legally authorized sand and gravel pits and other legally authorized locations within the Township, and also such trucks when returning to such legally authorized sand and gravel pits and other legally authorized locations within the Township.

**Section 6. Pick-ups, Deliveries, Service Calls.**

A vehicles which would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups or deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the pick-ups, deliveries, or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

**Section 7. Leaving or Returning to Home or Place of Business.**

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized.

**Section 8. Special Permits.**

The Township Supervisor shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one round trip and in no case shall a permit be valid for a longer period than ten days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall, by resolution, set a fee for special permits.

**Section 9. Signs.**

The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

**Section 10. Penalties.**

Repealed by Ord. No. 2019-01.

**Section 11. Severability.**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

**Section 12. Administrative Liability.**

No officer, agent, or employee of Pierson Township, or member of the Township Board shall render himself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequences or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

**Section 13. Repeal.**

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are defined herein for purposes of interpretation, administration and enforcement of this Ordinance only will in no way, manner or form repeal, nulify or otherwise change the definition of any such terms as used in other ordinances of Pierson Township.



Section 14. **Effective Date.**

This Ordinance was approved and adopted by the Township Board of Pierson Township, Montcalm County, Michigan, on Tuesday, October 4, 1991 and is ordered to take effect on Monday, November 11, 1991, said date being 30 or more days after publication in a newspaper having general circulation in Pierson Township pursuant to the provisions of Public Act 191 of 1939, as amended.

Adopted: October 4, 1991  
Amended: January 6, 1998  
Amended: June 11, 2019

## CHAPTER 4

### ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE (ORD. NO. 93-2)

Ordinance to secure the public health, safety and general welfare of the residents and property owners of Pierson Township, Montcalm County, Michigan, by the regulation of noise within the Township; to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1. **Title.**

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

Section 2. **Anti-Noise Regulations.**

- A. **General Regulation.** No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township.
- B. **Specific Violations.** The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
1. The playing of any radio, phonograph, television or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
  2. Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
  3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
  4. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

Section 3.     **Exception.**

Pierson Township is primarily a rural, agricultural township. Excepted from the provisions of this Anti-Noise and Public Nuisance Ordinance are the usual farming noises, such as, but not restricted to, irrigation, ground preparation such as plowing, discing, planting and harvesting, and other related tractor and machinery operation noises, airplane spraying and fertilizing, etc.

Section 4.     **Validity.**

The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not effect or impair the validity of any other section or provision of this Ordinance.

Section 5.     **Penalties.**

Any person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction, be punished by a fine of not to exceed \$500.00 or by imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6.     **Effective Date.**

This Ordinance was approved and adopted by the Township Board of Pierson Township, Montcalm County, Michigan on the 2nd of November, 1993, and shall be effective immediately upon publication. Violations of this Ordinance are to be reported to the Montcalm County Sheriff Department at (517) 831-5253.

Adopted:     November 2, 1993

## CHAPTER 5

### BOAT LAUNCH ORDINANCE (ORD. NO. 96-1)

An ordinance to establish rules and regulations which shall govern the operation of Big Whitefish Lake Pierson Township Boat Launch.

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1. **Authority.**

The Township Board of Pierson Township of Montcalm County, Michigan pursuant to MCLA 211.44(3), MSA 7.87 of the laws of the State of Michigan hereby ordains and acts and publishes this Ordinance.

Section 2. **Name.**

This Ordinance shall be known as the Pierson Township Boat Launch Ordinance.

Section 3. **Purpose.**

The purpose of this Ordinance is to regulate activity, operation, and use of this area immediately surrounding the public boat launch owned by Pierson Township in Big Whitefish Lake to protect the general health, safety and welfare of the citizens of the Township particularly those using Big Whitefish Lake and the Pierson Township Boat Launch.

Section 4. **Definitions.**

**Usage.** For the purposes of this Ordinance certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the singular number include the plural, and words used in the plural number include the singular. The word "herein" means in this Ordinance; the word "regulation" means regulations of this Ordinance; and the words "this Ordinance" shall mean the ordinance text, as enacted or subsequently amended.

a. The "Pierson Township Boat Launch" means and includes the real property owned by Pierson Township on the shore of Big Whitefish Lake located in Pierson Township, Montcalm, Michigan.

b. A "person" includes a corporation, partnership and an unincorporated association of persons such as a club.

c. The "Township" is Pierson Township in the County of Montcalm, State of Michigan.

d. “Alcoholic liquors or beverages, alcohol and malt liquors” mean intoxicating liquors which can be used as a beverage in which, when drunk to excess, will produce intoxication.

e. “Tube or tubing” means any tube or floating device attached by rope to a motorized watercraft travelling at a speed greater than no wake speed.

f. “Waterskiing” means using a broad ski for skiing on water while being towed by a motor boat. In addition, the term waterskiing would include using any kneeboard or other similar device to glide across the water while being pulled by a motorized boat.

g. “No wake speed” is a speed by which no visible track of turbulence is left by something moving through the water.

h. “Picnic” means a meal eaten outdoors or on an excursion.

i. “To occupy” means to take or enter upon possession of the premises to possess to do business in, to take or to hold possession or actually use of an area.

j. “Destroy” means defined to damage or ruin the structure, organic existence or condition of a thing, to demolish, to injure or mutilate beyond possibility of use.

k. “Deface” means to mar or destroy the physical appearance of written or inscribed characters as expressive of a definite meaning of a written instrument signature description.

l. “Fight or fighting” means a hostile encounter, or altercation, or a physical or verbal struggle for victory.

#### Section 5. **Regulations.**

Any person or persons or groups of persons shall not do the following on or at the Pierson Township Boat Launch:

1. Consume alcoholic beverages or possess an open alcoholic beverage container.
2. Water ski, or tube, within 150 feet of the landing.
3. Operate a boat at greater than “no wake speed” within 150 feet of the Pierson Township Boat Launch or within 100 feet of adjacent docks.
4. Swim between the hours of 9:00 p.m. and 9:00 a.m. any day of the week.
5. Picnic, camp, grill, or to start any type of fire.
6. Park vehicles in any type of areas posted no parking or to park any type of vehicle or trailer partially or wholly in the lake waters adjacent to the Pierson Township Boat Launch.

7. Occupy the Pierson Township Boat Launch site for any reason between the hours of 10:00 p.m. and 4:00 a.m. daily except to launch fishing boats.

8. Engage in violent, abusive, loud, lude, wanton, obscene or otherwise disorderly conduct, or to obstruct the free passage of other persons, or to fight.

9. Destroy, damage, or remove any Township property, living tree or other vegetation.

10. Use this site for the purpose of boat engine tune-up or adjustment, or unnecessarily accelerate boat engines in or out of gear above idling speed.

11. Bring unleashed pets onto this launching site.

12. Remove, destroy, or deface posters, signs, or markers placed by the Township on the Pierson Township Boat Launch site.

**Section 6. Penalties.**

Repealed by Ord. No. 2019-01.

**Section 7. Severability.**

The section of 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 or competent jurisdiction, it shall not affect any other portion of the ordinance other than said part or portion thereof.

**Section 8. Repeal.**

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

**Section 9. Effective Date.**

This Ordinance shall take effect 30 days following first publication.

Adopted: June 4, 1996  
Amended: June 11, 2019

## CHAPTER 6

### LAND DIVISION ORDINANCE (ORD. NO. 97-13)

An ordinance to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this Ordinance.

**As adopted May 19, 1997 by Ordinance No. 97-13, with amendments through September 1, 1999**

#### Section 1. **Title and Purpose.**

- 1.1 This Ordinance shall be known as may be cited as the Pierson Township Land Division Ordinance.
- 1.2 The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act") in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.
- 1.3 This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

#### Section 2. **Definitions.**

Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.

- 2.1 "**Administrator**" means the township assessor.
- 2.2 "**Division**" or "land division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.
- 2.3 "**Exempt split**" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives,

successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.

- 2.4 **“Parcel”** means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- 2.5 **“Parent parcel”** or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- 2.6 **“Private road”** means a private road which complies with the requirements of the Township zoning ordinance.
- 2.7 **“Road authority”** means the governmental authority having jurisdiction of a public road or public street.
- 2.8 **“Resulting parcel(s)”** means one or more parcels which result from a land division.
- 2.9 **“Tract”** means two or more parcels that share a common property line and are under the same ownership.

### Section 3. **Land Division Approval Required.**

Any division of land, including any partitioning or splitting of land, within the Township which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4, 5 and 7 and other applicable provisions of this Ordinance.

### Section 4. **Application for Land Division Approval.**

- 4.1 A proposed land division shall be filed with the Administrator and shall include the following:
  - (a) A completed application, on such written form as the Township may provide, including any exhibits described therein.
  - (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land.
  - (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
  - (d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
  - (e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel



map, including the resulting parcels, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:

- (1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
  - (2) Proposed boundary lines and the dimensions of each parcel;
  - (3) An adequate and accurate legal description of each resulting parcel;
  - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
  - (5) The location, dimensions and nature of proposed ingress to and egress from any existing public and private streets;
  - (6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application; and
  - (7) If a resulting parcel is a development site (as defined in the Act), the location of all public utility easements serving the parcel.
- (f) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
- (g) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.2 commence, until all of the requirements for an application for land division approval have been complied with.

#### **Section 5. Minimum Requirements for Approval of Land Divisions.**

5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:

- (a) The application requirements of Section 4.
- (b) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Township zoning ordinance for the zoning district(s) in which the resulting parcels are located.
- (c) Each resulting parcel shall have the depth to width ratio specified by the Township zoning ordinance for the zoning district(s) in which the resulting parcel

is located. If the Township zoning ordinance does not specify a depth to width ratio, each resulting parcel which is 10 acres or less in area shall have a depth which is not more than four times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by the Township zoning ordinance for the measuring of the minimum width and maximum depth of parcels.

- (d) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street.
  - (e) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
  - (f) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- 5.2 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for the disapproval.
- 5.3 Any notice of approval of a division resulting in a parcel less than 1 acre in size shall contain a statement that the Township, its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109(a) of the Act, including requirements regarding suitability of on-site water supply and on-site sewage disposal, as described in Section 105(g) of the Act.
- 5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.
- 5.5 The Administrator shall maintain a record of all land divisions approved by the Township.

**Section 6. Exempt Splits and Other Divisions not Subject to Approval.**

- 6.1 An exempt split is not subject to approval by the Township if all resulting parcels are accessible (as defined in the Act) or if either Section 6.3(a) or 6.3(b) of this Ordinance applies.

- 6.2 The Township shall not permit the creation of an exempt split if one or more of the resulting parcels are not accessible unless either Section 6.3(a) or 6.3(b) of this Ordinance applies to all such inaccessible parcels.
- 6.3 An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval by the Township if the parcel or tract is not accessible and either of the following applies:
- (a) The parcel or tract was in existence on March 31, 1997.
  - (b) The parcel or tract resulted from an exempt split or other partitioning or splitting under Section 109b of the Act.

**Section 7. Approval of Land Division.**

- 7.1 A decision approving a land division shall be effective for not more than 90 days after such approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 90-day period:
- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s), shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
  - (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 90th day following such approval by the Administrator or, if appealed, by the Township Board.

- 7.2 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 7.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this Ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.
- 7.3 The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.
- 7.4 Any parcel created inconsistent with or in violation of this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning

ordinance approvals or other land use or building approvals under other Township ordinances.

**Section 8. Penalties and Other Remedies.**

Repealed by Ord. No. 2019-01.

**Section 9. Severability.**

The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this Ordinance.

**Section 10. Effective Date.**

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

Adopted: May 19, 1997  
Amended: September 1, 1999  
Amended: June 11, 2019

## CHAPTER 7

### ADULT USE ORDINANCE (ORD. NO. 98-\_\_)

An ordinance to regulate certain adult uses within the Township, and to provide penalties for the violation thereof.

THE TOWNSHIP OF PIERSON ORDAINS:

Section 1. **Regulation of Adult Uses.**

- (a) It is recognized that there are some land uses which, because of their very nature, have serious objectionable characteristics. This is particularly true when several such uses may be concentrated in proximity to other such uses or to residentially-zoned lands, thereby having a detrimental effect upon adjacent areas. Special regulation of these uses is necessary ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding areas. The regulations set forth in this Ordinance are for the purpose of preventing a concentration of objectionable uses within any one area, and to prevent the deterioration or blighting of nearby residential areas or neighborhoods. These regulations do not legitimate activities which are prohibited in other Township ordinances.
- (b) The regulations in this Ordinance are also for the purpose of prohibiting nudity (as defined herein) in or upon any premises licensed for the sale of alcoholic liquor. This Ordinance is adopted to protect the public health, safety and welfare pursuant to the authority granted by U. S. and State Law, including, without limitation, the regulations of the Michigan Liquor Control Commission, which expressly recognize the authority of local governmental units to prohibit nudity in liquor-licensed establishments. The Township Board hereby finds that prohibiting nudity in liquor-licensed establishments serves the legitimate governmental interest of the Township by preventing disturbances, criminal or other unlawful activity, and other undesirable activity that would more likely occur within or near such establishments if nudity were permitted on the same premises where alcoholic liquor is served.
- (c) The land uses that are subject to these regulations are the following:
  - (1) Adult retail stores;
  - (2) Adult theraters;
  - (3) Cabarets;
  - (4) Massage parlors; and
  - (5) Liquor licensed establishments.

(d) As used in this section, the following terms shall have the indicated meanings:

- (1) **Adult Retail Store.** An establishment having as a substantial or significant portion of its stock in trade which is for sale, lease, and/or display, books, magazines or other periodicals and/or videos which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to or viewing by patrons therein.
- (2) **Adult Theater.** Any establishment used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein for observation by patrons therein. The presentation of such material includes all methods of presentation, whether to groups or to individuals, including, but not limited to: motion pictures, still photos, slide projections, television, cable television and/or the playing of video recordings.
- (3) **Adult Use.** A building or other enclosure used for an Adult Retail Store, Adult Theater, Cabaret or Massage Parlor.
- (4) **Cabaret.** An establishment for entertainment which features topless dancers, strippers, male or female impersonators, or similar entertainers who exhibited “specified anatomical areas” or who exhibit “specified sexual activities” as defined herein for observation by patrons.
- (5) **Licensee.** A person or entity having a license to sell alcoholic liquor, beer, wine or any of them, and the owners, officers, agents, and employees of such person or entity.
- (6) **Massage Parlor.** Any establishment where massages are administered for pay, including, but not limited to, massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
- (7) **Nudity.** A state of undress so as to expose to the view of another person any of the following body parts, either directly or indirectly, including, but not limited to, exposure with less than a fully opaque covering all or part of the pubic region; all or part of the buttocks; all or part of the genitals; or any portion of the female breast below the top of areola. A woman’s breast-feeding of an infant does not constitute nudity.
- (8) **Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a

point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (9) **Specific Sexual Activities.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or the fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- (e) Nudity is prohibited in liquor licensed establishments, as stated in this subsection.
- (1) A licensee shall not permit or allow any person in a state of nudity to be in or upon premises that are licensed or subject to licensing by the Michigan Liquor Control Commission.
  - (2) A licensee shall not hire, employ, or procure a person to appear in a state of nudity in or upon premises licensed or subject to licensing by the Michigan Liquor Control Commission.
  - (3) No person shall appear in a state of nudity in or upon premises licensed or subject to licensing by the Michigan Liquor Control Commission.
  - (4) A licensee shall not permit or allow in or upon premises licensed or subject to licensing by the Michigan Liquor Control Commission the showing of films, television, slides, or other photographic, or other electronic reproductions which depict views or scenes wherein any person appears in a state of nudity. This prohibition shall not apply to any public broadcast television transmission from a federally licensed television station.
- (f) Adult uses shall comply with all of the following requirements:
- (1) An adult use shall not be located within a one thousand (1,000) foot radius of any other adult use.
  - (2) An adult use shall not be located within a one thousand (1,000) foot radius from any church, part, school, community center, public building, playground or school bus stop.
  - (3) An adult use shall not be located within five hundred (500) feet of any residentially-zoned land. If two (2) or more adult uses are conducted as one business, then said business shall be located a minimum of seven hundred fifty (750) feet from any residentially-zoned land.
  - (4) Any person massaging any customer or other person must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a school of massage therapy that is certified by the State of Michigan, or have such other similar qualifications as are approved by the Township Planning Commission. All massage clinics or establishments

are subject to inspection from time to time by the building inspector and shall be required to file an annual report to the Township, as to the names and qualifications or each person who administers massages under the authority or supervision of the massage establishment.

- (5) Establishments where adult uses are located shall not be enlarged or expanded in any manner or to any extent unless approved by the Township Planning Commission as a special land use under the applicable provisions of the Township zoning ordinance.

**Section 2. Violations and Penalties.**

- (a) Any person, corporation or firm who disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (b) A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be more than \$500 for the first offense and not less than \$500 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses 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 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- (c) Each day during which any violation continues shall be deemed a separate offense.
- (d) The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Section 3. Effective Date.**

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of provisions in a local newspaper of general circulation.

Adopted: \_\_\_\_\_



## CHAPTER 8

### PLANNING COMMISSION ORDINANCE (ORD. NO. \_\_\_\_\_)

An ordinance to continue the Township Planning Commission, in compliance with the Michigan Planning Enabling Act, Act 33 of the Public Acts of Michigan of 2008, and to provide for the membership, officers, duties and meetings of the Planning Commission, and other matters relating thereto.

THE TOWNSHIP OF PIERSON ORDAINS:

#### Section 1. **General Provisions.**

- 1.1 **Short Title.** This Ordinance shall be known and may be cited as the Pierson Township Planning Commission Ordinance.
- 1.2 **Statutory Authority.** This Ordinance is authorized by Public Act 33 of 2008, as amended. MCL 125.3801 et seq.
- 1.3 **Continuation of Planning Commission.** The existence and status of the Township Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.
- 1.4 **Repeal.** Any prior resolution establishing the Township Planning Commission is repealed.
- 1.5 **Definitions.** Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

#### Section 2. **Transition.**

All actions taken by the Township Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue but shall be subject to the terms hereof.

#### Section 3. **Membership and Officers.**

- 3.1 **Composition.** The Planning Commission shall consist of seven members.
- 3.2 **Appointment.** The Township Supervisor shall appoint each Planning Commission member, subject to the approval of the Township Board, by majority vote of the Board members elected and serving.
  - (a) **Qualifications of Members.** The members of the Planning Commission shall be qualified electors of the Township, except that one of such members need not be so qualified. To be and remain qualified as a member, an elector need not be

registered to vote, but shall reside and be eligible to register to vote in the Township. Appointment of one non-qualified elector to the Planning Commission is discretionary only.

- (b) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Township.
  - (c) **Township Board Member.** One member of the Planning Commission shall be a member of the Township Board. The term of a Township Board member on the Planning Commission shall be the same as the member's Township Board term. A Township Board member may not serve as chairperson of the Planning Commission.
  - (d) **Township Employees.** Township employees shall not be eligible for membership on the Planning Commission.
- 3.3 **Officers.** At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the commission shall also elect a secretary from among the remaining members. The secretary shall have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each officer shall be one year.
- 3.4 **Term of Office.** Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A member's term commences on the date of appointment and terminates three years from the date of appointment, except that a member shall continue to serve until his or her successor is appointed.
- 3.5 **Vacancies.** The Township Board shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term, and may be re-appointed to a full term.
- 3.6 **Removal.** The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.
- 3.7 **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Township Board may determine.
- 3.8 **Zoning Board of Appeals.** One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

Section 4. **Powers and Duties.**

- 4.1 **In General.** Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended, and applicable township ordinances.
- 4.2 **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:
- (a) **Bylaws and Other Matters.** The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Township Board.
  - (b) **Master Plan.** To guide the development of the Township, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.
  - (c) **Zoning Ordinance.** The Planning Commission shall administer the Township zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Township ordinances and state law.
- 4.3 **Reservations.** The Township Board retains the responsibility of adopting a capital improvements program for the Township.

Section 5. **Meetings.**

The Planning Commission may hold meetings as frequently as it determines but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

Section 6. **Notice; Effective Date.**

This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Township.

Adopted: December 2, 2008

## CHAPTER 9

### VIOLATIONS BUREAU ORDINANCE (ORD. NO. 2019-01)

AN ORDINANCE adopted pursuant to Public Act 12 of 1994 (MCL 600.8701, *et seq.*) to establish a municipal ordinance violations bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines and costs for such violations as prescribed herein and to repeal all conflicting ordinance or parts of ordinances.

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1. **Title.**

This Ordinance shall be known and cited as the Pierson Township Municipal Ordinance Violations Bureau Ordinance.

Section 2. **Penalties.**

- A. Unless penalty is provided by a separate Township Ordinance for violation of that Ordinance, the penalty for violation of an ordinance which is designated as a municipal civil infraction shall be as follows:
1. \$150 for the first violation.
  2. \$300 for a second violation within a three year period of the first violation.
  3. \$500 for a third and subsequent violations within a three year period of the first violation.
- B. For purposes of this section, an “offense” is considered to be subsequent to a prior offense if a violation for which same person admitted responsibility or was adjudicated to be responsible was committed by the same person within the stated time of a prior violation of the same provision.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. As an additional penalty, the violator shall be responsible for all costs, damages, expenses and actual reasonable attorney fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.

Section 3. **Establishment, Location and Personnel of Municipal Ordinance Violations Bureau.**

- A. **Establishment.** The Pierson Township Municipal Ordinance Violations Bureau (hereafter, the “Bureau”) is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions and to collect and retain civil fines and costs for such violations as prescribed herein.
- B. **Location.** The Bureau shall be located at the Township hall or other such location in the Township as may be designated by the Township Board.
- C. **Personnel.** All personnel of the Bureau shall be Township employees. The Township Board may by motion or resolution designate a Bureau clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

Section 4. **Bureau Authority.**

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served and to collect and retain the scheduled civil fines and costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines and costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Section 5. **Ordinance Violation Notice Requirements.**

- A. **Ordinance Violation Notice Requirements.** When there is reasonable cause to believe that a violation of this Code has occurred, civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:
  - 1. the violation;
  - 2. the time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
  - 3. the amount of the scheduled fines and costs for the violation;
  - 4. the methods by which the violation may be admitted or denied;
  - 5. the consequences of failing to pay the required fines and costs or otherwise contacting the Bureau within the required time;

6. the address and telephone number of the Bureau; and
7. the days and hours the Bureau is open.

**B. Denial of Responsibility.**

Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines and costs within the designated time period, the Bureau clerk or other designated Township employees shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

**Section 6. Record and Accounting.**

The Bureau clerk or other designated township official or employee shall retain a copy of all municipal ordinance violation notices and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines and costs collected with respect to such violations. The civil fines and costs collected shall be delivered to the Township Treasurer at such intervals as the treasurer shall require and shall be deposited in the general fund of the Township.

**Section 7. Availability of Other Enforcement Options.**

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

**Section 8. Severability.**

The provisions of this Ordinance are 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 9. Repeal.**

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

Section 10. **Lien for Unpaid Penalties.**

If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted by the court for such payment or satisfaction, in case of a violation involving the use or occupancy of a land or building or other structure, the Township may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs and assessments with the Montcalm County Register of Deeds. Such lien may be enforced and discharged by the Township in the manner provided by law.

Section 2. **Repeal of Misdemeanor Classification: 90-1.** Section III, “Penalties,” of Ordinance 90-1 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 3. **Repeal of Misdemeanor Classification: 90-2.** The paragraph entitled “Penalties,” of Ordinance 90-2 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 4. **Repeal of Misdemeanor Classification: 91-3.** Section 10, “Penalties,” of Ordinance 91-3 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 5. **Repeal of Misdemeanor Classification: 96-1.** Section 6, “Penalties,” of Ordinance 96-1 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 6. **Repeal of Misdemeanor Classification: 97-13.** Section 8, “Penalties and Other Remedies,” of Ordinance 97-13 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 7. **Publication and Effective Date.** A summary of this Ordinance shall be published in a newspaper of general circulation within the Township, as provided by law. This Ordinance shall take effect thirty (30) days after publication.

Adopted: June 11, 2019

**CHAPTER 10**  
**WINSLOW PARK ORDINANCE**  
**(ORD. NO. 2019-02)**

Ordinance to Regulate the Administration and Use of Winslow Park

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

**Section 1. Statement of Purpose.**

- A. This Ordinance applies to a portion of “Park B” dedicated in the plat of Winslow Park, recorded in the office of the Montcalm County Register of Deeds. The lands subject to this Ordinance are more specifically described in the Amended Order entered “In the Matter of the Vacation of the Plat of Winslow Park” on August 26, 1977 and are referred to in this Ordinance as “Winslow Park.”
- B. Winslow Park was dedicated to the use of the public when the plat of Winslow Park was recorded in 1923, and that dedication for public use was reflected in an exception to the vacation of the plat in plat vacation judgments entered in 1976 and amended in 1977. The plat placed no restrictions upon public use, except that the property shall not be used for camping.
- C. Winslow Park has been in public use for many years, and the Township has expended funds for maintenance and improvement of the park area.
- D. The purpose of this Ordinance is to formalize and memorialize the Township’s control and administration of Winslow Park.
- E. This Ordinance may be cited as the “Winslow Park Ordinance.”

**Section 2. Principles of Oversight.**

- A. The Township shall administer, maintain, and improve Winslow Park in accordance with provisions in the annual budget for the Park, plans for improvement and maintenance of the Park approved by the Township Board from time to time, and ordinances regulating the use of the Park.
- B. Winslow Park shall remain open to the public, subject only to closure on a temporary basis from time to time as necessary for improvements or maintenance, or to protect the Park or the public health, safety and welfare.
- C. Winslow Park shall be available without any admission charge or other fee for use.
- D. The Township shall not contract with a private party or association for comprehensive administration and oversight of Winslow Park. This shall not prevent the use of private contractors for specific functions such as maintenance, improvements, or security.



- E. The Township shall not grant any easement, permanent right of access, or other rights in Winslow Park to private parties, except such rights as have may already been granted by the Township or by court order, or for temporary events approved by the Township.
- F. No person shall place any fence, planting, boulders, landscaping, pavement, gravel, or any other encumbrance or improvement in Winslow Park. The Township Supervisor is authorized and directed to take appropriate action to remove any unauthorized encroachments.

**Section 3. Amendments.**

The provisions of this Ordinance may be amended only following notice and public hearing. Notice of public hearing shall be published in a newspaper of general circulation within the Township at least 30 days prior to the public hearing, and shall contain the date, time and place of the public hearing, a summary of the proposed amendment, and an identification of where a complete copy of the proposed amendment may be obtained and reviewed.

**Section 4. Use Regulations.**

This Ordinance does not amend or restrict the Pierson Township Boat Launch Ordinance, No. 96-1, which remains in full force and effect.

**Section 5. Publication and Effective Date.**

A summary of this Ordinance shall be published in a newspaper of general circulation within the Township, as provided by law. This Ordinance shall take effect thirty (30) days after publication.

Adopted: December 10, 2019