

PIERSON TOWNSHIP
Montcalm County, Michigan
ORDINANCE NO. 92-1

An Ordinance to preserve the public safety and general welfare of the Township of Pierson by regulating the use of fertilizers within 300 feet of Big Whitefish Lake, providing for the abatement of violations as nuisances, and providing penalties for its violation.

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

SECTION 1. DEFINITIONS. As used in this Ordinance the following terms are defined as follows:

- a. "Fertilizer" means any commercially available natural or synthetic material containing manure, nitrogen, phosphorus or potassium used to increase the fertility of soil.
- b. "Persons" means any individual, firm, public or private corporation, partnership, trust, agency, or any other entity or any group of such persons.
- c. "Lakeshore" means the water's edge of Big Whitefish Lake, located in Pierson Township, as represented by the meander line on the government plat of Big Whitefish Lake.
- d. "Notice to Abate Nuisance" means a writing notifying the owner or occupant of real property upon which a nuisance or nuisance exists to abate same within the time specified in such Notice.

SECTION 2. REGULATION OF FERTILIZERS WITHIN 300 FEET OF THE LAKESHORE. No Person shall apply, deposit, leave, maintain, place, use, or permit another Person to apply, deposit, leave, maintain, place or use any Fertilizer on any property within 300 feet of the Lakeshore or otherwise apply, deposit, leave, maintain, place or use any Fertilizer in any manner by which Fertilizer could enter into Big Whitefish Lake.

SECTION 3. DECLARATION OF NUISANCE. Any violation of this Ordinance constitutes a public nuisance which may be abated as provided in this Ordinance, any other ordinance of the Township of Pierson pertaining to the abatement of nuisances, and any applicable provision of state law.

SECTION 4. NOTICE TO ABATE NUISANCE. Whenever any officer of the Township shall determine that there exists a nuisance within the meaning of this Ordinance, such officer shall cause a Notice to be served on the owner or occupant of the premises on which the nuisances exist, requiring such person to abate the nuisance within the time specified in the Notice. Service of the Notice shall be made;

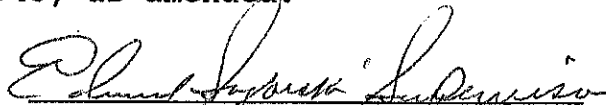
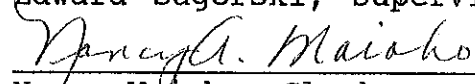
- a. by delivering the Notice to owner or occupant, personally, or by leaving the same at his/her residence, office, or place of business with some person of suitable age and discretion; or
- b. by mailing the Notice by certified mail to such owner or occupant at his/her last known address; or
- c. if the owner or occupant is unknown, by posting the Notice in some conspicuous place on the premises for five (5) days.

SECTION 5. PENALTY. The violation of any provision of this Ordinance, shall, upon conviction, be punished by fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days or both, except whenever a specific penalty is otherwise provided. In addition to the penalties provided herein, any condition caused or permitted to exist as a violation of this Ordinance shall be deemed a new and separate offense for each day that such condition continues to exist. In addition to any penalty under this Section, any condition which constitutes a violation of this Ordinance may be abated by Pierson Township as a nuisance.

SECTION 6. REPEAL. All Ordinances or parts of Ordinances previously adopted inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 7. SEVERABILITY. Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence or clause hereof be declared by a court of competent jurisdiction to be unconstitutional, invalid, or be rejected by referendum or similar process, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than that part so declared to be unconstitutional, invalid, or rejected.

SECTION 8. EFFECTIVE DATE. This Ordinance was adopted by the Pierson Township Board at a Regular meeting on March 3, 1992, and will take effect thirty (30) days after its publication as provided by Public Act 246 of 1945, as amended.


 Edward Sagorski, Supervisor

 Nancy Maioho, Clerk

CERTIFICATE

I, NANCY A. MAIOHO, the Clerk for Pierson Township, Montcalm County, Michigan, do hereby certify that the foregoing Resolution was adopted at a *regular* meeting of the Pierson Township Township Board held on *March 3*, 1992. The following members of the Township Board were present at that meeting:

Vukin, Bergman, Paepke, Maioho
Sagorski

The following members were absent:

The Ordinance was adopted by the Township Board as follows:
Members Voting Aye: Members Voting Nay:

Vukin
Paepke
Bergman
Maioho
Sagorski

The Ordinance was published in the *Greenville Daily News* on *March 12*, 1992.

Attested Copy filed with the Montcalm County Clerk: *March 11, 92*

Nancy A. Maioho
Nancy A. Maioho, Township Clerk