CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.

ROLL CALL

APPROVAL OF AGENDA – OR CHANGES

APPROVAL OF CONSENT AGENDA

Regular Board Meeting Minutes – December 4, 2018
Treasurer's Report
Clerk’s Warrants and Bills

COMMUNICATIONS
1. Planning Commission Approved Meeting Minutes- October 9, 2018
2. Planning Commission Meeting Synopsis- December 11, 2018
3. Laurel Springs Subdivision Road Improvement Schedule

PUBLIC REMARKS

UNFINISHED BUSINESS

NEW BUSINESS
1. Ledgewood Ravine review.
2. Yasin land division application.
3. Resolution 181202 Reimbursement for the Laurel Springs Road Improvement Project.
4. Resolution 181203 to Proceed with the Laurel Springs Road Improvement Project and Direct the Preparation of the Plans and Cost Estimates.
5. Resolution 181204 to Approve the Laurel Springs Road Improvement Project, Schedule the First Hearing and Direct the Issuance of Statutory Notices.
7. Revisions to the Sewer Use and Rate Ordinance No. 43.
8. Revisions to Zoning Ordinance Section 21.55 Medical Marijuana Uses.
10. Additional compensation request for Planning Commission Chairman.
11. Closed session for real estate acquisition.

MISCELLANEOUS BUSINESS

PUBLIC REMARKS

ADJOURNMENT

* * * * * * * * * * * * * * * *

Supervisor Mike Cunningham        Clerk Marcella Husted

Please note: The Public Remarks section appears twice on the agenda - once after Communications and once before Adjournment. Anyone wishing to address the Township Board may do so at these times. The Tyrone Township Board of Trustees has established a policy limiting the time a person may address the Township Board at a regular or a special meeting during the Public Remarks section of the agenda to three minutes. The Board reserves the right to place an issue under the New Business section of the agenda if additional discussion is warranted or to respond later either verbally or in writing through an appropriately appointed Township Official. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk at (810) 629-8631 at least seven days prior to the meeting.
CONSENT AGENDA
CALL TO ORDER
Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on December 4, 2018 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL
Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Jennifer Eden, Trustees Al Pool, Soren Pedersen and David Walker. Absent: Trustee Chuck Schultz.

APPROVAL OF AGENDA – OR CHANGES
Trustee Walker moved to approve the agenda as presented. (Trustee Pool seconded.) The motion carried; all ayes.

APPROVAL OF CONSENT AGENDA
Regular Board Meeting Minutes – October 16, 2018
Regular Board Meeting Minutes – November 20, 2018
Clerk’s Warrants and Bills

Trustee Pool moved to approve the consent agenda as presented. (Trustee Walker seconded.) The motion carried; all ayes.

COMMUNICATIONS
1. Livingston County Sheriff’s Report- October 2018.

Trustee Walker moved to receive and place on file Communications #1-2 as presented. (Trustee Walker seconded.) The motion carried; all ayes.

PUBLIC REMARKS
Doug James (White Lake Rd.) asked questions about the gravel pit.

UNFINISHED BUSINESS
None.

NEW BUSINESS
1. Erin Faulkner fire appeal.

Trustee Walker moved to waive Erin Faulkner's fire service charge. (Trustee Pool seconded.) The motion carried. Ms. Faulkner did not request emergency service; her insurance company generated the service when they called dispatch.
2. **Macklin-Waldron boundary realignment.**

Trustee Pool moved to approve the request of Wayne and Shawn Macklin for boundary realignment of parcel 4704-09-400-021 to convey a portion to parcel 4704-09-401-041, owned by C.J. Waldron, as recommended by the Planning Commission. (Trustee Walker seconded). The motion carried; all ayes.

3. **Ledgewood Ravine Site Condo final site plan approval.**

Supervisor Cunningham moved to approve the final site plan of the Ledgewood Ravine Site Condo development, pending review from Spicer Engineering. (Trustee Pool seconded.) The motion carried; all ayes.

4. **Board of Review appointments.**

Trustee Walker moved to reappoint John Wiese, Eugene Rodgers, and John Chad to the Board of Review for 2-year term from January 1, 2019 to December 31, 2020.

5. **2018-2019 budget amendment.**

Trustee Walker moved to approve the 2018-2019 budget amendment to include the Lake Shannon Road Improvement Project special assessment. (Trustee Pool seconded.) The motion carried; all ayes.

6. **Quote to replace the furnace in the old town hall building.**

Trustee Walker moved to accept the quote for $3750.00 from Macklin Mechanical Co. to replace the furnace in the historic town hall. (Trustee Pool seconded.) The motion carried; all ayes.

7. **Ordinance to prohibit marihuana establishments.**

   **RESOLUTION #181201**

TOWNSHIP OF TYRONE
COUNTY OF LIVINGSTON, STATE OF MICHIGAN

PROHIBITION OF MARIHUANA ESTABLISHMENTS
ORDINANCE NO. 48

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Tyrone Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et. seq., 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 TYRONE
LIVINGSTON COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

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

SECTION II
DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et. seq., as may be amended.

SECTION III
NO MARIHUANA ESTABLISHMENTS

Tyrone Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et. seq., 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 subjects the violator to enforcement provisions as set forth in Tyrone Township Enforcement Ordinance, Ordinance 22. The Tyrone Township Enforcement Ordinance provides for a maximum penalty of 90 days in jail. A violation is further punishable by a fine of not 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 January 8, 2019.

RESOLVED BY: Trustee Walker
SUPPORTED BY: Trustee Pool

VOTE: Pedersen, yes; Cunningham, yes; Walker, yes; Eden, yes; Husted, yes; Pool, yes; Schultz, absent.

ADOPTION DATE: December 4, 2018
PUBLICATION DATE: December 9, 2018
EFFECTIVE DATE: January 8, 2019
CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of the Prohibition of Marihuana Establishments Ordinance No. 48 adopted by the Township Board at a regular meeting, held on December 4, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Marcella Husted
Township Clerk

8. Request for payment deferral on sewer REU.

Trustee Walker moved to approve sewer REU hardship payment deferral on parcel 4704-09-300-014. (Trustee Pool seconded.) The motion carried; all ayes.

MISCELLANEOUS BUSINESS
None.

PUBLIC REMARKS
Nancy Mashburn (Denton Hill Rd.) asked the status of the gravel pit.

ADJOURNMENT
Trustee Pedersen moved to adjourn. (Trustee Pool seconded.) The motion carried; all ayes. The meeting adjourned at 7:25 p.m.
**TYRONE TOWNSHIP TREASURER’S REPORT**

**Period ending NOVEMBER, 2018**

### INVESTMENTS

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<tr>
<th>Fund</th>
<th>Interest Ckg</th>
<th>ICS</th>
<th>Int Rate</th>
<th>Michigan Class</th>
<th>Int Rate</th>
<th>FLG PEG CD matured</th>
<th>Int Rate</th>
<th>Grand Totals Each Fund</th>
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<td>General 101</td>
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<tr>
<td>Parks/Recreation 208</td>
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<td>Liquor Control 212</td>
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<td>Road 245</td>
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<td>$253,705.95</td>
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<td>Peg 274</td>
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<td>Jayne Hill Lts 218</td>
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<td>Walnut Shores Lts 219</td>
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<td>Laurel Springs Rd IMP 400</td>
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**Account Totals**

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<th>$ 2,391,060.09</th>
<th>$440,080.34</th>
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**Health Flex Spending 101**

<table>
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<th>Health Flex Spending 101</th>
<th>The State Bank</th>
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<tr>
<td>FSA Account ($10K Loan to Open)</td>
<td>$ 9,237.92</td>
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<td>$ 9,237.92</td>
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**Public Safety- 205**

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<th>Public Safety- 205</th>
<th>Public Safety Total</th>
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<tr>
<td>Public Safety 205 - State Bank checking</td>
<td>$ 35,520.88</td>
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<td>Public Safety 205 - State Bank Savings</td>
<td>$ 6,279.36</td>
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<td>Public Safety 205 - Level One Bank</td>
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<td>Public Safety ICS- 205 State Bank</td>
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**TYRONE TOWNSHIP SEWER 2003- 392**

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<tr>
<th>TYRONE TOWNSHIP SEWER 2003- 392</th>
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<tr>
<td>Debt Service 392 Flagstar Bank</td>
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<td>Flagstar CDARS 2003 (matures 10/25/2019)(9361)</td>
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<td>Flagstar CD 2003 (matures 4/1/2019)(3879)</td>
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<td>Flagstar CDARS 2003 Fund Matures 6/20/19)(0913)</td>
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<td>$ 2,405,190.90</td>
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**Road Improvements-**

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<th>Road Improvements-</th>
<th>Road Improvement Total</th>
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<td>Parkin Lane Rd 2010 (396)</td>
<td>$ 23,972.67</td>
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<td>Lake Shannon 2018 (399)</td>
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<td>Laurel springs (400)</td>
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<td>CIBC- Parkin Lane CD(matures 5/13/19)</td>
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**SEWER O&M CHECKING ACCT- 590**

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<tr>
<td>Sewer Operation and Maintenance CK (5710)</td>
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<td>Sewer Operation and Maintenance SV (4865)</td>
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<td>O&amp;M CDARS (matures 8/15/2019)(8787)</td>
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**TRUST & AGENCY- 701**

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<tr>
<th>TRUST &amp; AGENCY- 701</th>
<th>Trust &amp; Agency Total</th>
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<tr>
<td>Township Trust and Agency 701 Savings</td>
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<td>Township Trust and Agency 701 Checking</td>
<td>$ 9,323.40</td>
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<td>$ 10,832.22</td>
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<td>$ 4,905,556.30</td>
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**Total Township Monies**

<p>| Total Township Monies | $ 9,512,576.09 |</p>
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<tr>
<th>Check Date</th>
<th>Bank</th>
<th>Check</th>
<th>Vendor Name</th>
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<td>12/04/2018</td>
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<td>21660</td>
<td>AMERIGHARD SELF MINI STORAGE</td>
<td>STORAGE UNIT DEC. 2018</td>
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<td>BOLLIN ELECTRIC, INC.</td>
<td>REPLACED ELECTRIC ADAPTER &amp; FUSE IN OLD</td>
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<td>12/04/2018</td>
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<td>CONSUMERS ENERGY</td>
<td>TWP HALL ELECTRIC 10.23.18 TO 11.25.18</td>
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<td>ELECTIONSOURCE</td>
<td>CANVAS BALLOT BAGS (8)</td>
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<td>KCI</td>
<td>WINTER TAX &amp; NEWSLETTER PRINTING &amp; POSTA</td>
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<td>12/04/2018</td>
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<td>LIVINGSTON COUNTY CLERK</td>
<td>NOV. ELECTION PROGRAMMING, SUPPLIES, NOT</td>
<td>1,566.16</td>
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<td>12/04/2018</td>
<td>001</td>
<td>21666</td>
<td>LIVINGSTON COUNTY TREASURER</td>
<td>MORTGAGE DISCHARGES FOR BOLDT &amp; MCDOWELL</td>
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<td>12/04/2018</td>
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<td>MACKLIN MECHANICAL COMPANY</td>
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<td>PEDIGO, MARYANN</td>
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<td>12/04/2018</td>
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<td>REPUBLIC SERVICES#237</td>
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<td>SHOEMAKER SERVICES INC</td>
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001 TOTALS:
Total of 26 Checks: 15,143.84
Less 0 Void Checks: 0.00
Total of 26 Disbursements: 15,143.84

Bank 022 STATE BANK - PUBLIC SAFETY checking

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022 TOTALS:
Total of 3 Checks: 26,067.00
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## CHECK REGISTER FOR TYRONE TOWNSHIP

**CHECK DATE FROM 11/29/2018 - 12/13/2018**

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**REPORT TOTALS:**

Total of 38 Checks: 120,291.31
Less 0 Void Checks: 0.00
Total of 38 Disbursements: 120,291.31
COMMUNICATION #1
TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING MINUTES
October 9, 2018 7:00 p.m.

PRESENT: Mark Meisel, Dave Wardin, Kurt Schulze, Al Pool, Perry Green, and Kim Veenstra

ABSENT: Bill Wood

OTHERS PRESENT: Tyrone Township Planner Greg Elliott and Tyrone Township Planning & Zoning Administrator Ross Nicholson

CALL TO ORDER (7:09 pm): The meeting was called to order by Chairman Mark Meisel.

PLEDGE OF ALLEGIANCE (7:09 pm):

CALL TO THE PUBLIC (7:10 pm):

No comments were received.

APPROVAL OF THE AGENDA (7:11 pm):

The approval of the August 14, 2018 Regular Meeting Minutes was deferred. The Grohoski Request for a 1200 Square Foot Accessory Structure Application was withdrawn by the applicant.

Kurt Schulze moved to approve the agenda as amended. Al Pool supported the motion. Approved as presented. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES (7:13 pm):

August 14, 2018 Regular Meeting Minutes:

The August 14, 2018 Regular Meeting Minutes were deferred.

OLD BUSINESS #1 (7:13 pm): Cider Mill Crossings Second Entrance:

Chairman Meisel introduced the topic by briefly summarizing where the Planning Commission has left off. He stated that the Planning Commission and Planner have reviewed the plans for the proposed conversion of the existing emergency entrance to a primary entrance and the consensus was that a boulevard/separated approach would be preferred over the current proposal for an unseparated approach. He continued, stating that the Planning Commission also has concerns about the width and radius of the internal road system beyond the approach, noting that it may present potential difficulties for maneuvering large emergency vehicles such as the Fire Department’s tanker trucks, especially if there were any vehicles parked along the road(s). He suggested that the Hartland-Deerfield Fire Chief should be contacted and asked to review the plans for the proposed entrance and existing internal road system to determine whether or not he
would approve of the approach as proposed and to provide comments on the potential for the
Department’s vehicles to maneuver near that area. The Planning Commission agreed that the
Fire Chief’s review will be necessary to determine whether or not the proposed design would be
acceptable. A brief discussion on the approach, internal road system, and possible no-parking
zones followed. (note: The applicant was not present)

No action was taken.

*The item was closed at 7:24 pm.*

**NEW BUSINESS #2 (7:24 pm): Solar Farm Regulations:**

Chairman Meisel introduced the topic with a brief summary of the aspects of the proposed
ordinance text the Planning Commission had previously discussed. He went through a list of the
latest revisions proposed for the draft. He asked Greg Elliot if he could provide an explanation
of the separation between lease unit boundaries by a roadway as it was currently written in the
draft. Greg Elliot elaborated and explained that the purpose of the specified text is to clearly
define lease unit boundaries so they can be easily identifiable. A brief discussion on lease unit
boundaries and other recent revisions to the draft were discussed between the Planning
Commission and Planner.

No action was taken.

*The item was temporarily closed at 7:43 pm.*

**PUBLIC HEARING #1 (7:44 pm): Grohoski Request for a 1200 Square Foot Accessory
Structure:**

The application was withdrawn by the applicant prior to the meeting.

*The item was closed at 7:44 pm.*

**PUBLIC HEARING #2 (7:44 pm): Betley Detached Accessory Structure on Adjacent Lot:**

Chairman Meisel read the public hearing notice that had been published in the Tri County Times
on Sunday September 23rd, 2018:

"Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on
Tuesday, October 9, 2018, beginning at 7:30 at the Tyrone Township Hall, 10408 Center Road, Fenton,
Michigan 48430. The purpose for the Public Hearing is: To receive public comments regarding a request
by Mark & Molly Betley, for a Detached Accessory Structure on Adjacent Lot Special Land Use on
combined Lots 58 & 59 of the Plat of Runyan Lake Heights, regulated by Zoning Ordinance #36 Article 23
Site Plan Review, Article 22 Special Land Uses, and Article 21 Supplemental District Regulations, also
subject to compliance with the percent lot coverage and placement standards in Article 20, Schedule of
Regulations, Tax ID 4704-09-402-056. The property is zoned LK-1, Lake Front Residential."

Chairman Meisel asked if there was anyone in attendance who would like to make public
comments or questions pertaining to the application. There were no people present who wished
to comment on the application aside from the applicant, Mark Betley.
Chairman Meisel closed the public hearing at 7:47 pm.

Dave Wardin made a motion to suspend the order of business to move New Business Item #2 (Betley Detached Accessory Structure on Adjacent Lot Application) above all other Business Items. Al Pool supported the motion. The motion carried by unanimous voice vote.

NEW BUSINESS #2 (7:49 pm): Betley Detached Accessory Structure on Adjacent Lot:

Greg Elliott read through the McKenna review letter he had prepared for the application. There was discussion throughout the reading of the review between the Planner, the Planning Commission, and the applicant, addressing each item in the letter. The Planning Commission arrived at the consensus that the applicant has demonstrated compliance with all requirements and standards for the proposed Special Land Use except for two (2); a detailed landscaping plan and recordable deed restrictions.

It was suggested to the applicant that he could provide photographs of the subject property and adjacent properties to fulfill the landscaping plan requirement since it was explained that the site landscaping (as shown on the site plan) has already been completed. Chairman Meisel suggested that Ross Nicholson should consult with the Township Attorney regarding the recordable deed restrictions to ensure that they will comply with the requirements for the Special Land Use. He stated that once the deed restriction language is drafted, the Planning Commission Subcommittee could review it and, once they are satisfied, the document could be notarized and recorded with the Livingston County Register of Deeds (LCROD).

Dave Wardin made a comment that there is a private road easement on the Runyan Lake Heights Plat for “Runyan Drive” directly adjacent to the subject property which means that there should be two (2) front yard setbacks. The site plan submitted by the applicant did not reflect that there were 2 front yard setbacks which could be problematic. There was a brief discussion between the Planner, Planning Commission, and applicant regarding the status of the private road easement and possible remedies for the dilemma. It was determined that the applicant should provide an updated statement from the Runyan Lake Heights Association (RLHAI) stating that there is no plan or intent to develop a road in the location of the undeveloped private road easement for “Runyan Drive”. The consensus was that if the Association is agreeable with providing the revised document, the undeveloped private road easement would not be considered a road and, therefore, the subject property would not be required to maintain a front yard setback along the abutting property line.

Al Pool moved to recommend Township Board approval of the Betley Special Land Use application conditional upon providing photos to fulfill the landscaping plan requirement, providing deed restrictions in a recordable format, and providing updated documentation from the RLHAI stating that there is no intent to develop “Runyan Drive”. Perry Green supported the motion. The motion carried by unanimous voice vote.

The item was closed at 9:23 pm.

NEW BUSINESS #2 (9:24 pm): Solar Farm Regulations (Continued):
Chairman Meisel picked up where he had left off when the item was temporarily closed for the public hearing. The Planning Commission briefly discussed the status of the draft ordinance text. It was determined that the draft was nearly complete but should be revisited again prior to holding the required public hearing.

The item was closed at 9:34 pm.

**MISCELLANIOUS BUSINESS (9:34 pm):**
Chairman Meisel polled the Planning Commission, inquiring about whether or not the next workshop meeting should begin at 6:00 pm or 7:00 pm. The Planning Commission determined that 6:00 pm would work best for them.

The meeting was adjourned at 9:36 pm.
COMMUNICATION #2
TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING SYNOPSIS
December 11, 2018 7:00 p.m.

Present: Mark Meisel, Dave Wardin, Kurt Schulze, Al Pool, Kim Veenstra, and Bill Wood.

Absent: Perry Green.

Approved the agenda as presented.

APPROVAL OF THE MINUTES:
1) Approved the October 9, 2018 Regular Meeting & Public Hearing minutes as presented.

OLD BUSINESS:
1) Cider Mill Crossings Second Entrance – Tabled the application pending receipt of amended documents and the applicant attending a meeting.
2) Medical Marijuana Regulation Amendments – Recommended the Township Board adopt amended regulations which are deemed compliant with a recent Court of Appeals decision.
3) Solar Farm Regulations – Reviewed prior proposed text changes. No action was taken.

NEW BUSINESS:
1) Yasin LLC Land Division – Recommended Township Board approval with conditions.
2) Recreational Marijuana Regulations – Preliminary discussion of proposed regulations.
3) Schedule Public Hearing – was deferred to a future meeting.
4) Noise Regulations Discussion – Discussed comments regarding interpretation from the Zoning Administrator.

MISCELLANEOUS BUSINESS:
1) None

ADJOURNMENT: The meeting adjourned at 9:48 P.M.
COMMUNICATION #3
## Tyrone Township

### Outline of Steps Required for the Financing of the Laurel Springs Subdivision Road Improvement Project

<table>
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<tr>
<th>Step</th>
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<tbody>
<tr>
<td>1.</td>
<td>Collect Petition Signatures and present Petitions to Township Board</td>
<td>Summer and Fall 2018</td>
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<tr>
<td>2.</td>
<td>Adopt Resolution No. 1 – Reimbursement Resolution</td>
<td>December 18, 2018</td>
</tr>
<tr>
<td>3.</td>
<td>Adopt Resolution No. 2 – Resolution to Proceed and Directing Preparation of Plans and Cost Estimates</td>
<td>December 18, 2018</td>
</tr>
<tr>
<td>4.</td>
<td>Adopt Resolution No. 3 – Resolution Approving the Project and Scheduling First Hearing and Directing Issuance of Statutory Notices</td>
<td>December 18, 2018</td>
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<tr>
<td>5.</td>
<td>Prepare Preliminary Plans and Specifications for the Project</td>
<td>Completed</td>
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<tr>
<td>6.</td>
<td>Notices of First Hearing:</td>
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<tr>
<td></td>
<td>- Mailed by First Class Mail at Least 10 Days Before the Hearing</td>
<td>December 27, 2018</td>
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<tr>
<td></td>
<td>- Published in Tri-County Times at Least 10 Days Before the Hearing</td>
<td>December 30, 2018</td>
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<td></td>
<td>- Published in Tri-County Times Within 10 Days of the Hearing</td>
<td>January 6, 2019</td>
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<td>8.</td>
<td>Construction Bids for the Project are Confirmed</td>
<td>January 22, 2019</td>
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<td>9.</td>
<td>Prepare Final Cost Estimates</td>
<td>January 22, 2019</td>
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<tr>
<td>10.</td>
<td>Special Assessment Roll is Prepared and Filed with the Township Clerk</td>
<td>January 22, 2019</td>
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<td>11.</td>
<td>Adopt Resolution No. 4 – Resolution Approving Plans, Cost Estimates, Special Assessment District and Causing the Special Assessment Roll to be Prepared</td>
<td>February 5, 2019</td>
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<td>12.</td>
<td>Adopt Resolution No. 5 – Resolution Scheduling the Second Hearing and Directing the Issuance of Statutory Notice</td>
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<td>13.</td>
<td>Notice of Second Hearing</td>
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<td>- Mailed by First Class Mail at Least 10 Days Before the Hearing</td>
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<td>14.</td>
<td>Hold Second Public Hearing [Hearing on the Special Assessment Roll; Objections]</td>
<td>March 5, 2019</td>
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<td>15.</td>
<td>Adopt Resolution No. 6 – Resolution Confirming the Special Assessment Roll</td>
<td>March 5, 2019</td>
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<td>16.</td>
<td>Adopt Resolution No. 7 – Bond Authorizing Resolution</td>
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<td>17.</td>
<td>Expiration of 30-day Period for Challenging Special Assessments</td>
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<td>18.</td>
<td>Expiration of 60-day period for Prepayment of Special Assessments prior to Issuance of the Bonds</td>
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<td>19.</td>
<td>Mail Request for Bids to Potential Bond Purchasers</td>
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<td>Receive Bids and Select Bond Purchaser</td>
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<td>Issue Notice to Proceed and start Construction</td>
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* Certain intermediate steps have been omitted from the bond issuance process
NEW BUSINESS #1
December 11, 2018

Mike Cunningham, Supervisor
Tyrone Township
10408 Center Rd
Fenton, MI 48430

RE: Ledgewood Ravine Site Condominium
Site Plan Review

Mr. Cunningham:

At the request of the Township Board, we have reviewed the site plan for the Ledgewood Ravine Site Condominium which is located southwest of Ledgewood Drive and east of McGuire Road. The plans were prepared by Livingston Engineering with a revision date of 11/1/2018. We offer the following comments:

**General**
The intended use of the property is for six single-family homes in a site condominium. This use is allowable for the current zoning – Single-family Residential (R-1). The total site area is approximately 10.4 acres. A legal description of the parent parcel is provided on the cover of the plans and closes within acceptable tolerances.

The cover sheet of the plans also includes a location map showing the location of the site within its surrounding area. Property lines, building setbacks, and easements are displayed clearly on the plans. The plan set is sealed by a professional engineer licensed in the State of Michigan.

**Water Supply**
The units on this site will be served by private wells. A test well is shown near the middle of unit 6. Each other unit shows a proposed well location. The applicant should confirm the location of wells with the Health Department. There is no existing or proposed water main shown on or near the site.

**Wastewater**
There are low pressure sanitary lines shown on and near the site, ranging from 1-1/2” to 2”. There is a 2” line running along the south side of the proposed Ledgewood Ravine Trail in front of units 4, 5, and 6 with a flushing connection at the terminus. This line connects with a 1-1/2” line which runs along the west side of unit 4. There is no indication where this line ends or what/who it serves. We recommend this line be removed from the plans, as it will fill with raw sewage with nowhere to go. Likewise, we recommend the 2” line terminate at the connection for Unit 6 for the same reason. From the northwest corner of unit 4, the sanitary line runs around the proposed cul-de-sac in front of units 1, 2, and 3, then runs northeast to a low pressure drain field on the Community Septic System Parcel. A different 2” sanitary line is shown approaching the same drain field from the north, between lots 131 and 132 of the Lake Shannon No. 5 subdivision.
December 11, 2018
Page 2 of 4

It is unclear whether any of these low-pressure lines or the drain field are existing or proposed. Different sheets show different line weights. It is common practice for proposed items to be displayed with bold line weights and existing items to be displayed in light line weights. We recommend the engineer clearly indicate what is existing and proposed. The capacity of the septic should be indicated, along with evidence that it is sufficient to serve each unit. We defer to the Health Department for approval of the community septic system.

The location of the community septic is not within the boundary of the proposed site condominium. The community septic should be included as a common element of the site condominium, as recommended in the letter from McKenna to the Township Planning Commission, dated October 2, 2018.

Storm Water
The plan set shows both existing and proposed drainage patterns. The site generally drains northeast to Lake Shannon. There are several existing open drainage courses throughout the site. The design engineer has broken the existing topography into two drainage areas, with six distinct sub-basins. The proposed drainage plan consists of four drainage areas with seven sub-basins. Storm water gets collected by roadside ditches and a storm sewer system with catch basins and an inlet pipe.

Upon review of the storm sewer pipe calculations, we noted flow in the pipe from R55 to R54 exceeds the pipe capacity. We believe, in this case, the pipe capacity could be increased to accommodate anticipated flow by simply adjusting pipe slopes. The engineer should take care to keep flow velocities between 2.5 and 10 ft/s. There are some pipes, particularly near the outlet to Lake Shannon, at which the calculated flow velocity exceeds 10 ft/s. If the engineer determines it is not feasible to reduce the calculated velocity, efforts should be made to mitigate the effects of erosion at the outlet. There are a number of methods of mitigating erosion at outlets, including but not limited to the following: heavy riprap, articulated blocks, dissipators, etc. We also noted the same runoff coefficient is used throughout the storm sewer pipe calculations. It is unlikely that the same runoff coefficient exists in every drainage area. We recommend the engineer provide calculations for each runoff coefficient and make an attempt to provide adequate capacity in all pipes. Additionally, the hydraulic grade line should be shown on storm sewer profile drawings.

The proposed storm sewer collection system consists of 12- to 18-inch N-12 pipe, plus one existing 18” corrugated metal pipe. There are five catch basins and six manholes included in the system. We recommend the engineer provide 24” sumps in all catch basins as well as manholes R-52 and R-53. Manholes do not typically have sumps, but we believe sumps would help prevent scour in these manholes where storm water will fall from a significant height. It also appears that structure R-51 is a manhole but is specified to have a catch basin cover; this should be corrected.

No retention or detention basins are proposed for this site. Storm water outlets from the site to Lake Shannon via one of three outlet pipes, two of which are already existing. Typically, a sedimentation basin (or “forebay”) would be provided at the outlet of the storm sewer, prior to a detention basin. The purpose of a sedimentation basin is to capture suspended solids and slow down the flow of water. In this case, the engineer is proposing sediment traps and check dams in the ditches to accomplish the same purpose. Check dams are stone berms placed in the flow line of a ditch and are primarily used to slow down the flow of water, but also will help reduce sedimentation. Sediment traps are similar to check dams, except they include a small basin on the upstream side of the berm, which allows suspended sediment to settle rather than flowing downstream. We feel that given the circumstances, this approach is appropriate.
**Private Road**
The proposed Ledgewood Ravine Trail is a 22’ wide gravel road with ditches on either side. The cross section of the road consists of 10” of MDOT 23A aggregate on top of native soil. We recommend approval of the subgrade material from a geotechnical engineer. We also recommend the subgrade be proof-rolled immediately prior to placement of the gravel.

Ledgewood Ravine Trail is proposed to connect to Ledgewood Drive in the vacant lot 156 of the Lake Shannon No. 5 subdivision. Ledgewood Drive is a county local road; therefore, the approach will require a permit from the Livingston County Road Commission. We defer to LCRC regarding approval of the approach to Ledgewood Drive.

The portion of Ledgewood Ravine Trail from Station 1+23 to Station 1+83 is shown to have a longitudinal slope of 6.33%. This is rather steep for a gravel road and is subject to erosion. Typically, we would only allow up to 6.0% for a gravel road. This location is particularly crucial, as it slopes downward toward an intersection. The potential for sliding during icy conditions makes this potentially dangerous. We recommend the engineer consider paving from Ledgewood Drive to approximately Station 2+50 to mitigate any erosion concerns.

A common problem found on gravel roads is that after being graded numerous times, windrows get created near the shoulder. These windrows often prevent surface water on the road from flowing to the roadside ditches; Rather, water will either pond or flow longitudinally down the road, causing washout. This should be taken into consideration in the road maintenance agreement.

There are three horizontal curves on the proposed Ledgewood Ravine Trail alignment. The radius of the first and second curves is 50’, and the radius of the third curve is 150’. Township Zoning ordinance requires a minimum of 230’ horizontal curve radius.

The proposed profile of Ledgewood Ravine Trail shows five vertical curves three crests and two sags. The rate of vertical curvature can be expressed as a numerical value, labelled “K”. AASHTO recommends minimum K-value for sag vertical curves of 26, and minimum K-value for crest vertical curves of 12. The three crest vertical curves meet this recommendation, but the two sag vertical curves do not. What this means is that the change in grade occurs over too short of a distance. We recommend the AASHTO guidelines for vertical curvature be followed.

**Recommendation**
After careful review, we recommend the following conditions be met for final site plan approval:

1. The low pressure sanitary lines and the community drain field should be clearly indicated as either existing or proposed.
2. Capacity of the septic should be shown. The engineer should show that there is sufficient capacity for all units to be served.
3. The parcel containing the community septic should be included as a common element of the condominium.
4. The hydraulic grade line should be shown in storm sewer profiles.
5. Reduce flow velocity in pipes and/or mitigate erosion concerns at outlet.
6. The minimum horizontal curve of Ledgewood Ravine Trail should be 230’.
7. The vertical curves of Ledgewood Ravine Trail should meet AASHTO guidelines. (i.e. Minimum 26 K-value for sag vertical curves)
8. The road maintenance agreement should stipulate that when the road is graded, care is taken to ensure storm water can sheet flow to the ditches freely.
9. The applicant should seek approval from applicable authorities, including but not limited to: Health department, Road Commission, Drain Commissioner, Fire Marshal, and MDEQ.

In addition to the conditions above, the following items should be addressed prior to construction:

1. Indicate where the 1-1/2” low pressure sanitary line west of Unit 4 terminates and what it serves.
2. Provide sufficient horizontal separation between the 1-1/2” sanitary line west of Unit 4 and the proposed swale ditch to allow maintenance to the line without disturbing the ditch.
3. Provide runoff coefficient calculations for each drainage area.
4. Attempt to provide sufficient capacity in all storm water pipes.
5. 24” sumps should be provided in all catch basins, as well has manholes R-52 and R-53.
6. Structure R-51 is listed as a manhole but is specified as having a catch basin cover. This should be clarified.
7. A geotechnical engineer should approve the subgrade material. Subgrade should be proof-rolled immediately prior to placement of gravel.
8. Consider paving Ledgewood Ravine Trail from Ledgewood Drive to approximately Station 2+50 to mitigate future erosion concerns.
9. Construction cost estimate of utilities, roads, and other facilities to establish financial guarantee requirements.

According to Article 21 of the Township Zoning Ordinance, the construction plans may be reviewed by the Township Engineer prior to issuance of a building permit. This would be an appropriate time to confirm all our recommendations be fulfilled. If you have any questions or need anything further, please feel free to contact our office.

Sincerely,

Kevin Wilks, P.E.     Philip A. Westmoreland, P.E.
Design Engineer     Senior Project Manager
SPICER GROUP, INC.    SPICER GROUP, INC.
125 Helle Blvd., Suite 2    125 Helle Blvd., Suite 2
Dundee, MI  48131     Dundee, MI  48131

CC:  SGI File
NEW BUSINESS #2
December 11, 2018

Township Board
Tyrone Township
10408 Center Road
Fenton, MI 48430-9439

Subject: Agenda Request – Yasin LLC Land Division

Dear Township Board Members:

During our meeting on December 11, 2018, we reviewed the Yasin LLC Land Division application. Dave Wardin moved to recommend Township Board approval of the Yasin LLC land division application conditional upon: (1) The applicant removing the word “tentative” from the recordable documents, and (2) The applicant must submit revised recordable documents which include set iron legal descriptions along with other text modifications to comply with PA 193 of 2018, which amends Act 132. The land division request otherwise complies with the Township’s Land Division and Zoning Ordinance requirements. Al Pool supported the motion. The motion carried by unanimous voice vote.

The applicant is requesting a land division to create the 10 acre parcel established for the cemetery special land use recommended for approval on April 10, 2018. We have confirmed the 10 acres proposed for this parcel have the same point of beginning (POB) and section lines as those shown on the approved site plan from 4/10/18, therefore the cemetery will remain located as it was established during the special land use approval.

Upon submission of the revised recordable documents the Planning Commission recommends your consideration and approval of the requested land division.

Respectfully submitted,

Tyrone Township Planning Commission
Mark Meisel
Chairman
TENTATIVE PARCEL MAP EXHIBIT FOR LAND DIVISION APPLICATION
FOR:
YASIN, LLC
17195 SILVER PARKWAY #184
FENTON, MI 48430

SITE ADDRESS:
VACANT LAND
DENTON HILL ROAD
FENTON, MI 48430

PARCEL NUMBER:
4704-26-400-002

COUNTY:
LIVINGSTON
TOWNSHIP:
T4N-R6E (TYRONE)
SECTION:
SOUTHEAST 1/4 OF SECTION 26

PARCEL '1A' (PROPOSED SPLIT)
10,000 ACRES
435,617.66 SQUARE FEET

PARCEL '1B' (REMAINDER OF PARCEL 1)
7,158.53 ACRES
3,118,235.65 SQUARE FEET

GERMANY ROAD
DENTON HILL ROAD
11553 SARA ANN DR
FENTON, MI 48430

1/4 (NORTH OF CENTERLINE OF DENTON HILL ROAD) 1/4 (NORTH OF CENTERLINE OF DENTON HILL ROAD)
1/4 (SOUTH OF CENTERLINE OF DENTON HILL ROAD) 1/4 (SOUTH OF CENTERLINE OF DENTON HILL ROAD)
1/4 (WEST OF CENTERLINE OF DENTON HILL ROAD) 1/4 (WEST OF CENTERLINE OF DENTON HILL ROAD)
1/4 (EAST OF CENTERLINE OF DENTON HILL ROAD) 1/4 (EAST OF CENTERLINE OF DENTON HILL ROAD)

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TENTATIVE PARCEL MAP EXHIBIT FOR LAND DIVISION APPLICATION

FOR: YASIN, LLC
17195 SILVER PARKWAY #184
FENTON, MI 48430

SITE ADDRESS: VACANT LAND
DENTON HILL ROAD
FENTON, MI 48430

COUNTY: LIVINGSTON
TOWNSHIP: T4N-R6E (TYRONE)
SECTION: SOUTHEAST 1/4 OF SECTION 26

PARCEL NO.:
4704-26-400-002

JOB NO. 18-011

RECORD DESCRIPTION
SOURCE: WARRANTY DEED (LIBER 1851 - PAGE 0036, LIVINGSTON COUNTY RECORDS)

PARCEL I.
PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SECTION 26; THENCE DUE SOUTH ALONG THE EAST LINE OF SECTION 26, A DISTANCE OF 1377.79 FEET TO THE SOUTH 1/8TH LINE OF SECTION 26; THENCE SOUTH 89 DEGREES 29 MINUTES 03 SECONDS WEST 2652.63 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SECTION 26, AS PREVIOUSLY SURVEYED AND MONUMENTED; THENCE NORTH 00 DEGREES 13 MINUTES 40 SECONDS WEST ALONG SAID NORTH AND SOUTH 1/4 LINE A DISTANCE OF 1394.33 FEET TO THE INTERIOR 1/4 CORNER OF SECTION 26; THENCE NORTH 89 DEGREES 31 MINUTES 05 SECONDS EAST ALONG THE EAST AND WEST 1/4 LINE OF SECTION 26, A DISTANCE OF 2657.51 FEET TO THE PLACE OF BEGINNING.

AS SURVEYED 4 MEASURED IN 2018 DESCRIPTIONS.

PARCEL I.
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 502'32"E 1,007.71' ALONG THE EAST LINE OF SECTION 26 TO THE SOUTH 1/8TH LINE OF SAID SECTION 26; THENCE S02'45"W 1,332.63' ALONG THE SOUTH 1/8TH LINE OF SECTION 26 TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 26; THENCE N02'45"W 1,339.46' ALONG SAID NORTH AND SOUTH 1/4 LINE TO THE CENTER OF SECTION 26; THENCE N86'58"E 2,658.02' TO THE POINT OF BEGINNING; CONTAINING 3,553,793.30 SQUARE FEET; BEING 81.585 ACRES OF LAND, MORE OR LESS.

PARCEL IA (PROPOSED SPLIT):
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 50'32"E 1,007.71' ALONG THE EAST LINE OF SECTION 26 TO THE POINT OF BEGINNING; THENCE CONTINUING 50'32"E 330.01' ALONG THE EAST LINE OF SECTION 26 TO THE SOUTH 1/8TH LINE OF SAID SECTION 26; THENCE S86'58"W 1,320.65' ALONG SAID SOUTH 1/8TH LINE OF SECTION 26; THENCE N86'58"W 330.01' THENCE N86'58"E 1,320.05' TO THE POINT OF BEGINNING; CONTAINING 435,417.66 SQUARE FEET; BEING 10.00 ACRES OF LAND, MORE OR LESS.

PARCEL IB (REMAINDER OF PARCEL I):
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 50'32"E 1,007.71' ALONG THE EAST LINE OF SAID SECTION 26; THENCE S86'58"W 1,332.63' ALONG THE SOUTH 1/8TH LINE TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 26; THENCE N86'58"E 2,658.02' TO THE POINT OF BEGINNING; CONTAINING 3,118,235.65 SQUARE FEET; BEING 71.585 ACRES OF LAND, MORE OR LESS.

A.P.S.C.
11553 SARA ANN DR (517) 624-2476
DEWITT, MI 48820 BRETT.DODGE@APSC-LLC.COM
12-4-2018 | N/A | S C P | B A D | B A D | 2 OF 3
TENTATIVE PARCEL MAP EXHIBIT FOR LAND DIVISION APPLICATION

FOR: YASIN, LLC
17195 SILVER PARKWAY #184
FENTON, MI 48430

SITE ADDRESS: VACANT LAND
DEXTON HILL ROAD
FENTON, MI 48430

COUNTY: LIVINGSTON
TOWNSHIP: T4N-R6E (TYRONE)
SECTION: SOUTHEAST 1/4 OF SECTION 26

PARCEL NUMBER: 4704-26-100-002

PLSS CORNER WITNESSES:

CORNER CODE: J-10 (CENTER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LCRC: LIBER 93001 - PAGE 1165 (LSC #1165)
SURVEYOR: EDWARD E. ANDERSON (11495)
MONUMENT: FOUND 1/2' REROD ON CENTERLINE OF GERMANY ROAD (GRAVEL, 0.9' DEEP)
NOTE: NEW WITNESSES SET (SEE BELOW)

WITNESSES:
1. N62°E 49.30' FOUND NAIL & TAG IN SOUTH FACE OF POWER POLE
2. S65°E 52.08' FOUND NAIL & TAG IN NORTH FACE OF POWER POLE
3. S81°W 151.32' FOUND EAST END OF 12' CMP (ON TOP)
4. N74°W 50.38' FOUND ANGLE IRON FENCE CORNER

CORNER CODE: J-11 (SOUTH 1/4 CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LCRC: LIBER 93001 - PAGE 230 (LSC #23011)
SURVEYOR: EDWARD E. ANDERSON (11495)
MONUMENT: FOUND THAT CORNER FALLS IN 8' WOOD FENCE CORNER POST
NOTE: FOUND TWO (2) WITNESS CAPS PER LCRC

WITNESSES:
1. S41°E 18.22' FOUND LIVINGSTON COUNTY REMONUMENTATION WITNESS CAP
2. S69°W 27.27' FOUND LIVINGSTON COUNTY REMONUMENTATION WITNESS CAP

CORNER CODE: K-10 (EAST 1/4 CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LCRC: LIBER 93001 - PAGE 1556 (LSC #1556M)
SURVEYOR: EDWARD E. ANDERSON (11495)
MONUMENT: FOUND LIVINGSTON COUNTY REMON CAP IN MON BOX AT THE INTERSECTION OF GERMANY ROAD AND DENTON HILL ROAD
NOTE: SEE WITNESSES BELOW

WITNESSES:
1. N54°E 85.86' FOUND WEST END OF 3' TALL WOOD FENCE
2. S40°E 73.92' FOUND NORTH-SOUTH CORNER OF PORCH (2' ABOVE GROUND)
3. S63°W 62.90' FOUND NAIL & TAG IN NORTH FACE OF 24' HICKORY
4. N60°W 54.82' FOUND NAIL & TAG IN SOUTH FACE OF POWER POLE

CORNER CODE: K-11 (SOUTHEAST CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LCRC: LIBER 2007CR - PAGE 0108
SURVEYOR: MARUZSA L. LUKOMICZ (38019)
MONUMENT: FOUND LIVINGSTON COUNTY REMON CAP IN MON BOX AT THE CENTER LINE OF DENTON HILL ROAD
NOTE: SEE WITNESSES BELOW

WITNESSES:
1. N51°E 21.00' FOUND SIGN POST, "NO PASSING ZONE"
2. 90°W 47.15' FOUND NAIL & TAG SOUTH FACE OF POWER POLE
3. N57°W 25.49' FOUND SIGN POST, "DO NOT PASS"

STATE OF MICHIGAN
LICENSED PROFESSIONAL SURVEYOR NO. 53085

BRETT A. DODGE P.S. NO. 53085

A.P.S.C.
11553 SARA ANN DR
DEWITT, MI 48820
(517) 624-2476
BRETT.DODGE@APSC-LLC.COM

DATE: 12-4-2018
SCALE: N/A
DRAWN BY: SCP
CHECKED BY: BAD
SHEET: 3 OF 3

[Signature]
12/4/2018

BRETT A. DODGE P.S. NO. 53085

12-4-2018 N/A SCP BAD B AD SHEET 3 OF 3
## TYRONE TOWNSHIP
### PLANNING COMMISSION REVIEW APPLICATION

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<th>Property Address / Location</th>
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<td>4704-26-400-002</td>
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<td>Yasin, LLC</td>
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<tr>
<td>7007 Denton Hill Rd</td>
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<th>Authorized Agent</th>
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<tr>
<td>Hasan Siddiqui</td>
<td>734-249-9313</td>
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</table>

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<th>Street Address</th>
<th>City</th>
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<tbody>
<tr>
<td>17195 SILVER PARKWAY #184</td>
<td>FENTON, MI 48430</td>
</tr>
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</table>

| State and Zip Code | |
|--------------------||

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**Type of Review:**

- **Boundary Realignment**
- **Concept Review**
- **Conditional Zoning**
- **Home Occupation**
- **Land Division**
- **Open Space Preservation**
- **Open Space Relocation**
- **Private Road/Shared Drive**
- **Planned Unit Development**
- **Public Hearing**
- **Rezoning**
- **Site Condominium**
- **Site Plan Review**
- **Site Visit**
- **Special Land Use**
- **Special Meeting**
- **Subcommittee Meeting**
- **Subdivision Plat**

---

**Project Description:**

Land division for required 10 acres for approval of Rawda Cemetery from master parcel of 80+ acres.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

---

**Signature of Owner(s) or Authorized Agent**

Date: **11/20/2018**

Received By: **RN** per TDe of **11/20/18**
TENTATIVE PARCEL MAP EXHIBIT FOR LAND DIVISION APPLICATION

JOB NO. 18-011

FOR: YASIN, LLC
17195 SILVER PARKWAY #184
FENTON, MI 48430

SITE ADDRESS:
VACANT LAND
DENTON HILL ROAD
FENTON, MI 48430

PARCEL NUMBER:
4704-26-400-002

COUNTY: LIVINGTON
TOWNSHIP: TAN-N-66E (TYRONE)
SECTION: SOUTHEAST 1/4 OF SECTION 26

RECEIVED:
NOV 20 2018
TYRONE TOWNSHIP PLANNING & ZONING

RECORD DESCRIPTION

SOURCE: WARRANTY DEED (LIBER 1851 - PAGE 2036; LIVINGSTON COUNTY RECORDS)

PARCEL 1:

PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SECTION 26; THENCE DUE SOUTH ALONG THE EAST LINE OF SECTION 26, A DISTANCE OF 769.63 FEET TO THE SOUTH 1/4 LINE OF SECTION 26; THENCE SOUTH 89 DEGREES 29 MINUTES 02 SECONDS WEST 2652.68 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SECTION 26, AS PREVIOUSLY SURVEYED AND MONUMENTED; THENCE NORTH 00 DEGREES 13 MINUTES 40 SECONDS WEST ALONG SAID NORTH AND SOUTH 1/4 LINE A DISTANCE OF 769.63 FEET TO THE INTERIOR 1/4 CORNER OF SECTION 26; THENCE NORTH 89 DEGREES 29 MINUTES 02 SECONDS EAST ALONG THE EAST AND WEST 1/4 LINE OF SECTION 26, A DISTANCE OF 265.74 FEET TO THE PLACE OF BEGINNING.

AS SURVEYED & MEASURED IN 2018, DESCRIPTION:

PARCEL A:
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS: HAVING A GRID NORTH BASIS OF Bearing WITH RESPECT TO THE MICHIGAN COORDINATE SYSTEM OF HGS (NCSS), SOUTH ZONE (213), ALSO REFERRED TO AS MGCSS (213), ALSO, BEING THE NORTH AMERICAN DATUM OF 1983 (NAD83), AS REALIZED IN 2011 ON THE NORTH AMERICAN PLATE, REFERENCED FROM PUBLISHED COORDINATES OF THE CONTROL STATIONS ON JANUARY 1, 2001, ALSO REFERRED TO AS NAD83 (201), 2018.0000, STATIC, RAPID STATIC, OR REAL-TIME KINEMATIC GLOBAL NAVIGATION SATELLITE SYSTEM OBSERVATIONS WERE PERFORMED TO ESTABLISH THE RELATIONSHIP OF THE REFERENCE SURVEY POINTS TO MCS53 (213), NAD83 (201), EPOCH 2010.000. THE HORIZONTAL DISTANCES REFERENCED IN THIS DESCRIPTION ARE GRID DISTANCES, HAVING UNITS OF INTERNATIONAL FEET (1 FOOT = 0.3048 METERS); THE PROJECT AVERAGE COMBINED FACTOR (PAC.F.) FOR THIS DESCRIPTION IS: 0.99984673/27000, GRID DISTANCES = GRID DISTANCES DIVIDED BY THE PAC.F.; THE FIELD SURVEY EPOCH WAS 2018.6754, WHICH CORRESPONDS TO A FIELD SURVEY DATE OF NOVEMBER 15, 2018 (THURSDAY), BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 5025'29"25.3' E, 1937.54' ALONG THE EAST LINE OF SECTION 26 TO THE SOUTH 1/4 LINE OF SAID SECTION 26; THENCE 1035'24"50.2' W, 2623.85' ALONG THE SOUTH 1/4 LINE OF SAID SECTION 26 TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 26; THENCE 5025'29"25.3' E, 1937.54' ALONG THE EAST LINE OF SECTION 26 TO THE SOUTH 1/4 LINE OF SAID SECTION 26; THENCE 1035'24"50.2' W, 2623.85' ALONG THE SOUTH 1/4 LINE OF SAID SECTION 26 TO THE CENTER OF SAID 26; THENCE 8945'36"28' 2,457.64' TO THE POINT OF BEGINNING CONTAINING 3559.340.14 SQUARE FEET; BEING 81.56 ACRES OF LAND, MORE OR LESS.

PARCEL A (PROPOSED SPLITS):
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS: HAVING A GRID NORTH BASIS OF BEARING WITH RESPECT TO THE MICHIGAN COORDINATE SYSTEM OF HGS (NCSS), SOUTH ZONE (213), ALSO REFERRED TO AS MGCSS (213), ALSO, BEING THE NORTH AMERICAN DATUM OF 1983 (NAD83), AS REALIZED IN 2011 ON THE NORTH AMERICAN PLATE, REFERENCED FROM PUBLISHED COORDINATES OF THE CONTROL STATIONS ON JANUARY 1, 2001, ALSO REFERRED TO AS NAD83 (201), EPOCH 2010.0000, STATIC, RAPID STATIC, OR REAL-TIME KINEMATIC GLOBAL NAVIGATION SATELLITE SYSTEM OBSERVATIONS WERE PERFORMED TO ESTABLISH THE RELATIONSHIP OF THE REFERENCE SURVEY POINTS TO MCS53 (213), NAD83 (201), EPOCH 2010.000. THE HORIZONTAL DISTANCES REFERENCED IN THIS DESCRIPTION ARE GRID DISTANCES, HAVING UNITS OF INTERNATIONAL FEET (1 FOOT = 0.3048 METERS); THE PROJECT AVERAGE COMBINED FACTOR (PAC.F.) FOR THIS DESCRIPTION IS: 0.99984673/27000, GRID DISTANCES = GRID DISTANCES DIVIDED BY THE PAC.F.; THE FIELD SURVEY EPOCH WAS 2018.6754, WHICH CORRESPONDS TO A FIELD SURVEY DATE OF NOVEMBER 15, 2018 (THURSDAY), BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 5025'29"25.3' E, 1937.54' ALONG THE EAST LINE OF SECTION 26 TO THE SOUTH 1/4 LINE OF SAID SECTION 26; THENCE 1035'24"50.2' W, 2623.85' ALONG THE SOUTH 1/4 LINE OF SAID SECTION 26 TO THE CENTER OF SAID 26; THENCE 8945'36"28' 2,457.64' TO THE POINT OF BEGINNING CONTAINING 3559.340.14 SQUARE FEET; BEING 81.56 ACRES OF LAND, MORE OR LESS.

PARCEL B (REMAINDER OF PARCEL A):
A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 6 EAST, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS: HAVING A GRID NORTH BASIS OF BEARING WITH RESPECT TO THE MICHIGAN COORDINATE SYSTEM OF HGS (NCSS), SOUTH ZONE (213), ALSO REFERRED TO AS MGCSS (213), ALSO, BEING THE NORTH AMERICAN DATUM OF 1983 (NAD83), AS REALIZED IN 2011 ON THE NORTH AMERICAN PLATE, REFERENCED FROM PUBLISHED COORDINATES OF THE CONTROL STATIONS ON JANUARY 1, 2001, ALSO REFERRED TO AS NAD83 (201), EPOCH 2010.0000, STATIC, RAPID STATIC, OR REAL-TIME KINEMATIC GLOBAL NAVIGATION SATELLITE SYSTEM OBSERVATIONS WERE PERFORMED TO ESTABLISH THE RELATIONSHIP OF THE REFERENCE SURVEY POINTS TO MCS53 (213), NAD83 (201), EPOCH 2010.000. THE HORIZONTAL DISTANCES REFERENCED IN THIS DESCRIPTION ARE GRID DISTANCES, HAVING UNITS OF INTERNATIONAL FEET (1 FOOT = 0.3048 METERS); THE PROJECT AVERAGE COMBINED FACTOR (PAC.F.) FOR THIS DESCRIPTION IS: 0.99984673/27000, GRID DISTANCES = GRID DISTANCES DIVIDED BY THE PAC.F.; THE FIELD SURVEY EPOCH WAS 2018.6754, WHICH CORRESPONDS TO A FIELD SURVEY DATE OF NOVEMBER 15, 2018 (THURSDAY), BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE 5025'29"25.3' E, 1937.54' ALONG THE EAST LINE OF SAID SECTION 26; THENCE 8945'36"28' 2,457.64' TO THE POINT OF BEGINNING CONTAINING 3559.340.14 SQUARE FEET; BEING 81.56 ACRES OF LAND, MORE OR LESS.

A.P.S.C.
11553 SARA ANN DR (517) 624-2476
DEWITT, MI 48820
BRETT.DODGE@APSC-LLC.COM
11-18-2018

SCALE: N/A

DRAWN BY: SCP B A D 2 OF 3

CHECKED BY: B A D
TENTATIVE PARCEL MAP EXHIBIT FOR LAND DIVISION APPLICATION

FOR: YASIN, LLC
17195 SILVER PARKWAY #184
FENTON, MI 48430

SITE ADDRESS: VACANT LAND
DENTON HILL ROAD
FENTON, MI 48430

CONTRIBUTED:
LIVINGSTON
TOWNHIP: T4N-R6E (TYRONE)
SECTION: SOUTHEAST 1/4 OF SECTION 26

PARCEL NUMBER: 4704-26-400-002

FLAT CORNER WITNESSES:

CORNER CODE: J-10 (CENTER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LORC: LIBER 49200 - PAGE 1165 (LSC #49200)
SURVEYOR: EDWARD E. ANDERSON (NPS)
MONUMENT: FOUND 1/2" REED ON CENTERLINE OF GERMANY ROAD (GRAVEL; 0'-0" DEEP)
NOTE: NH4 WITNESSES SET (SEE BELOW)

WITNESSES:
1. DATE: 06/30/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NAIL & TAG IN SOUTH FACE OF POWER POLE
2. DATE: 06/30/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NAIL & TAG IN NORTH FACE OF POWER POLE
3. DATE: 06/30/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND EAST END OF 12" CMP (ON TOP)
4. DATE: 06/30/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND ANGLE IRON FENCE CORNER

CORNER CODE: K-10 (SOUTH 1/4 CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LORC: LIBER 59160 - PAGE 230 (LSC #59160)
SURVEYOR: EDWARD E. ANDERSON (NPS)
MONUMENT: FOUND THAT CORNER FALLS IN 8" WOOD FENCE CORNER POST
NOTE: FOUND TWO (2) WITNESS CAPS PER LORC

WITNESSES:
1. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND LIVINGSTON COUNTY REPRODUCTION WITNESS CAP
2. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND LIVINGSTON COUNTY REPRODUCTION WITNESS CAP

CORNER CODE: K-12 (EAST 1/4 CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LORC: LIBER 59160 - PAGE 1956 (LSC #59160)
SURVEYOR: MARIUSZ L. LUKNOCH (NPS)
MONUMENT: FOUND LIVINGSTON COUNTY REPRODUCTION CAP IN MON BOX AT THE INTERSECTION OF GERMANY ROAD AND 4 DENTON HILL ROAD
NOTE: SEE WITNESSES BELOW

WITNESSES:
1. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND WEST END OF 8' TALL WOOD FENCE
2. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NORTHWEST CORNER OF PORCH (2' ABOVE GROUND)
3. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NAIL & TAG IN NORTH FACE OF 2' HICKORY
4. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NAIL & TAG IN SOUTH FACE OF POWER POLE

CORNER CODE: K-11 (SOUTHEAST CORNER OF SECTION 26)
TOWNSHIP: T4N-R6E (TYRONE)
COUNTY: LIVINGSTON
LORC: LIBER 59160 - PAGE 4068
SURVEYOR: MARIUSZ L. LUKNOCH (NPS)
MONUMENT: FOUND LIVINGSTON COUNTY REPRODUCTION CAP IN MON BOX AT THE CENTER LINE OF DENTON HILL ROAD
NOTE: SEE WITNESSES BELOW

WITNESSES:
1. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND SIGN POST, "NO PASSING ZONE"
2. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND NAIL & TAG SOUTH FACE OF POWER POLE
3. DATE: 06/23/2018
   LAT: 43.30'
   LONG: 41.40'
   FOUND SIGN POST, "DO NOT PASS"

SURVEY AND MAP DETAILS:

APIC JOB NUMBER: 1K-011
COORDINATE SYSTEM: MICHIGAN COORDINATE SYSTEM OF 1983 (MCC83)
STATE PLANE ZONE: SOUTH ZONE (1983)
BEARING BASIS: GRID NORTH FOR MCC83 (1983)
DISTANCE BASIS: STATE PLANE GRID DISTANCES
UNIT: INTERNATIONAL FEET (1 FOOT = 0.3048 METERS)
HORIZONTAL DATUM: NAD83 (2011)
HORIZONTAL DATUM EPOCH: 2000.00
PROJECT AVERAGE COMBINED FACTOR:
SECOND MODEL:
VERTICAL DATUM:
VERTICAL METHODOLOGY:
FIELD SURVEY DATE:
FIELD SURVEY EPOCH:

- DISTANCE CONVERSION (S):
- CONVERSION GRID TO GRID:
- CONVERSION GRID TO GRID:

MULTIPLY GRID DISTANCE BY: 0.000383950262
MULTIPLY GRID DISTANCE BY: 0.000383950262

STATE OF MICHIGAN.
LICENSED SURVEYOR.

BRETT A. DODGE, P.S.
PROFESSIONAL SURVEYOR NUMBER.
53085

A.P.S.C.
11553 SARA ANN DR
DEWITT, MI 48820
BRETT.DODGE@APSC-LLC.COM

11-18-2018
N/A
SCP
BAD
BAD
3 OF 3
**PROPERTY INFORMATION**

Property Assessor To:  
YASN, LLC  
17195 SILVER PINE 184  
FENTON, MI 48430  
FENTON  

Prop #: 4704-26-400-002  
Prop Addr: FENTON HILL RD  

Legal Description:  
SEC 26 T115 S1/2 OF SE 1/4  

**OPERATING FISCAL YEARS**

The taxes on bill will be used for governmental operations for the following fiscal year(s):  
- County:  
- Town/Cty: 01-01-18 - 12-31-18  
- School: 07-01-18 - 06-30-19  
- State: 10-01-18 - 09-30-19  

**PAYMENT INFORMATION**

PAYMENTS MAY BE MADE AT THE TWP OFFICE MONDAY - THURSDAY 9AM - 5PM. HOLIDAY HOURS THE WEEK OF DECEMBER 25, 2018, WE WILL ONLY BE OPEN THURSDAY, 12/27/18 9AM-5PM. WE WILL OPEN AGAIN ON WEDNESDAY 1/2/19. A DROP BOX IS AVAILABLE IN THE FRONT WEST DOOR FOR AFTER HOURS PAYMENTS. FULL PAYMENTS CAN BE PAID AT FLAGSTAR OR ANY BANK (NOT AT THE KIOSK). PAYMENTS MUST BE RECEIVED AND PAID BY 5PM ON DUE DATE  

**TAX DETAIL**

<table>
<thead>
<tr>
<th>Description</th>
<th>Millage</th>
<th>Amount</th>
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<tbody>
<tr>
<td>COUNTY AMBULANCE</td>
<td>0.29440</td>
<td>16.18</td>
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<tr>
<td>ROADS - PARKS</td>
<td>0.21280</td>
<td>11.70</td>
</tr>
<tr>
<td>VETERANS RELIEF</td>
<td>0.11270</td>
<td>6.19</td>
</tr>
<tr>
<td>TYRONE ALLOCATED</td>
<td>0.88990</td>
<td>48.92</td>
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<tr>
<td>FE SCHOOL DEBT</td>
<td>5.64000</td>
<td>310.08</td>
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<tr>
<td>FE SAVING FUND</td>
<td>0.80950</td>
<td>50.00</td>
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<td>MIGHTY GO</td>
<td>2.80470</td>
<td>154.20</td>
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<td>TYPICAL SAFETY</td>
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<td>75.00</td>
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**Total Tax**: 10.86410  
**Administration Fee**: 5.87  
**TOTAL AMOUNT DUE**: 8678.24

**TAXES ARE BASED ON TAXABLE VALUE. 1 MILL EQUALS $1.00 PER $1000 OF TAXABLE VALUE. AMOUNTS WITH NO MILLAGE ARE EITHER SPECIAL ASSESSMENTS OR OTHER CHARGES ADDED TO THIS BILL.**

**Please detach along perforation. Keep the top portion.**

---

**Make Check Payable To: TYRONE TOWNSHIP**

**TOTAL AMOUNT DUE**: 8678.24  
**Amount Remitted**: _
**TYRONE TOWNSHIP**

<table>
<thead>
<tr>
<th>PROPERTY #:</th>
<th>4704-26-400-002</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS:</td>
<td>402</td>
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<tr>
<td>TAXABLE VAL:</td>
<td>53,850</td>
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<tr>
<td>SCHOOL:</td>
<td>25100</td>
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<td>PRE/MBT #:</td>
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<tr>
<td>SEV:</td>
<td>194,000</td>
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**TAXPAYER:** YASIN, LLC  
17195 SILVER PKWY 184  
PENTON MI 49440

**PROPRIETOR:** YASIN, LLC  
17195 SILVER PKWY 184  
PENTON MI 49440

**PROP ADDRESS:** DENTON HILL RD

**SUMMER TAX INFO**

<table>
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<tr>
<th>AD VALOREM TA</th>
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<td>SP. ASSESSMENT</td>
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<tr>
<td>ADMIN FEE</td>
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<tr>
<td>INTEREST</td>
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<td>TOTAL</td>
<td>1,693.16</td>
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**WINTER TAX INFO**

| AD VALOREM TAX | 594.04 |
| SP. ASSESSMENT | 75.00  |
| ADMIN FEE      | 5.94   |
| INTEREST       | 0.00   |
| TOTAL          | 674.98 |

**DATE PAID:** 06/14/2017  
**BALANCE DUE:** 0.00

**TOTAL BALANCE DUE:** 0.00

**LEGAL DESCRIPTION**

SEC 26 T4N R6E N 1/2 OF SE 1/4 80A

**RECEIVED:**

**NOV 20 2018**  
TYRONE TOWNSHIP  
PLANNING & ZONING
## TYRONE TOWNSHIP
### PLANNING COMMISSION REVIEW APPLICATION

<table>
<thead>
<tr>
<th>Property Address / Location</th>
<th>Parcel ID/Zoning District</th>
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</thead>
<tbody>
<tr>
<td>Denton Hill Road</td>
<td>4704-26-400-002</td>
</tr>
<tr>
<td></td>
<td>4704-26-400-008</td>
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<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Telephone</th>
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</thead>
<tbody>
<tr>
<td>Yasin, LLC</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State and Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Arbor</td>
<td>Michigan 48104</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Authorized Agent</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROWE Professional Services Company</td>
<td>(810) 341-7500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State and Zip Code</th>
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</thead>
<tbody>
<tr>
<td>Flint</td>
<td>Michigan 48502</td>
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</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Cell Phone</th>
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</thead>
<tbody>
<tr>
<td>540 S. Saginaw Street, Suite 200</td>
<td>(810) 513-3028</td>
</tr>
</tbody>
</table>

### Type of Review:
- Boundary Realignment
- Concept Review
- Conditional Zoning
- Home Occupation
- Land Division
- Open Space Preservation
- Other
- Open Space Relocation
- Private Road/Shared Drive
- Planned Unit Development
- Public Hearing
- Rezoning
- Site Condominium
- Site Plan Review
- Site Visit
- Special Land Use
- Special Meeting
- Subcommittee Meeting
- Subdivision Plat
- Site Visit

### Project Description:
Project includes the development of the current vacant property into a family cemetery (1,589 plots). The entire site is owned by Yasin, LLC (formerly known as the Kabbani Trust). The cemetery will comply with all the requirements identified in the Tyrone Township Zoning Ordinances (Section 22.05-C). The site is zoned as FR-Farming Residential.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

[Signature]

### Date | Tax Status | Fees: 101-000000-607-006 | Escrow: 701-000000-283-__
|-------|-----------|--------------------------|

Received By:

View the Tyrone Township Ordinance at <tyronetownship.us>
TYRONE TOWNSHIP- LAND USE PERMIT POLICY

The applicant must submit the following information before a land use permit will be issued by Tyrone Township. Some of the items listed may be shown to the Zoning Administrator or merely noted. Once the land use permit has been issued the applicant must obtain all necessary building permits required by the Livingston County Building Department. It is encouraged that all applicants review the Zoning Ordinance specific to their district which will explain permitted, accessory and Special Land Uses.

The Zoning Administrator is available **Monday-Thursday from 9am-4pm** and can be reached at 810-629-8631. **It is recommended that you make an appointment to review or drop off your application.**

**BASIC APPLICATION REQUIREMENTS**

[X] 1. Proof of ownership and the signature of the fee holder who owns the premises concerned.
[X] 2. Electronic copies of plans, surveys, or drawings if available.
[X] 3. The parcel’s tax identification number and legal description of the property.
[X] 4. The legal survey as required by the Zoning Administrator.
[X] 5. A driveway sight distance approval from the Livingston County Road Commission.
[X] 6. A favorable perk test report from the Livingston County Health Department;
[X] 7. A review copy of the blue prints or construction drawings, with one copy to be retained by the Township.
[X] 8. Application fee per the fee schedule of Tyrone Township.

**SITE DRAWING OF THE PARCEL CONTAINING**

[X] 1. A scaled drawing or the required scale to fit a sheet of paper no larger than eleven by seventeen inches (11" x 17"). This drawing does not have to be prepared by a licensed or registered professional.
[X] 2. The actual dimensions and area of the parcel.
[X] 3. Location, shape, and dimensions of existing and proposed structures.
[X] 4. Septic tank and drain field locations, if any, including reserved area and showing distance from the septic System and property lines.
[X] 5. Well location and distance from the septic system and property lines.
[X] 7. Area to be excavated and graded, with existing and final grades.
[X] 8. Significant natural features such as woodlands, wetlands, trees, or steep grades, and utility features.
[X] 9. Location of right-of-way widths of all intersecting and abutting roads and public easements including drainage easements.
[X] 10. Date prepared, scale, and north arrow.
[X] 11. Name, address, and professional title, if any, of person responsible for the preparation of the plot plan.
TOWNSHIP OF TYRONE
Application for Zoning and Land Use Permit

Owner: Yasin, LLC
Street: 1115 S. University Avenue
City: Ann Arbor, MI 48104
Phone: (303) 552-1251

Agent: ROWE Professional Services Company
Street: 540 S. Saginaw Street, Suite 200
City: Flint, MI 48502
Phone: (810) 341-7500

Tax ID #04-__-____-______ 4701-26-400-002 and 4704-26-400-008
Lot No.______ Subdivision:_________________________

Type of building or improvement: Proposed Cemetery
House___ Garage___ Accessory___ Store___ Factory___ Sign___

Building Size/Dimensions________________________________________

Dwelling Garage Addition Accessory Sanitary Facilities
One-Story Attached One Story Pool Septic
Two Story Unattached Two Story Deck Grinder Pump
Tri- Level One-car Hot Tub Gravity
Bi-Level Two-car Shed Other
Quad-Level Three-car

(New Construction) No. of Bathrooms:_________ No. of Bedrooms:_________

Foundation:
Basement Poured Block Wood Walk out Conventional Crawl Space Slab Frame Brick Other

The Tyrone Township Zoning Ordinance, sanitary and plat restrictions governing the parcel or individual plat will be strictly complied with. Owners and/or agents are responsible for other federal, state, and county code compliance.

This signature constitutes the applicant’s acknowledgment of the application requirements and permission for site inspection by Tyrone Township representatives.

PERMITS ARE VALID FOR ONE (1) YEAR

Signature Owner:_________________________ Agent:_________________________

For official use only: Date: ____________ Approved____ Denied____ Referred to: ZBA:____ PC:____
Fee: $__________ Zoning Administrator: ________________________________

3/19/15
**Statement of Use:**

**Yasin, LLC** (formerly known as Kabbani Family Trust) is applying to the Tyrone Township Planning Commission for a special land use permit for property that is currently owned by the trust to be converted into a cemetery. The current zoning designation for the property is FR – Farming Residential. The client representative has submitted to the Livingston County Road Commission approval for Sight Distance and for a land split for the proposed cemetery.

**Site Design Conditions:**
According to Section 22.05 (Part C), Cemeteries (public or private) are allowed as special land uses only in FR (Farming Residential) and RE (Rural Estate) zoning districts. The property proposed by the trust has been zoned as Farming Residential and meets the requirements identified in Section 22.05 (Part C.1). Also, the proposed cemetery is approximately 10 acres in size, and has 330 feet of public road frontage on Denton Hill Road. All structures shall not be located nearer then 100 feet from the property line. And access to the cemetery will include a boulevard drive that will connect around the site. The limits cannot be stretched any farther due to the existing wetlands area and the adjacent property lines.

To comply with the township land division open space calculation, the project will exceed the required 1/3 (33.3%) parcel area for open space. According to Section 20.02 AA, properties must also include open space as well as developable area; with the developable area, not to exceed 2/3 (66.7%). The current layout of the property calls for developable area to be 35.2% and open space 64.8%.

**Site Conditions:**
Per the request by the township zoning administrator, a wetlands delineation was performed on the site by Marx Wetlands Specialist, LLC on April 12, 2017. The wetlands specialist provided an analysis of the site and concluded that the wetlands area located near the cemetery plots was connected to a larger wetland area across Denton Hill Road. However, since no construction will occur in the wetlands area, it would not be necessary to submit a MDEQ Wetland permit for the project. The wetlands information is included in the application packet. Soil borings were also conducted (under the supervision of the owner and the Livingston County Health Department) and the information from the soil borings will be shared with the township.

**Support for the Proposed Project:**
The proposed project calls for 1,589 cemetery plots in the 10-acre site; to be developed over separate phases. The owner of the property has met with the township staff in the zoning department and supervisor’s office about the plan.
October 20, 2017

Mr. Nicholson,

As the representative of Yasin, LLC (formerly the Kabbani Trust), I am writing this letter to inform that ROWE Professional Services Company is the designated agent that the Trust has sought to work with for the site plan and special land use permit application process. If you have any questions, please contact me at (303) 552-1251 or by email at hilsiddiqui@gmail.com.

Respectfully Submitted,

Hasan Siddiqui
Kabbani Trust Representative
MARX WETLANDS LLC

April 12, 2017

Douglas R. Schultz
Rowe Professional Services Company
540 S. Saginaw St., Ste 200
Flint, MI 48502

Re: Wetland Determination Report: Denton Hill & Germany 10 Acre Site
SE ¼ Section 26, Tyrone Township, Livingston County, Michigan

Dear Mr. Schultz:

Pursuant to your request, Marx Wetlands LLC conducted a wetland determination for the above-referenced site. The intent of this determination is to provide a report of the character of any wetland areas within the subject parcel and an opinion as to the possible jurisdiction of the Michigan Department of Environmental Quality (MDEQ) over wetland areas identified on-site.

The wetland determination was performed in accordance with the Michigan Department of Environmental Quality Wetland Identification Manual (2001), and the Northcentral-Northeast Interim Regional Supplement to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual. The delineation of any wetland depends on three basic parameters. These parameters are: 1) the presence of hydrophytic vegetation (plants adapted to living in saturated soils), 2) hydric soils (distinctive soil types that develop under saturated conditions), and 3) wetland hydrology (the presence of water at or near the surface for a specific period of time). The above parameters are virtually always inter-related and present in wetland systems. The wetland field determination was performed on April 12, 2017. A review of the findings is presented below.

The Assessment Area is a rectangular area consisting of approximately 10 acres of land located on the west side of Denton Hill Road approximately 1000 feet south of Germany Road, Section 26 of Tyrone Township, in Livingston County, Michigan. The area is vacant and includes tilled agricultural field areas and a small forested/scrub shrub wetland area at the southeast corner of the site. The topography of the site is steeply rolling. Information gathered from site reconnaissance indicates that there is one wetland area on the subject parcel. This feature is identified on the Wetland Sketch Map included as an attachment.

Wetland Area A is part of a larger wetland area that extends off the site to the north and west. This wetland area was observed to have primarily forested and scrub shrub characteristics and was inundated with standing
water on the day of the evaluation (see Figure 1). The dominant wetland flora in the wetland included silver maple (Acer saccharinum), swamp white oak (Quercus bicolor), silky dogwood (Cornus amomum), reed canary grass (Phalaris arundinacea), glossy buckthorn (Frangula alnus), gray dogwood (Cornus foemina), black willow (Salix nigra), sensitive fern (Onoclea sensibilis), and lake sedge (Carex lacustris). These species range in wetland indicator status from FAC (facultative) to OBL (obligate), which indicates that they typically occur in wetlands. The early season limited the number of plant species that were identifiable. This area appeared to receive its hydrology from stormwater runoff, precipitation, and snowmelt. At the time of the delineation, the hydrology was observed to include standing water in most of the wetland area.

Figure 1. View of Wetland A with Denton Hill Road in the background.

Marx Wetlands LLC has determined that the wetland area appears to meet the requirements of Part 303, Wetlands Protection, of the NREPA, and therefore falls under the jurisdiction of the MDEQ.

Part 303, MDEQ Wetlands Protection, states that if a wetland is five acres or larger and/or connected to or located within 500-feet of a river, stream, watercourse, lake or pond, it would be regulated. Wetland A appears to be part of a larger wetland that extends off the site to the north and west, and that appears to be greater than 5 acres in size. This would result in this wetland area being regulated by the MDEQ.
A permit is required by the MDEQ for any proposed work (e.g., filling, dredging, construction, and draining and/or other development) that takes place within the boundaries of a regulated wetland. Most construction activities that take place outside of these boundaries do not require a wetland permit from the MDEQ.

Please be advised the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the MDEQ and, in some cases, the Federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature / extent of wetlands on the site.

Thank you for the opportunity to provide this wetland determination. If you have any questions, please contact me at your convenience.

Sincerely,

Gary F. Marx
Marx Wetlands LLC

Attachment
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Harold L. Hampton, II, a single man, whose address is 7007 Denton Hill Road, Fenton, Michigan conveys and Warrants to Naziha Hicham Kabbani, a married woman whose address is 23150 Mora Glen Drive, Los Altos, California the following described premises situated in the Township of Tyrone, County of Livingston, and State of Michigan, which property is more specifically described on Exhibit A which is attached and hereby incorporated by reference for the full consideration of Seven Hundred Twenty Nine Thousand ($729,000.00) Dollars subject to all building restrictions, easements and reservations in the chain of title, or of record, or which would show on examination of the premises. The grantor herein excepts from the covenants of warranty any future installments of ordinary or special taxes which become a lien on the land after April 1, 1993.

This deed is given in fulfillment of a certain land contract dated April 1, 1993, and the grantor herein excepts from the covenants of warranty any liens or encumbrances which may have arisen since the date thereof by reason of the acts or defaults of persons other than the grantor herein or any entities controlled by the grantor.

Dated this 1st day of April, A.D. 1993

WITNESS:

John R. Tucker

JANE C. MACHUK

STATE OF MICHIGAN
COUNTY OF GENESEE

The foregoing instrument was acknowledged before me this 1st day of April, 1993, by


PREPARED BY: John R. Tucker (P3738), Attorney At Law, Vinegarden, Shedd, Haley, Lincoln & Robertson, Attorneys at Law, 501 Citizens Bank Building, Flint, Michigan
STATE OF MICHIGAN  
COUNTY OF GENESEE  

The foregoing instrument was acknowledged before me this 1st day of April, 1993, by Harold L. Hampton II, who is known to me to be the person whose name is subscribed to the instrument, and is acknowledged to be the free act and deed of the person who executed the instrument.


Recording Fee $21,00

When recorded return to

Send subsequent tax bills to

15.00

* Dana A. Devue
351 E. Liberty St.
Ann Arbor, MI 48104

801.90
Parcel 1:

Part of the Southeast 1/4 of Section 26, Township 4 North, Range 6 East, Township of Tyrone, Livingston County, Michigan, described as follows: Beginning at the East 1/4 corner of Section 26, thence due South along the East line of Section 26, a distance of 1337.79 feet to the South 1/4 line of Section 26, thence South 89 degrees 29 minutes 03 seconds West 2652.63 feet to the North and South 1/4 line of Section 26, as previously surveyed and monumented; thence North 00 degrees 13 minutes 40 seconds West along said North and South 1/4 line a distance of 1339.33 feet to the interior 1/4 corner of Section 26; thence North 89 degrees 31 minutes 02 seconds East along the East and West 1/4 line of Section 26, a distance of 2637.34 feet to the place of beginning.

Parcel 2:

Part of the Southeast 1/4 of Section 26, Township 4 North, Range 6 East, Township of Tyrone Township, Livingston County, Michigan, described as follows: Beginning at a point on the East line of Section 26, which bears due South 1337.90 feet from the East 1/4 corner of Section 26; thence continuing due South along said East line a distance of 235.90 feet; thence North 89 degrees 59 minutes 00 seconds West parallel with the South line of Section 26, a distance of 533.00 feet; thence due South 320.0 feet; thence South 89 degrees 59 minutes 00 seconds East 533.0 feet to the East line of said Section 26; thence due South 793.90 feet to the Southeast corner of Section 26; thence North 89 degrees 39 minutes 00 seconds West 2652.63 feet to the South 1/4 corner of Section 26; thence due North 674.90 feet; thence due South 674.90 feet to the East line of said Section 26; thence due South 793.90 feet to the South 1/4 line of Section 26; thence North 00 degrees 38 minutes 00 seconds West along the North and South 1/4 line of Section 26 as previously surveyed and monumented a distance of 1325.23 feet to the South 1/8 line of Section 26, thence North 89 degrees 29 minutes 03 seconds East 2652.63 feet to the point of beginning.

Parcel 3:

Part of the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 4 North, Range 6 East, Township of Tyrone, Livingston County, Michigan, described as follows: Beginning at a point on the South line of Section 26, which bears North 89 degrees 59 minutes 00 seconds West 533 feet from the Southeast corner of Section 26; thence continuing North 89 degrees 59 minutes 00 seconds West along said South line of Section 26, a distance of 533.00 feet; thence due North parallel with the East line of Section 26 a distance of 674.90 feet; thence due South 674.90 feet to the point of beginning. Together with an 66.0 foot easement for ingress and egress being 33.00 feet on each side of the following described centerline: Beginning at a point on the East line of Section 26 which bears due North 342.00 feet from the Southeast corner of Section 26, Township 4 North, Range 6 East, Township of Tyrone, Livingston County, Michigan, thence North 89 degrees 59 minutes 00 seconds West 533.00 feet to the point of ending of said centerline.
PARCEL 4:

Part of the Northeast 1/4 of Section 35, Township 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan described as follows: Beginning at a point on the North line of Section 35, which bears North 89 degrees 59 minutes 00 seconds West 1051.59 feet (previously recorded North 89 degrees 27 minutes 31 minutes 04 seconds East 847.59 feet (previously recorded due South 847.59 feet) to the centerline of Aloy Road on a curve to the left, having an arc distance of 163.37 feet, a central angle of 40 degrees 41 50 seconds West 159.96 feet (previously recorded South 50 degrees 51 minutes 35 seconds West 159.96 a central angle of 59 degrees 51 minutes 20 seconds, a radius of 230.00 feet, a chord bearing and distance of South 59 degrees 55 minutes 16 seconds West 229.50 feet (previously recorded South 60 degrees 26 minutes 40 seconds West 229.50 feet) to a point tangency; thence South 89 degrees 51 minutes 16 seconds West (previously recorded North 89 degrees 37 minutes 40 seconds West) along the centerline of Aloy Drive a distance of 205.71 feet; thence North 00 degrees 31 minutes 04 seconds West 837.97 feet; (previously recorded due North 837.97 feet) to the North line of Section 35; thence South 89 degrees 59 minutes 00 seconds East 59.44 feet (previously recorded South 89 degrees 27 minutes 30 seconds East 59.44 feet) to the point of beginning.

PARCEL 5:

Part of the Northeast 1/4 of Section 35, Township 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan described as follows: Beginning at a point on the North line of Section 35, which bears North 89 degrees 59 minutes 00 seconds West 1051.59 feet (previously recorded North 89 degrees 27 minutes 31 minutes 04 seconds East 847.59 feet (previously recorded due South 847.59 feet) to the centerline 16 seconds West 1581.03 feet (previously recorded North 89 degrees 27 minutes 31 minutes 04 seconds East 847.59 feet (previously recorded due South 847.59 feet) to the centerline of a 66.00 foot easement for ingress and egress, (known as Aloy Drive); thence South 89 degrees 51 minutes 16 seconds West (previously recorded North 89 degrees 37 minutes 40 seconds West) along said centerline a distance of 134.69 feet to a point of curve; thence along a curve to the left, having an arc chord bearing and distance of North 60 degrees 13 minutes 04 seconds West 229.50 feet (previously recorded North 59 degrees 42 minutes 00 seconds West 229.50 feet) to a point of reverse curve; thence 20 seconds, a radius of 230.00 feet, a chord bearing and distance of North 60 degrees 13 minutes 04 seconds West 229.50 feet (previously recorded North 59 degrees 42 minutes 00 seconds West 229.50 feet) to a point tangency; thence North 00 degrees 31 minutes 04 seconds West 837.97 feet; (previously recorded due North 804.97 feet) to the North line of Section 35; thence South 89 degrees 59 minutes 00 seconds East 531.01 feet (previously recorded South 89 degrees 27 minutes 30 seconds East 531.01 feet) to the point of beginning.
TOTAL PARCEL  (183.14 Acres)  

Part of the Southeast 1 of Section 26 and part of the Northeast 1 of Section 35, T4N-R6E, Township of Tyron, Livingston County, Michigan, described as follows: Beginning at the East corner of Section 26; thence due South along the East line of Section 26 a distance of 1573.69 feet; thence N 89°59'00" W parallel with the south line of Section 26, a distance of 533.00 feet; thence due South 320.00 feet thence S 89°59'00" E 533.00 feet to the East line of Section 26; thence due South along said East line a distance of 793.90 feet to the corner of Section 26, said point also being the Northeast corner of Section 35; thence N 89°59'00" W (previously recorded N 89°27'30" W) along the North line of Section 35 a distance of 1051.59 feet; thence S 00°31'04" E 847.59 feet (previously recorded due South 847.59 feet) to the centerline of a 66.00 foot easement for ingress and egress (known as Alcoy Drive); thence along the centerline of said easement to a point of tangency; thence S 89°51'16" W (previously recorded S 89°37'40" W) along the centerline of Alcoy Drive a distance of 340.40 feet to a point of curve; thence on a curve to the right, having an arc distance of 240.28 feet, a central angle of 89°51'20", a radius of 230.00 feet; a chord bearing and distance of N 59°55'36" W 229.50 feet (previously recorded S 60°26'40" W 229.50 feet) to a point of reverse curve; thence along a curve to the left, having an arc distance of 163.37 feet, a central angle of 40°41'50", a radius of 230.00 feet; a chord bearing and distance of N 89°59'00" W 159.96 feet (previously recorded S 89°59'00" W 159.96 feet) to a point of tangent; thence along the centerline of Alcoy Drive to the centerline of the South line of Section 35, a distance of 1325.23 feet; thence N 89°31'05" E along the South line of Section 26, a distance of 2657.94 feet to the point of beginning. Containing 183.14 acres of gross land and being subject to the reservation of Germany Road and Fenton Road so called; also being subject to any easements and or right-of-ways of record.
NOTARY VERIFICATION DECLARATION

NOTARY NAME: SALLY A. HALL

COMMISSION #: do not have one.

COMMISSION EXPIRES: Sally A. Hall
Notary Public, Livingston County, MI
My Commission Expires Feb 23 2002

COUNTY OF NOTARY: Genesee County, MI

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: 1-14-99

Signature: SALLY A. HALL

Place of Execution: Fenton, Mich. USA
QUITCLAIM DEED

THE UNDERSIGNED GRANTOR DECLARIES:

DOCUMENTARY TRANSFER TAX IS $0.00
City of Fenton, Livingston County

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Naziha Hicham Kabbani, hereby quitclaims and transfers to The Kabbani Family Trust, the following described real property in the City of Fenton, County of Livingston, State of Michigan:

Legal Description:

TOWNSHIP OF TYRONE- PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 26, T4N, R6E. BEGINNING AT A POINT ON THE S LINE OF SEC.26, WHICH IS N 89° 59' W 533 FT. FROM THE SE CORNER OF SEC. 26, THENCE CONTINUING N 89° 59' W 646.07, THENCE N 674.9 FT., THENCE S 89° 59' E 646.07 FT., THENCE S 674.9 FT., THENCE S 89° 59' E 646.07 FT TO THE POB. TOGETHER WITH A 66 FOOT EASEMENT FOR INGRESS AND EGRESS 33 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEGINNING AT A POINT ON THE E LINE OF SEC. 26, WHICH IS N 234 FT. FROM THE SE CORNER OF SEC. 26, THENCE N 89° 59' W 1179.07 FT TO THE POB.

Common Description:

7007 Denton Hill Road, Fenton, MI 48430

This is a transfer to a revocable grantor trust therefore no documentary transfer tax, nor any revocation of property shall apply.

Date: January 14, 1999

By: 

Naziha Hicham Kabbani

Documents prepared by:

Hedieh Mirahmadi Esq., 1901 Avenue of the Stars, 20th Floor,
Los Angeles, CA 90067 tel: 310-556-3920

Signatures witnessed by:

Vartan Bojalian

Emal Youabi

Notary Acknowledgment:

On 1/14/1999, before me, Naziha Hicham Kabbani, personally appeared Naziha Hicham Kabbani, personally known to me (or proved to me on the basis of satisfactory evidence to be the person(s) whose signature(s) are subscribed to the within instrument and acknowledged to me that the execution of the same was in her authorized capacity, and that by her signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SALLY A. HALL

Commission expires: Feb 22, 2002
Notary Public, Livingston County, MI
Livingston County, MI

[Signature]

Commission expires Feb 22, 2002

[Notary Public]
PARCEL SKETCH

PARCEL 1

PART OF THE SOUTHEAST 1/4 OF SECTION 26, TAN-RGE, TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SECTION 26; THENCE DUE SOUTH ALONG THE EAST LINE OF SECTION 26 A DISTANCE OF 1,337.79 FEET TO THE SOUTH 1/4 LINE OF SECTION 26; THENCE 58°35'23"W 2,655.24 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SECTION 26 AS PREVIOUSLY SURVEYED AND MONUMENTED; THENCE N00°13'42"W ALONG SAID NORTH AND SOUTH 1/4 LINE A DISTANCE OF 1,339.33 FEET TO THE INTERIOR 1/4 CORNER OF SECTION 26; THENCE N89°30'05"E ALONG THE EAST AND WEST 1/4 LINE OF SECTION 26, A DISTANCE OF 2,657.54 FEET TO THE POINT OF BEGINNING, CONTAINING 83.59 ACRES OF GROSS LAND AND BEING SUBJECT TO THE RESERVATION OF FENTON ROAD AND GERMANY ROAD SO CALLED. ALSO BEING SUBJECT TO ANY EASEMENTS AND OR RIGHT OF WAYS OF RECORD.

FIELD: N/A
DRAWN: MAC
CHECKED: RAP
DATE: 4-13-17
REVISED:
SHEET: 2 of 2
SCALE: 1" = 300'

JOB NO.: 16C0283

YASIN, LLC

SECTION 26 TAN - RGE TYRONE TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

ROWE PROFESSIONAL SERVICES COMPANY
The Rowe Building
540 S. Saginaw St., Suite 200
Flint, MI 48502
O: (810) 341-7500
F: (810) 341-7573
www.roweps.com
**NOTE: THIS IS NOT A
DRIVEWAY PERMIT.**

**Review Number** 1715-008REV2

**Property Owner and Applicant Information**

Owner: Naziha Kabbani
Street Address: 11318 Hartland Road
City, State, ZIP: Fenton, MI 48430
Day Phone: (303) 552-1251
Applicant: Blake Strozier
Company: ROWE Professional Services Co.
Address: 540 S. Saginaw Street, Suite 200
City, State: Flint 48502, 810341750
Applicant Phone: (810) 341-7500

**Location**

Township: Tyrone
Development: Kabbani Trust Family Cemetery
Approach Type: Private Road
Speed Limit (if posted): 55
Speed Factors (if any): Unposted Paved
Roadway On: Denton Hill Road
Side of Street: West
Section: 26

**Field Measurements**

Location of existing property corners from nearest crossroad: 0 and 1357 feet South of Germany

<table>
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<tr>
<th>Parcel</th>
<th>Property/Easement Corners</th>
<th>Access Point(s)</th>
<th>Sight Distance Req. Std</th>
<th>Sight Distance Measured</th>
<th>Sight Distance Comply</th>
<th>Clear Vision Comply</th>
<th>Neighbor Consent Required</th>
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<td>Yes</td>
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<td></td>
<td>875</td>
<td>875 North</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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Comments:
The commercial approach locations meet our sight distance and clear vision requirements. A commercial approach application will need to be submitted for review during the construction plan process. See the Livingston County Road Commission specification booklet, or, call this office for further requirements.

Inspection Date: 12/19/2017
Inspector: 

Kim Hiller
January 18, 2018

Yasin, LLC
11318 Hartland Rd.
Fenton, Michigan 48430


To whom it may concern:

In accordance with the Michigan Public Health Code, Act 368 of 1978, as amended Section 2458, Livingston County Health Department (LCHD) personnel have observed soil conditions on the proposed “Family Cemetery” at the above location.

A total of five (5) test holes were dug in the area of the proposed cemetery location. Four were inside the actual plot area and one was dug in the proposed roadway. The soils ranged from sandy loam to clay loam. The test holes were dug to a depth of 7 feet. Soil mottling was observed in one boring (Boring #4) at approximately 6 feet below ground surface. The general area of the cemetery location is well drained and has no ponding of surface water in the proposed cemetery plot layout. During site preparation, there should be no cutting of materials in the plot layout area and positive drainage away from the site shall be provided.

LCHD grants preliminary approval of the proposed cemetery based upon our initial site visit, soil evaluation and preliminary site plan from Rowe Engineering, Job #16C0283, dated December 2017. Final approval of the plat will be given upon township zoning approval and under the provision that the plat be recorded with the Register of Deeds.

Should you have any questions regarding items discussed herein, please feel free to contact me at (517) 546-9858.
Location and Directions: DENTON HILL RD

Applicant: YASIN, LLC
11318 HARTLAND RD
FENTON MI 48430
PH1 303-552-1251

Owner: YASIN, LLC
11318 HARTLAND RD
FENTON MI 48430
PH1 303-552-1251

SOIL DESCRIPTION

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<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
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<th>End Depth</th>
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<td>7.00</td>
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Further Info. Needed (Refer to Comments)

OverSize: N

Comments:
Cemetery Review

Conditions:
Soil evaluation for a proposed "family cemetery". Soils are suitable in the areas of borings #1 - 5, dated 12-19-17 however, further information is needed. Refer to Cemetery Guidelines from LCHD, dated October 2002.

Cemetery Review

Within 800 feet of a potential or known source of contamination

No

Alternative Review: No

Met? Date
N 12/28/17

Beau C. Forgiotti
Environmental Health Representative

December 28, 2017

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
NEW BUSINESS #3
RESOLUTION #181202
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #1 – LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)

REIMBURSEMENT RESOLUTION

WHEREAS, the Township intends to make certain road improvements to certain roads in and around the Laurel Springs Subdivision (the “Project”) and desires to finance a portion of the cost of the Project by issuing bonds;

WHEREAS, the Township intends to finance a substantial portion of the costs of the Project through the issuance of tax-exempt bonds in a maximum principal amount of $175,000 (the “Bonds”); and

WHEREAS, the Township expects to pay certain expenses of the Project prior to the issuance of the Bonds, and to reimburse itself for such expenses from proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF TYRONE TOWNSHIP as follows:

1. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

   (a) The Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of the Bonds.

   (b) The expenditures described in this paragraph (b) are for the purpose of defraying the costs of the Project and paying related bond issuance costs, all as described in this resolution.

   (c) The Bonds will be issued no later than 18 months after the later of (i) the date the first expenditure to be reimbursed was made; or (ii) the date the Project was placed in service or abandoned, but in no case later than 3 years after the date the first expenditure was made.

   (d) The expenditures described in (b) above are “capital expenditures” as defined in Treas. Reg. §1.150-1, which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election) under general Federal income tax principles (as determined at the time the expenditures are paid).
2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

RESOLVED BY:
SUPPORTED BY:

VOTE:

ADOPTION DATE: December 18, 2018

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 18, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

____________________________________
Marcella Husted
Township Clerk

Resolution # 181202
Laurel Springs Subdivision Road Improvement Project (2019)
Reimbursement Resolution
NEW BUSINESS #4
RESOLUTION #181203
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #2 – LAUREL SPRINGS SUBDIVISION ROAD IMPROVEMENT PROJECT (2019)

RESOLUTION TO PROCEED WITH THE PROJECT AND DIRECTING PREPARATION OF THE PLANS AND COST ESTIMATES

WHEREAS, the Board of Trustees of the Township has received petitions signed by property owners in the Township requesting that certain road improvements be made as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has tentatively determined to proceed with the construction of the Project and to finance the Project by issuing bonds (the “Bonds”) to finance the cost of the Project, in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has tentatively determined to use special assessments to raise the funds to pay the Township’s obligations on the Bonds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, the Township Supervisor is directed to have plans prepared illustrating the Project, the location of the Project, and an estimate of the cost of the Project.

2. The plans and estimates identified in paragraph 1, when prepared, shall be filed with the Township Clerk.

RESOLVED BY:
SUPPORTED BY:

VOTE:

ADOPTION DATE: December 18, 2018
CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 18, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

___________________________________
Marcella Husted
Township Clerk
The Project will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive.
NEW BUSINESS #5
RESOLUTION #181204
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #3 – LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)

RESOLUTION TO APPROVE THE PROJECT,
SCHEDULING THE FIRST HEARING
AND DIRECTING THE ISSUANCE OF STATUTORY NOTICES

WHEREAS, the Board of Trustees of the Township has received petitions signed by property owners in the Township requesting that certain road improvements be made as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has approved the establishment of the Project;

WHEREAS, preliminary plans and cost estimates for the Project have been filed with the Township Clerk;

WHEREAS, the Board of Trustees of the Township has determined to finance the Project by issuing bonds (the “Bonds”) in accordance with Act No. 188, Michigan Public Acts of 1954, as amended; and

WHEREAS, the Board of Trustees of the Township has tentatively determined to use special assessments to raise the funds to pay the Township’s obligations on the Bonds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Trustees of the Township hereby tentatively declares its intent to proceed with the Project.

2. The Board of Trustees of the Township hereby tentatively designates the special assessment district (the “Special Assessment District”) for the Project which is known as the “Laurel Springs Subdivision Road Improvement Project (2019) Special Assessment District” as is described in Exhibit B.

3. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, there shall be a public hearing on the Project, the petitions filed for the Project and the proposed Special Assessment District for the Project.

4. The public hearing will be held on Tuesday, January 15, 2019 at 7:00 p.m., at the offices of Tyrone Township, Livingston County, Michigan.
5. The Township Clerk is directed to mail, by first class mail, a notice of the public hearing to each owner of or party in interest in property to be assessed, whose name appears upon the last Township tax assessment records. The last Township tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the Township Board of Review, as supplemented by any subsequent changes in the names or addresses of such owners or parties listed thereon. The notice to be mailed by the Township Clerk shall be similar to the notice attached as Exhibit B and shall be mailed by first class mail on or before December 27, 2018. Following the mailing of the notices, the Township Clerk shall complete an affidavit of mailing similar to the affidavit set forth in Exhibit C.

6. The Township Clerk is directed to publish a notice of the public hearing in the Tri-County Times, a newspaper of general circulation within the Township. The notice shall be published twice, once on or before December 30, 2018 and once on or before January 6, 2019. The notice shall be in a form substantially similar to the notice attached as Exhibit B.

RESOLVED BY:  
SUPPORTED BY:  
VOTE:  
ADOPTION DATE: December 18, 2018  

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 18, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

______________________________
Marcella Husted  
Township Clerk  

-2-

Resolution # 181204  
Laurel Springs Subdivision Road Improvement Project (2019)  
Resolution to Approve the Project, Scheduling the First Hearing and  
Directing the Issuance of Statutory Notices
The Project will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive.
Exhibit B

Form of Notice of Public Hearing
for the Tyrone Township
Laurel Springs Subdivision Road Improvement Project (2019)
Special Assessment District
NOTICE IS HEREBY GIVEN:

(1) The Township Board of Tyrone Township, Livingston County, Michigan (the “Township”) in accordance with the laws of the State of Michigan, will conduct a public hearing beginning at 7:00 p.m., local time, on January 15, 2019, at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan, to review the following proposed special assessment district:

TYRONE TOWNSHIP LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)
SPECIAL ASSESSMENT DISTRICT

and to hear any objections thereto, and to the proposed project, and to the petitions filed by Township property owners with respect to the proposed project.

(2) The project (the “Project”) will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive. The Project is designed to serve the properties in the Special Assessment District (the “District”), which District consists of the properties located within the area designated on the map attached as Appendix 1 and includes the specific properties that are identified by the permanent lot and parcel numbers set forth in Appendix 2:

(3) The Township plans to impose special assessments on the properties located in the Special Assessment District to pay for the costs of the Project.

(4) The plans and cost estimates for the proposed Project, the description of the District, and the petitions in support of the Project are now on file in the office of the Township Clerk for public inspection. Periodic redeterminations of the cost of the Project may be made, and subsequent hearings shall not be required if such cost redeterminations do not increase the estimated cost of the Project by more than 10%. Any person objecting to the proposed Project, the petitions supporting the Project, or the proposed District must file his or her objections in writing with the Township Clerk before the close of the January 15, 2019 public hearing or within such additional time (if any) as the Township Board may grant.

This notice is given by order of the Tyrone Township Board.

Dated: December 27, 2018

Marcella Husted
Tyrone Township Clerk
Appendix 1

Map of Special Assessment District
## Appendix 2

List of Permanent Lot and Parcel Numbers in the Special Assessment District

<table>
<thead>
<tr>
<th>4704-11-100-025</th>
<th>4704-11-101-019</th>
<th>4704-11-101-040</th>
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<td>4704-11-100-028</td>
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<td>4704-11-100-034</td>
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<td>4704-11-100-039</td>
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<td>4704-11-101-017</td>
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<tr>
<td>4704-11-101-018</td>
<td>4704-11-101-039</td>
<td></td>
</tr>
</tbody>
</table>
STATE OF MICHIGAN  
)  
)  
COUNTY OF LIVINGSTON)  

Marcella Husted, being first duly sworn, deposes and says that she personally prepared for mailing, and did on December __, 2018, send by first-class mail, the notice of hearing, a true copy of which is attached hereto, to each record owner of or party in interest in all property to be assessed for the improvement described therein, as shown on the last local tax assessment records of the Township of Tyrone; that she personally compared the address on each envelope against the list of property owners as shown on the current tax assessment rolls of the Township; that each envelope contained therein such notice and was securely sealed with postage fully prepaid for first-class mail delivery and plainly addressed; and that she personally placed all of such envelopes in a United States Post Office receptacle on the above date.

____________________________________
Notary Public
Livingston County, Michigan
Acting in Livingston County
My commission expires: ____________
NEW BUSINESS #6
December 6, 2018

Mr. Mike Cunningham, Tyrone Township Supervisor
Tyrone Township Hall
10408 Center Road
Fenton, MI 48430

Re: 2019 Livingston Regional Sanitary Sewer Rates

Dear Mr. Cunningham:

Please be advised that at its regular meeting of December 6, 2018, the Livingston County Board of Public Works approved the 2019 budget for the Livingston Regional Sanitary Sewer System establishing a new rate, effective January 1, 2019. The new rate will be applied according to the commodity and variable rate structure displayed in the following table:

<table>
<thead>
<tr>
<th>Service</th>
<th>2018 Rates</th>
<th>2019 Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Readiness to Serve</td>
<td>$43.50 per month/connection</td>
<td>$50.00 per month/connection</td>
</tr>
<tr>
<td>Grinder Surcharge</td>
<td>$14.00 per month per grinder</td>
<td>$16.00 per month per grinder</td>
</tr>
<tr>
<td>Flow Rate</td>
<td>$4.78 per 1000 gallons</td>
<td>$4.28 per 1000 gallons</td>
</tr>
</tbody>
</table>

If you should have any questions, please do not hesitate to contact my office.

Respectfully,

Bob Demyanovich
Deputy Drain Commissioner

Cc: William Fountain, Hartland Township Supervisor
Livingston County Board of Public Works
### Seven Year Plan - Sewer Rates

<table>
<thead>
<tr>
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<tbody>
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<td><strong>Livingston County Fees</strong></td>
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<tr>
<td>Readiness to Serve</td>
<td>$7.00</td>
<td>$17.00</td>
<td>$27.00</td>
<td>$37.00</td>
<td>$43.50</td>
<td>$50.00</td>
<td>$51.00</td>
<td>$52.00</td>
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<td>$6.00</td>
<td>$9.00</td>
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<td>$6.92</td>
<td>$6.12</td>
<td>$5.34</td>
<td>$4.78</td>
<td>$4.28</td>
<td>$4.22</td>
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<td><strong>Residential Grinder</strong></td>
<td>379</td>
<td>382</td>
<td>500</td>
<td>492</td>
<td>500</td>
<td>520</td>
<td>540</td>
<td>570</td>
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<td><strong>Residential Gravity</strong></td>
<td>43</td>
<td>44</td>
<td>51</td>
<td>55</td>
<td>58</td>
<td>63</td>
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<td><strong>Commercial Grinder</strong></td>
<td>6</td>
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<td>4</td>
<td>4</td>
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<td>57,925,825</td>
<td>57,949,699</td>
<td>58,852,148</td>
<td>60,574,798</td>
<td>62,066,474</td>
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<td>Flow rate (6.26)</td>
<td>$8.10</td>
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<td>$8.17</td>
<td>$8.28</td>
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<tr>
<td><strong>Grinder Rates</strong></td>
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<td>$59.59</td>
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<td>$60.70</td>
<td>$61.25</td>
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<td>$32.00</td>
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<td><strong>Gravity Rates</strong></td>
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<td>$193.58</td>
<td>$200.77</td>
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<td>$205.63</td>
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<td>$774.34</td>
<td>$803.08</td>
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<td>$822.50</td>
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<td>3.40%</td>
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<td>3.63%</td>
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<td>0.98%</td>
<td>213.10</td>
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<tr>
<td><strong>Res. Sewer Usage Rev</strong></td>
<td>$270,185.18</td>
<td>$292,114.27</td>
<td>$391,588.85</td>
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<tr>
<td>Business Flow</td>
<td>24,750,000</td>
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<td>25,747,425</td>
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<td>577</td>
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<td>$297,714.23</td>
<td>$301,173.21</td>
<td>$304,701.04</td>
</tr>
</tbody>
</table>

**Business Rates**

- **Bus Sewer Usage Rev.**
  - $200,475.00
  - $206,489.25
  - $210,356.46
  - $215,320.57
  - $213,796.68
  - $217,526.30
  - $221,041.21
  - $224,604.66
- **Readiness + Grinder**
  - $0.00
  - $1,571.55
  - $2,574.75
  - $3,018.40
  - $3,172.48
  - $4,067.39
  - $4,117.15
  - $4,269.60
- **Tyrone Fees**
  - $55,405.47
  - $63,561.77
  - $69,519.04
  - $70,968.55
  - $80,013.01
  - $118,127.30
  - $122,089.33
  - $128,439.49
- **Total Bus. Revenue**
  - $255,880.47
  - $271,622.57
  - $282,450.26
  - $289,307.51
  - $296,982.17
  - $339,720.99
  - $347,247.69
  - $357,313.75
- **Qtrly Bus Invoice**
  - $63,468.93
  - $68,583.80
  - $72,043.48
  - $74,082.56
  - $76,122.13
  - $87,477.64
  - $89,388.35
  - $92,011.82
- **% Increase**
  - 4.91%
  - 2.70%
  - 1.97%
  - 0.68%
  - 5.19%
  - 1.16%
  - 1.17%
- **Total County Fee**
  - $426,657.00
  - $464,630.63
  - $588,758.05
  - $625,519.39
  - $659,349.27
  - $716,820.13
  - $757,316.52
  - $81,025.038
- **Tyrone Usage Revenue**
  - $470,660.18
  - $498,603.52
  - $601,945.31
  - $616,251.86
  - $617,087.77
  - $642,575.25
  - $664,272.97
  - $694,504.62

**Surplus/Deficit/Actual**

| Surplus/Deficit/Estimated | $44,003.18 | $33,972.89 | $13,187.26 | ($9,267.53) | ($42,261.50) | ($74,244.88) | ($93,043.55) | ($115,745.76) |

**Fund Balance**

| Fund Balance | $490,000.00 | $651,875.49 | $665,451.53 | $711,784.74 | $734,820.60 | $660,575.72 | $567,532.17 | $451,786.41 |

**Assumptions:**

- Lake Tyrone with 77 grinders (37 in 2016, 40 more in 2017)
- Add 10 Business REUs per year
- Add 5 Residential Grinder REUs per year
- Add 1 Residential Gravity per year
- Add 2018 Connections (73 IMP list)
- Actual from Livingston Cty
- Validate from Monthly Flow Sheet
- From November Treasurer's Report/General Ledger

**County Fund Balance (as of 11/31/18):**

<table>
<thead>
<tr>
<th>County Fund Balance</th>
<th>Total</th>
<th>Goal</th>
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<tbody>
<tr>
<td>Reserve Fund Balance</td>
<td>$1,505,544.00</td>
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</tr>
<tr>
<td>Replacement Fund Balance</td>
<td>$1,183,893.00</td>
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<tr>
<td>Grinder Pump Repair/Replacement</td>
<td>$269,803.00</td>
<td>250K</td>
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<tr>
<td>O&amp;M Fund Balance</td>
<td>$930,308.00</td>
<td>250K</td>
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Reserves are recommended for the purpose of operations in an emergency, unplanned replacement and repair costs, unintended emergencies or system failures and system replacement.

**Increase Amount Proposed**

Documents/Sewer Rates 7 Year Plan - 2014 to 2021
NEW BUSINESS #7
ORDINANCE NO. 43
Tyrone Township
SEWER USE and RATE ORDINANCE

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ORDINANCE 43

SEWER USE AND RATE ORDINANCE

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 1 Policy and Purpose
An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 or the Public Acts of 1939, as amended, to regulate private and Public Sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and to provide for pollutant limitations, data collection, monitoring and sampling, and to preserve, promote and protect the health, safety and general welfare of the person and property within Tyrone Township; and to provide for enforcement hereof; and to provide for penalties and remedies for the violation thereof, in the Township of Tyrone, County of Livingston, State of Michigan.

This Ordinance defines the requirements for all single and non-single family residences. Non-single family residences include attached condominiums, apartments, stores, offices, restaurants, and industries, all of which must meet the industrial pretreatment requirements of the Genesee County Water and Waste Services Industrial Pretreatment Program.

The Township of Tyrone, Livingston County, Michigan Ordains:

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the System which will interfere with the normal operation of the System or contaminate the resulting municipal sludge;

2. To prevent the introduction of pollutants into the System which do not receive adequate treatment in the System, potentially causing a violation in the conditions of the National Pollutant Discharge Elimination System (NPDES) Permit, and which will pass through the System into receiving waters or the atmosphere or otherwise be incompatible with the System;

3. To improve the opportunity to recycle and reclaim wastewater and sludge from the System;

4. To provide for equitable distribution of the cost of the System;

5. To provide for the appropriate administration of the System;

6. To provide for the orderly growth of the community as necessary in accordance with applicable law and ordinances.

Sec. 2 Definitions
Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. The definitions contained herein may, but do not necessarily, coincide with the Township’s Zoning Ordinance. If an incompatibility exists, the definitions contained herein shall apply to this Ordinance and the corresponding definition in the Zoning Ordinance shall prevail with respect to the Zoning Ordinance.

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Authorized Representative of a User. A User shall designate in writing to the Township its authorized representative. The Property Owner is presumed to be the User unless otherwise designated.
Available Public Sanitary Sewer System. All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township. For any such parcel required to connect that is divided or split to create a new parcel or parcels, all parcels created from divisions of the parent parcel shall also connect to the sewer system.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter).

Building Drain. That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building Sewer. The sewer pipe extending from the building discharge location to the Public Sewer or other place of disposal. The Building Sewer includes the sewer “lead” that connects to the Public Sewer.

Bypass. The intentional diversion of waste streams from any portion of a User's pretreatment facility.

Capacity. The ability to handle and treat sewage flows. Capacity shall be based on the sanitary sewer basis of design, the requirements in the current edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers Recommended Standards for Wastewater Facilities (commonly referred to as the ‘Ten States Standards’) and any specific requirements from regulatory agencies having jurisdiction over the sanitary sewer system.

Categorical Standards or Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standard. See Pretreatment Standards.

Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater.

Combined Sewer. A sewer receiving both surface stormwater runoff and sewage.

Commercial Waste. A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.

Commercial User. See definition under User Class below.

Compatible Pollutant. A substance amenable to treatment in the System such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the system is designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.

Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration to which the only pollutant added is heat.

Day. When referenced in this Ordinance, a “day” is considered a calendar day unless otherwise indicated.

Debt Service Charge. The charges levied to a User and/or potential User who has purchased an REU, to pay principal, interest and administrative costs of retiring the debt incurred for construction of the System. The Debt Service Charge shall be in addition to the User Charge, Sewer Connection Fee and Sewer Tap Fee.

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Ordinance No. 43 - Sanitary Sewer System – 12/12/2018
**Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters located in and flowing through the Township.

**Engineer.** The Engineer designated by the Township.

**Engineering Standards.** An Engineering standard duly adopted by the Township Board or as mandated by law.

**Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

**Forcemain.** A sewer pipe that transports sewage under a pressure exerted by a sewage pump.

**Garbage.** The solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**Gravity Sewer.** A sewer pipe which conveys sewage down gradient under atmospheric pressure due to a slope in the sewer pipe.

**Grinder Pump.** The sewage pump unit at each property to which the Building Sewer connects and which grinds and pumps sewage to the Public Sewer for transportation to the System. Includes the publicly owned grinder pumps, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately owned building and the Public Sewer System.

**Groundwater.** The water beneath the surface of the ground, consisting largely of Surface Water that has seeped down, also the source of water in springs and wells.

**Health Department.** The Livingston County Department of Public Health, unless otherwise directed by The Township of Tyrone, Livingston County, and Genesee County, or the State of Michigan.

**Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**IJA Sewer Use Ordinance.** See InterJurisdiction Agreement (IJA).

**Incompatible Pollutants.** Any pollutant which is not a compatible pollutant.

**Industrial Wastes.** Any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

**Industrial User.** See definition under User Class below.

**Infiltration.** Any water entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**Infiltration/Inflow.** The total quantity of water from both infiltration and inflow.

**Inflow.** Any water entering the System through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and *storm* drain cross connections.

**Interfere.** The inhibition or disruption of the system treatment processes or operations which contributes to a violation of any requirement of the Township's NPDES Permit or reduces the efficiency of the System. The term also includes prevention of sewage sludge use or disposal by the System.
InterJurisdiction Agreement (IJA). An ordinance of the County of Livingston to adopt new regulations applicable to the disposal of wastewater discharged from Livingston County through the Livingston County Interceptor to the Genesee County Sewage Disposal System No. 3 for treatment at the Genesee County Linden Wastewater Treatment Plant; to provide for administration and enforcement within Livingston County with respect to those discharges by the Genesee County Agency. (Reference Appendix D)

Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules, regulations, policies or procedures promulgated pursuant to this division.

Livingston County Department of Public Health. The Livingston County Department of Public Health, which is sometimes referred to in this Ordinance as the “Health Department”.

Manager. The Manager of the Township or his/her designee, Else that person assigned by the Township Board to act as the Manager as set forth in this Ordinance.

National Categorical Pretreatment Standard or Pretreatment Standard. Any federal regulation containing pollutant discharge limits promulgated by the EPA or other authorities having jurisdiction which applies to a specific category of Industrial Users.

National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or Groundwater.

New Source. Any source, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards which will be applicable to such source, provided that:

- Construction is at a site where no other source is located; or
- Process or production equipment causing discharge is totally replaced due to construction; or
- Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

For purposes of this Ordinance, construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. (Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.)

Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than 260 mg/l of BOD; nor more than 300 mg/l of suspended solids; nor more than 6 mg/l of phosphorus; no more than 100 mg/l of fats, oils and grease; no more than 35 mg/l of total ammonia nitrogen.

North American Industry Classification System (NAICS). The North American Industry Classification System (NAICS) has replaced the U.S. Standard Industrial Classification (SIC) system. NAICS is a creation of the United States Census Bureau. Any references herein to either system shall use the NAICS as their basis.
**Obstruction.** Any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the Public Sewer. This shall include, but not be limited to objects, sewage, tree roots, rocks and debris of any type.

**Operation and Maintenance.** All work, materials, equipment, utilities and other effort required to operate and maintain the System, consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of replacement.

**Owner or owners of record.** The person, persons, corporation, company, association, LLC or other party listed as the tax responsible party on the current tax bill for the lot, parcel, or unit.

**O&M Fee.** A fee charged to each user connected to the System to recover Operation & Maintenance costs associated with connections to the System.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

**PH.** A figure expressing the acidity or alkalinity of a solution on a logarithmic scale on which 7 is neutral, lower values are more acid, and higher values more alkaline. The pH is equal to the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**Pollutant.** Any of various chemicals, substances, and refuse materials, including but not limited to, such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

**Premises.** The particular property connected or to be connected to the System. “Premises” is sometimes referred to as “Property”.

**Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

**Pretreatment Requirements.** Any substantive or procedural requirement for treating of a waste prior to inclusion in the System, including National Categorical Pretreatment Standards.

**Private Sewer.** Means a sewer that is owned, operated and maintained by or on behalf of one or more individuals, for the benefit of the owners, and not owned by the Township or Livingston County.

**Private Sewer Lines.** For Users served by a gravity sewer system, all service lines and equipment for the disposal of sewage installed or located on the Premises, from the sanitary sewer main to and including any structure or facility which exists on the Premises. For Users served by a grinder pump/low pressure sewer system, all service lines and equipment for the disposal of sewage from the grinder pump to any structure or facility which exists on the Premises. The grinder pump and the electrical service for the grinder pump are not part of the private sewer line but are part of the Public Sewer. See Appendix B.

**Property Owner.** See definition of “Owner”.

**Publicly Owned Treatment Works (POTW).** Means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Township. This definition includes any sewers that convey wastewater to the Treatment Plant. For the purposes of this Ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the POTW. The POTW is sometimes referred to as the “System”.

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Ordinance No. 43 - Sanitary Sewer System – 12/12/2018
**Public Sewer.** A sewer that is controlled by a public authority. The public portion of the system includes the wastewater treatment facility and sanitary sewer facilities necessary to collect sewage from the Users and convey the sewage to the wastewater treatment facility. One of the following items is included at each User's property as part of the public portion of the System.

a. **Gravity Sewer System.** For Users served by a gravity sanitary sewer system, the private sewer line portion of the sewer system shall include the installation, operation and maintenance of a sewer lead from the Public Sewer to the Premises or easement line. (See Appendix B)

b. **Grinder Pump/Low Pressure Sewer System.** For Users served by a low pressure sewer system, a grinder pump shall be located on the Premises within a public utility easement. The public portion of the Premises shall include the sewer service lead from the Public Sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior electrical provider electrical meter to the grinder pump (including a control/alarm panel and the electrical connection to the existing electrical provider meter). (See Appendix C)

**Replacement.** The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.

**Residential Equivalent Unit, or REU.** That measure of potential wastewater discharge equal to the quantity normally generated by occupants of a residence by a single family of average size. All single family homes are assigned one (1) REU. All structures other than single family homes will be assigned REUs based on the Unit Factor Table (“REU Schedule”) attached to this Ordinance as Appendix A.

**Sanitary Sewage.** A liquid or water-carried waste discharged from the sanitary conveyances of structures, including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

**Sanitary Sewer.** Means a public or private sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.

**Sewer.** A pipe or conduit, manhole and appurtenances necessary for carrying sewage.

**Sewer Connection Fee.** The charge levied to a User who has purchased one or more REUs, to physically connect the Property to the System.

**Sewer Service Lead or Sewer Lead.** A pipe tapped into a Public Sewer and extending to the property or easement line in the case of a gravity sewer, and from the Public Sewer to the grinder pump when a grinder pump is used.

**Sewer Tap Fee.** The cost to purchase the right to tap into the System and is measured in whole REUs. The Sewer Tap Fee and the administrative policies adopted by the Township for new Users connecting to the existing System, and existing Users expanding the number of REUs for their Property, shall be determined by action of the Township Board. In addition to the Sewer Tap Fee, the Sewer Connection Fee is the charge to physically connect the Property to the System.

**Shall** is mandatory. May is permissive.

**Significant Industrial User.** Any Industrial User of the Township’s System who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than 5% of the flow in the Township’s System; or (d) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act. State Statutes and rules; or (e) is found by the Township, Michigan Department of Environmental
Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the System, the quality of sludge, the system’s effluent quality, or air emissions generated by the System.

**Significant Noncompliance** shall mean one or more of the following:

a. Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a three-month period exceed the corresponding daily maximum limit or the corresponding average limit;

b. Technical Review Criteria (TRC) violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a three-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH).

c. Any other violation or violations of a daily maximum limit or an average limit that the Genesee County Director or Livingston County Drain Commissioner determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of the System personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the System exercising its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Township issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation, or group of violations, which the Township determines as adversely affecting operation or implementation of the Township's pretreatment program.

**Special Assessment District (SAD).** Any special assessment district established by the Township Board in accordance with the provisions of Chapter 20 of the Drain Code (Act 40 of 1956) as amended and/or Public Act 188 of 1954 as amended.

**State.** State of Michigan.

**Storm Sewer or Storm Drain.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**Stormwater.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**Surcharge.** In addition to the sewer user charge, any User discharging wastewater having strength in excess of limits set forth by the Township or Genesee County shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

**Surface Water.** Water naturally open to the atmosphere such as that collecting on the ground, including but not limited to water from estuaries, lakes, ponds, reservoirs, rivers, seas, etc.
**Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**Township.** The Township of Tyrone, a Michigan common law Township located in Livingston County, Michigan. When the term Township refers to an individual or group it shall mean its agents, elected officials, or employees.

**Township Board.** The Township of Tyrone Board of Trustees as determined by the electors of the Township of Tyrone.

**Toxic Pollutant.** Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or other Acts intended to protect the public health.

**Treatment Plant.** That portion of the System designed to provide treatment to wastewater.

**Tyrone Township.** The Township of Tyrone is sometimes referred to as Tyrone Township or the Township. When either is used herein they shall refer to the Township of Tyrone, Livingston County, Michigan.

**Township-County Contract.** The contract between the Township of Tyrone and the County of Livingston and all subsequent contracts.

**Uncontaminated Industrial Waste.** Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

**Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**User.** Any person who contributes, causes or permits the contribution of wastewater into the System.

**User Charge.** A charge levied on Users of the System for the cost of operation and maintenance of the System (sometimes referred to as “O&M Charge”), and includes the cost of repair and replacement of the equipment.

**User Class.** The kind of User connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

**Residential User.** A User of the System whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).

**Industrial User.** Any User who discharges “industrial wastes” as defined in this ordinance. See also Significant Industrial User.

**Commercial User.** An establishment listed in North American Industry Classification System (NAICS) involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes, wastes from sanitary conveniences and which is not a residential user or an Industrial User. Any User that discharges commercial wastes into the System.

**Institutional User.** Any establishment listed in the North American Industry Classification System (NAICS) involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Governmental User.** Any federal, state or local government User of the System.
Wastewater. The liquid and water-carried industrial, commercial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the System.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Waters. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Sec. 3 Abbreviations
The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
CWA - Clean Water Act
EPA - Environmental Protection Agency
l = Liter
MDEQ - Michigan Department of Environmental Quality
mg - milligrams
mg/l - milligrams per liter
NDS - Normal Domestic Sewage
NPDES - National Pollutant Discharge Elimination System
P - Phosphorus
POTW - Publicly Owned Treatment Works
REU - Residential Equivalent Unit
SIC - Standard Industrial Classification See North American Industry Classification System (NAICS)
SICM - Standard Industrial Classification Manual
SS - Suspended Solids
O&M - Operation and Maintenance

Sec. 4 Operation, Maintenance, and Control
1. The operation and maintenance of the system shall be under the supervision and control of the Township and Livingston County subject to terms of the County-Township contract. Pursuant to the terms of such contracts, the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, transmission, and debt service; the Township Board may employ such person in such capacity as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, safe and effective operation and maintenance of the system, to discharge its financial obligations, and to collect rates and charges herein provided.

2. Users of the Sanitary Sewer shall comply with the terms of this Ordinance and the Livingston County IJA Sewer Use Ordinance. Provisions of the Township-County contract are incorporated by reference.
3. Genesee County is responsible for administering the Industrial Pretreatment Program, and establishing and collecting fees related to the program, including permit, surcharge, and inspection fees. The Genesee County Industrial Pretreatment Program and enforcement provisions contained in the Genesee County Sewer Use Ordinance shall apply to Users of the Tyrone Township sanitary sewer system. Provisions of the Livingston County-Genesee County Contract are incorporated by reference.

Sec. 5 Unsanitary Deposits, Discharge to Natural Outlets Prohibited

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of the Township, any human or animal excrement, garbage or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable governmental agency having jurisdiction of the issue.

3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, outhouse, porta potty, or other facility intended or used for the disposal of sewage, unless specifically permitted by the Livingston County Health Department, or as hereinafter provided.

4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, is hereby required at his/her expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice to do so.

5. For those properties that do not receive letters from the Township requiring connection to an available Public Sewer, a direct connection to the Public Sewer shall be made within one hundred eighty (180) days if one of the following conditions apply:
   a. The private sanitary sewer system fails; or
   b. The property is sold after January 1, 2005; or
   c. The Public Sewer line has been available for 15 years.

At the time of connection, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.

6. When the premises are not connected to an available Public Sewer within the time specified in this section, the Township shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.
   a. The notice shall give the approximate location of the Public Sewer which is available for connection and shall advise the owner of the requirements and enforcement provisions of State law and any applicable ordinance and regulation.
   b. Where premises are not connected to an Available Public Sanitary Sewer System within ninety (90) days after the date of mailing or posting of the written notice, the Township may bring an action for a mandatory injunction or order in the Livingston County Circuit Court to compel the owner to connect to the Available Public Sanitary Sewer System immediately.
   c. Those premises not connected to an available Public Sewer within the time specified in this section and who’s owners have been notified by letter by the Township shall thereafter be charged sewer use (O&M) fees.
7. Unless the premises exists when this Ordinance is passed, the Township shall not issue a land use permit for construction of such structure until and unless the property on which such structure is located is being specially assessed by the Township for the sanitary system or:
   a. The Township Board approves the connection to the system;
   b. The property owner complies with all requirements of this Ordinance;
   c. There is sufficient excess capacity in the system to permit the connection; and
   d. The property owner pays in advance the connection charges approved by the Township.

Sec. 6  Non Residential Process Wastewater

1. Wastewater Contribution Information.

   Any industry, business, institution, person or structure discharging sanitary sewage to the System, other than normal residential sewage, shall file the information listed below with the Manager. Any industry which does not normally discharge to the System, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below. Additional information may be required as set forth in the IJA Sewer Use Ordinance.

   a. Name, address, phone number, electronic mail address, and location (if different from the address)

   b. North American Industry Classification System (NAICS) number as defined by the United States Bureau of the Census as amended.

   c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory approved by the Township; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:


   d. Time and duration of contribution.

   e. Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.

   f. Industries identified as Significant Industrial Users must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

   g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.

   h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and if not, whether additional Operation and Maintenance and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements.
i. If additional pretreatment and/or O&M charges will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements.

No increment referred to in paragraph (1) shall exceed 6 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager, Livingston County, and Genesee County including, as a minimum, documentation as to whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 6 months elapse between such progress reports to the Manager.

j. Each product produced by type, amount, process or processes and rate of production.

k. Type and amount of raw materials processed, average and maximum per day.

l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.

m. Any other information as may be deemed by the Township, Livingston County, or Genesee County to be necessary to evaluate the impact of the discharge on the System.

n. The disclosure form shall be signed by an authorized representative of the User and a qualified Engineer.

o. The Township, Livingston County, and Genesee County will evaluate the complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Township, Livingston County, and Genesee County shall notify the User of the acceptance thereof.

2. Discharge Modifications.

Within three (3) months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected existing Industrial Users shall submit to the Township the information required by paragraphs 1.a and 1.n of Section 5.

3. Discharge Conditions.

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User Charges, and fees established by the Township, Livingston County, and Genesee County. The Township, Livingston County, and Genesee County may:

a. By action of the Township Board set unit charges or a schedule of User Charges and fees for the wastewater to be discharged to the System;

b. Limit the average and maximum wastewater constituents and characteristics;
c. Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;

d. Require the installation and maintenance of inspection and sampling facilities;

e. Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

f. Establish compliance schedules;

g. Require submission of technical reports or discharge reports;

h. Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township, and affording Township, Livingston County, and Genesee County access thereto, and copying thereof;

i. Require prompt notification of the Township, Livingston County, and Genesee County in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the system;

j. Require immediate notification of all discharges that could cause problems to the system, including slug discharges;

k. Require other conditions as deemed appropriate by the Township, Livingston County, and Genesee County to ensure compliance with this ordinance.

l. Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.

m. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludge's, oils, radioactive materials, solvents, or other wastes.

n. Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements.

o. Control through permit, order, or similar means, the contribution to the system by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five years, require non-transferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations.

p. Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User’s intake water.

4. Baseline Reports.

a. Within 180 days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b), paragraphs (1)-(7).

b. At least 90 days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township, Livingston County, and Genesee County the information specified by 40 CFR, Section 403.12(b). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable pretreatment standard and shall
give estimates of the required information regarding flow and pollutant discharge.

5. Compliance Date Report.

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the System, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Users subject to equivalent mass requirements, the report shall contain a reasonable measure of the long-term production rate. For Users subject to Categorical Pretreatment Standards expressed per unit of production, the report shall include the actual production during the sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified to by a qualified representative.

6. Periodic Compliance Reports.

Any User or New Source discharging into the System, shall submit to the Manager, Livingston County, and Genesee County during the months of June and December, unless required more frequently in Pretreatment Standard or by the Manager, Livingston County, and Genesee County a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3.c. of this section. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree in writing to alter the months during which the above reports are to be submitted.

The Manager, Livingston County, and Genesee County may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

If a User is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the Township, Livingston County, or Genesee County using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.

If sampling performed by a User indicated a violation, the User shall notify the Township, Livingston County, and Genesee County within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis to the Township, Livingston County, and Genesee County within 30 days after becoming aware of the violation, except when the Township will be performing scheduled surveillance sampling/analysis within this 30-day period.


All Users shall notify the Township, Livingston County, and Genesee County the EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the system of a substance which would be a hazardous waste under 40 CFR 261. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must
provide notification of the discharge of such substance within 90 days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.


The Township, Livingston County, or Genesee County may require a monitoring facility to be provided and operated at the User's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, unless otherwise agreed to by the Township. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township, Livingston County, or Genesee County.

9. Inspection and Sampling.

The Township, Livingston County, or Genesee County shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and the User is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The Township, MDEQ and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, MDEQ, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.


Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township, Livingston County, or Genesee County. Any facilities required to pretreat wastewater to a level acceptable to the Township, Livingston County, or Genesee County shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township, Livingston County, and Genesee County for review, and shall be approved by the Township, Livingston County, and Genesee County before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township, Livingston County, and Genesee County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township, Livingston County, and Genesee County prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or MDEQ upon request.
11. Confidential Information.

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction, unless the User specifically requests the information is classified as confidential on the basis of proprietary processes and the material would otherwise be exempt from public disclosure under any state or federal act. When information is classified as confidential, the Township, Livingston County, and Genesee County shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing processes, except that confidentiality shall not extend to waste products discharged to the waters of the state. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approved authority by request.

12. Signatory Requirements.

All reports required by this Section shall be signed by the Authorized Representative of the Industrial User and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If the Authorized Representative of the Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Sec. 2., Authorized Representative of Industrial User, and designating the name and contact information, must be submitted to the Township, Livingston County, and Genesee County prior to or together with any reports to be signed by that representative, and not later than 30 days from the charge of responsibility.

Sec. 7 Private Sewage Disposal

1. No private sewage disposal system is permitted if a Public Sewer is available. Where a Public Sewer is not available under the provisions of this Section, the building sewer shall be connected to an approved private sewage disposal system as set forth in the IJA Sewer Use Ordinance.

2. Before commencement of a private sewage disposal system, the Owner shall first apply to the Township for a municipal sewer/water application, for purposes of determining whether a Public Sewer is available to service the property. If a Public Sewer is not available, the Owner shall then apply to the Health Department for a soil evaluation test. The fee shall be determined by the Health Department, and shall be paid to the Health Department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a Permit for Installation for the proposed sewage system. The Owner shall include plans, specifications and other information as deemed necessary by the Health Department. At the time the application is filed, the fee determined by the Health Department for the permit and inspection shall be paid. If a Public Sewer is available, the Owner shall connect to the System as set forth in this section.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Department. The Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Department when the work is ready for final inspection, and before any underground portions are covered. The
inspection shall be made within 7 days of the receipt of notice by the Health Department. All persons receiving a permit for a private sewer disposal system shall provide the Township with copies of all final approved inspection reports issued by the Health Department.

4. The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

5. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.

6. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

Sec. 8 Connection to Public Sewer System

1. At such time as a Public Sewer becomes “available” as defined in Section 2 to a property served by a private sewage disposal system that has failed, as determined by the Health Department, a direct connection shall be made to the Public Sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material. Additional requirements may be set forth in the IJA Sewer Use Ordinance. The Public Sewer shall be considered “available” when all of the following conditions are met.

a. All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township. For any such parcel required to connect that is divided or split to create a new parcel or parcels, all parcels created from divisions of the parent parcel shall also connect to the sewer system.

b. The Public Sewer and the System have sufficient capacity to reliably treat the additional sewage flows from the connection.

c. The Public Sewer pressure within the low-pressure sanitary sewer or the forcemain will accommodate connection to the System.

The Property Owner of a structure or buildings where sewage originates shall connect to the Public Sewer within 90 days after an application for a permit for a private sewage disposal system is denied by the Health Department. If the Property Owner does not connect to the Public Sewer within the 90 days, the Property Owner will be responsible for paying all User Charges, with the first quarterly sewer use bill being levied to the Property, prorated to the 91st day after the denial of the permit. Additionally, legal action will be implemented for the Property Owner to connect to the Public Sewer.

If vacant property is contiguous to a right of way or easement within which the Public Sewer is located, that vacant property must connect to the Public Sewer upon construction of a structure or building.

Any division or subdivision of property, lots, or parcels abutting, contiguous to, or located within, the public sewer district shall result in the parent parcel and all created parcels being required to connect to the public sewer system, regardless of their distance from the force main.

2. No person, other than the Operator, Manager, Livingston County, or authorized designee shall uncover, make any connections with or opening into, use, alter, or disturb any public Building Sewer, stub, or Public Sewer or appurtenance thereof, without first obtaining a sewer permit from The Township of Tyrone and recorded with both the Livingston County Drain Commissioner and Livingston County Building Department.
Any person who shall uncover, make any connections with or opening into, use, alter, or disturb any Building Sewer, stub, or Public Sewer or appurtenance thereof shall be licensed in compliance with Paragraph 21 of this section. No Building Sewer, stub, or Public Sewer shall be covered until after it has been inspected and approved by the Operator, Livingston County Drain Commissioner, or Livingston County Building Department.

3. The Property Owner or his/her agent shall make application for a sewer permit on a form furnished by the Township. The sewer permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. All Sewer Connection Fees and/or Sewer Tap Fees, in amounts established by action of the Township Board, shall be paid to the Township Treasurer at the time the application is filed. The Service Connection Permit and Grinder Pump Installation permit and fees may be amended from time to time by Resolution of the Township Board to reflect changes in the actual cost of performing this service. If a street opening is required to make the lead connection, an additional Livingston County Road Commission (LCRC) permit, as an attachment to the sewer permit, must be obtained.

4. All cost and expense associated with the installation, connection and maintenance of the Building Sewer to the System shall be borne by the Property Owner. The Property Owner shall pay all costs associated with any plumbing modifications, installing the sewer service lead to the Public Sewer as measured from the ROW, pumping out any existing septic tank, and decommissioning any existing septic tank.

5. All liabilities associated with the installation, connection and maintenance of the building sewer shall be borne by Property Owner. The Property Owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. This liability shall include, but not be limited to, damage or loss due to water intrusion, settlement, lightning or other Acts of God. Consequential damage due to any of the above causes is the responsibility of the Property Owner.

a. The Property Owner shall be responsible for the total maintenance, cleaning and repair of the Private Sewer Lines as defined in Section 2 Definitions, Private Sewer Lines.

b. The Township, is responsible for all repairs of the Public Sewer only, and has no responsibility of any sort for the private lines. The Township also has no responsibility to clean the sewer service leads.

c. In the case of a bona fide dispute as to whether needed maintenance, cleaning or repair of a portion of sewer line is the responsibility of the Property Owner or the Township under the provisions of this Ordinance, it shall be the duty of the Property Owner to establish that the obstruction disrepair or defect has occurred in that portion of the line for which the Township is responsible. If the Property Owner fails to establish the Township responsibility, it shall be the Property Owner's responsibility to perform the necessary maintenance as provided in this Ordinance. If the Township responsibility is established, the Township shall perform the necessary maintenance and shall reimburse the Property Owner for reasonable expenses, excluding attorney fees, incurred in locating the defect in the line or in otherwise establishing the Township responsibility.

d. Any Property Owner who shall violate the provisions of this Ordinance shall be liable to the Township for all costs and damages incurred in correcting the defect, including any consultant fees and/or attorney fees. Violation of this ordinance shall also constitute a misdemeanor. If any Property Owner fails to maintain a private sewer line as required by this Ordinance, in addition to the other penalties prescribed herein, the sewer may be declared a public nuisance by the Health Department and the defect may be corrected by the Township. Any costs so incurred, including consultant fees and/or attorney fees, shall be assessed against the Property and become a lien on the Property if not timely paid.
6. When two or more buildings in residential districts occupy the same parcel, each of which is connected to the Public Sewer, the following shall apply. If one or more building(s) is considered an accessory use to the main building it may be connected to the private sewer lines serving the main building. If, on the other hand, the building(s) are used as independent living units, each shall have its own direct connection to the System.

In non-residential districts each building requiring sanitary sewage service shall have its own connection to the System. The Manager may waive this requirement in non-residential districts when the accessory building is such that it may not be split off and sold to another entity.

7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township, to meet all requirements of this Ordinance. All costs incurred by the Township in making this determination, including consultant fees and/or attorney fees, shall be borne by the Property Owner requesting same.

8. The grinder pump location on each property will be coordinated by appointment with the Property Owner or his/her designee during the installation. An easement within the property will be required for the installation, operation and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/alarm panel and the electrical line to the grinder pump. The Property Owner shall execute the necessary documents to establish the easement.

9. The Building Sewer or Sewer Service Lead shall be constructed in accordance with the Township’s Engineering Standards. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if the foundation and construction are such as to warrant such protection in the written opinion of the Manager or Livingston County.

10. The size and slope of the Building Sewer shall be in accordance with the Township’s Engineering Standards but in no event shall the diameter be less than six (6) inches. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.

11. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to or within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with cleanouts accessible for cleaning.

12. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the current applicable building and plumbing codes, and discharge to the building sewer.

13. All joints and connections shall be made gastight and watertight. All joints shall meet the requirements of the Township Engineering Standards.

14. No sewer connection shall be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

15. All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer. The location and number of cleanouts shall be in accordance with applicable building and plumbing code requirements.

16. All sewers shall be designed and constructed in accordance with the latest edition of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers’ Recommended Standards for Wastewater Facilities (formally
17. The applicant for the connection permit shall notify Livingston County and/or the Operator when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Inspector or his representative.

18. All excavating for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the Livingston County Road Commission.

19. Connection now or hereafter of any premises in the service area of the Sewage Disposal System as now existing or hereafter enlarged, on which are now or hereafter located a structure or structures in which sanitary sewage originates, by or through a Building Sewer, service pipe, valve, and stub shall constitute by and from all persons, firms, or corporations, public or private, having or claiming any interest of record in said premises as owner, tenant, purchaser, seller, mortgagee, lien holder, or other claimant, now owned or hereafter acquired, permission to the Township and Livingston County, and any successor or duly authorized agent thereof, to enter at all reasonable times upon said premises to install, inspect, maintain, operate, repair, replace, or otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises. Such permit shall remain and be in full force and effect so long as sewage disposal services are provided or available to said premises from the sanitary system and shall be binding upon all successors interest in said premises so long as said permit remains in effect.

20. The Operator shall prepare, execute and record in both the offices of the Livingston County Drain Commissioner and Township of Tyrone an Access Permit and Service Agreement. Such Access Permit and Service Agreement may be amended from time to time by Resolution of the Township Board.

21. Any person, other than the Operator, desiring to uncover, make any connection with, or opening into, use, alter, or disturb any Public Sewer, parts thereof or appurtenances thereof, must be trained by the Operator and secure an annual license from the Township. The license shall be issued on a calendar year basis. The person applying for such license shall pay a license fee as adopted by resolution by the Township Board as referenced in the Fee Schedule and execute unto the Township and deposit with the Clerk a bond or bonds in the amount(s) and form acceptable to the Township or Livingston County, along with the necessary proof of insurance, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of the Township or Livingston County pertaining to sewers and plumbing. The bond(s) shall be acceptable to the Township and Livingston County and shall state that the person will indemnify and hold harmless the Township and Livingston County and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the plumbing, sewer line connection, or excavating for plumbing or sewer line connection as prescribed in this Ordinance. Such bond(s) shall remain in force and must be executed for a period not less than eighteen (18) months from time of license, except that, upon such expiration, it shall remain in force until all penalties, claims, and demands that may have accrued prior to such expiration have been satisfied. The license shall also provide public liability insurance for the protection of the Township or Livingston County, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of one hundred thousand dollars ($100,000) for one (1) person, three hundred thousand dollars ($300,000) for bodily injuries per accident, and one hundred thousand dollars ($100,000) for property damages. The license fee and limits on the public liability insurance may be amended from time to time by Resolution of the Township Board.

The Township Board reserves the right to revoke the license of any person who, in the Township Board’s sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a license, the Township Board may require that the patron

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applying for the license attend a training session on the proper procedures and equipment for making connections to the sewer system.

Sec. 9  Use of the Public Sewers

1. General Discharge Prohibitions.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System. These general prohibitions apply to all such Users of the System whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or requirements. The Township may refuse to accept any waste which will cause the System to violate its NPDES discharge limits. Additional requirements may be set forth in the IJA Sewer Use Ordinance. A User may not contribute the following substances to any System:

a. Any liquids, solids or gases, including but not limited to waste streams with a closed cup flash point of less than 140°F, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the System. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal intestines or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone, marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

c. Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System.

d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the System, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.

e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the System in a quantity that may cause acute worker health and safety problems.

f. Any substance which may cause the System's effluent or any other product of the System such as residues, scum's, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

g. Any substance which will cause the System to violate its NPDES Permit or the receiving water quality standards.

h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i. Any wastewater having a temperature which will inhibit biological activity in the System resulting in Interference, but in no case wastewater with a temperature at the introduction
into the System which exceeds 40°C (104°F).

j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the System.

k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.

l. Any wastewater which causes a hazard to human life or creates a public nuisance.

m. Any unpolluted water including, but not limited to stormwater, groundwater, roof water, or non-contact cooling water.

n. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

o. Any waste from individual sewage disposal systems except at the System treatment plant, as provided in Section 9, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, “individual sewage disposal system” is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.

p. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

q. Any trucked or hauled wastewater, except as specifically allowed by the Manager in writing.

2. Specific Pollutant Limitations.

a. Toxic pollutants and prohibited discharges:

No person shall discharge, or cause to be discharged, any sewage or wastewater which contains the substances or possess the characteristics described in subsection 8.1 of this section, and which are normally considered toxic, and which may prevent the effective operation of the sewage treatment plant, be incompatible with or harm the sewage treatment facilities; or which are prohibited by any federal or state law, rule, regulation, permit requirement or standard which is applicable to sewage treatment facilities; or which the Township shall have concluded will have an adverse effect on the receiving stream, or otherwise endanger the health, safety and welfare of the public or public property, or constitute a nuisance.

b. Conventional Pollutants. Except as Authorized by the Township, Livingston County, and Genesee County in writing, no person shall discharge wastewater containing in excess of the limits established in the approved basis of design of the System, as those limits may be modified from time to time; the current limits include, but are not limited to the following:

- 260 mg/l BOD5
- 300 mg/l total suspended solids
- 35 mg/l total ammonia nitrogen
- 6 mg/l total phosphorus
- 400 mg/l COD
- 100 mg/l by weight of fat, oil, or grease
c. Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by written order of the Manager, Livingston County, or Genesee County.

Should any other substances either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances shall be reduced by written order of the Manager, Livingston County, or Genesee County. Should the Township, Livingston County, and Genesee County determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Township, Livingston County, and Genesee County may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

d. If any waters are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated above, or other substances, and which in the judgment of the Manager, Livingston County, or Genesee County may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

1. Reject the wastes.
2. Require pretreatment to the level defined as “Normal Domestic Sewage”.
3. Require control over the quantities and rates of discharge.
4. Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges.
5. Require new industrial users or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Township, Livingston County, and Genesee County permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, ordinances and laws.


Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Manager shall notify all affected Users of the applicable reporting requirements.

4. Existing Users subject to new National Categorical Pretreatment Standards shall achieve compliance within 3 years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New Sources subject to National Categorical Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed ninety days after beginning to discharge.

5. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

6. Township's Right of Revision.

The Township reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1 of this Ordinance.
7. No User shall discharge or cause to be discharged any form of inflow or infiltration (stormwater, surface water, groundwater, water from footing drains, water from non-residential floor drains or roof water) to any sanitary sewer or sewer connection. Any Property connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Township.

Downspouts, non-residential floor drains and roof leaders shall be disconnected from sanitary sewers within six (6) months of the date of this Ordinance. If this is not done, the Township may perform this work and bill the User or Property Owner as the case may be.

Stormwater, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Department of Environmental Quality.

8. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

9. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

10. The Township, Livingston County, or Genesee County may prohibit the admission into the Public Sewer System, any waters, wastewater, or wastes as follows:
   a. Containing any quantity of substances having the characteristics described in Section 8.1.a or 8.1.b, or
   b. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Township, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average daily Township flow for a period of one hour or more, shall be subject to review and approval of the Manager, Livingston County, and Genesee County.
   c. Where necessary in the opinion of the Township, Livingston County, or Genesee County, the Property Owner or User shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus, and total ammonia nitrogen to concentrations given in 8.2.b; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.2.a, or control the quantities and rates of discharge of such waters or wastes.

11. Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) 260 parts per million of biochemical oxygen demand or (2) 300 parts per million by weight of suspended solids or (3) 6 parts per million by weight of phosphorus or (4) 35 parts per million by weight of total ammonia nitrogen or (5) 400 parts per million of chemical oxygen demand or (6) 100 parts per million by weight of fat, oil or grease and where such wastes are permitted to be discharged to the sewer system by the Manager, Livingston County, and Genesee County, an added charge, as set by action of the Township Board, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making of these samples shall be borne by the applicant. The cost of any subsequent sampling and testing shall be borne by the applicant. Tests shall be made by an independent laboratory approved by the Township, Livingston
County, and Genesee County.

Added charges shall be determined by the Township Board, Livingston County, or Genesee County. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

12. When required by the Township, Livingston County, or Genesee County, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township, Livingston County, and Genesee County. The manhole shall be installed by the property owner or User at his expense and shall be maintained by him so as to be safe and accessible at all times. Access to said manhole(s) shall be provided by the property owner or User without cost or inconvenience to the Township.

13. All measurements, tests and analyses of the characteristics of water to which reference is made in subsections 1 and 8 of Section 8, shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage, and shall be determined at the control manhole provided for in subsection 8, Section 5, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industrial users are further defined below:

a. An Authorized Representative from each Industrial User shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the sanitary sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

b. This Industrial User representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township Manager on an agreed upon basis.

c. The Industrial User representative shall determine whether or not large process alterations will occur during the next few years; one year, two years, and five years. Management should be consulted to determine if such alterations are scheduled and forthcoming. A report shall be completed annually summarizing whether or not large process alterations will occur and if such alterations are scheduled and forthcoming. The annual report shall be submitted to the Township Manager by an agreed upon deadline each year.
d. A sketch of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout sketch.

e. There must be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the wastewater treatment plant. Supervision and operation of the pretreatment equipment for spent concentrations as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this Ordinance is the responsibility of the industrial representative. All sludge’s generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.

f. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

g. An adequate sampling vault or manhole must be provided in an accessible place for the wastewater treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the treatment plant and receiving stream. Should, the Township, Livingston County, or Genesee County desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 110 volt AC. Samples collected could be divided between the industry and Township, Livingston County, or Genesee County for analysis if so desired by the industry. The sampling vault should be located so as to give access by Township, Livingston County, or Genesee County personnel without entering the industrial property.

h. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests the information is classified as confidential on the basis of proprietary processes and the material would otherwise be exempt from public disclosure under any state or federal act. When information is classified as confidential, the Township, Livingston County, and Genesee County shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing processes, except that confidentiality shall not extend to waste products discharged to the waters of the state. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approved authority by request.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ approved drainage outlet.

Agents of the Township, Health Department, Michigan Department of Environmental Quality and the U.S. Environmental Protection Agency, shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and copying applicable pretreatment records.
14. To determine the sewage flow from any establishment, the Township may use one of the following methods:

a. For premises supplied with river water or water from private wells, the REU Table may be applied, or

b. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Township from either water processing measurements, associated electric supply or using the REU Table, or

c. The number of gallons of sewage discharged into the sewer system as determined by flow measuring equipment or device approved by the Township, Livingston County, or Genesee County and measurements and samples taken at a metered manhole installed by the Owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Township pursuant to Section 7, or

d. A figure determined by the Township by any combination of the foregoing or by any other equitable method.

15. Excessive Discharges.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or State.


Where required, a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. The Township will evaluate, at least once every two years, whether a User without said protection will be subjected to these requirements. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance. If required by the Township, Livingston County, or Genesee County, a User who commences contribution to the System after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township, Livingston County, and Genesee County. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Manager, Livingston County, and Genesee County of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

a. Written Notice. A User shall submit oral notice of an accidental discharge that exceeds applicable Pretreatment Requirements to the Township within 24 hours from the time the User becomes aware of the accidental discharge. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the accidental discharge. The written submission shall contain a description of the discharge and its cause; the duration of the discharge, including exact dates and times, and, if the discharge has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
accidental discharge. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the System, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

b. Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

17. Upset Provision.

An Upset shall constitute an affirmative defense by Users in unintentional and temporary noncompliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements, provided it can be proved that:

a. An Upset occurred and the User can identify the cause(s) of the Upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

c. A User shall submit oral notice of an Upset that exceeds applicable Pretreatment Requirements to the Township, Livingston County, and Genesee County within 24 hours from the time the User becomes aware of the Upset. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the Upset. The written submission shall contain a description of the Upset and its cause; the duration of the Upset, including exact dates and times, and, if the Upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Upset.

d. In any enforcement proceedings, the User seeking to establish the occurrence of an Upset shall have the burden of proof.


Bypass producing a discharge which violates applicable National Categorical Pretreatment Standards or Pretreatment Requirements is prohibited, and the Township, Livingston County, or Genesee County may take enforcement action against a User for such Bypass, unless: the Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage; there were no feasible alternatives to the Bypass. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and the User submitted required notices. Severe Property Damage as used herein shall mean substantial physical damage to property, damage to the User's pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which cannot reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

If the User knows in advance of the need for Bypass, a prior notice shall be submitted to the Township, Livingston County, and Genesee County at least 10 days before the date of the Bypass. The Township, Livingston County, and Genesee County may approve or disapprove this anticipated Bypass, after considering its adverse effects.

A User shall submit oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Requirements to the Township, Livingston County, and Genesee County within 24 hours from the time the User becomes aware of the Bypass. Unless waived by the Township, Livingston County, and Genesee County, a written submission shall then be provided within 5 days of the time the User becomes aware of the Bypass. The
written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass.

19. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Township, Livingston County, and Genesee County and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Township, Livingston County, and Genesee County, subject to payment therefore by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or wastewater treatment plant or the receiving waters.

Sec. 10   Fees for Industrial Pretreatment

1. Purpose.

   It is the purpose of this section to provide for the recovery of costs from Users of the System for the implementation of the Pretreatment Program established herein. The applicable charges or fees shall be set by action of the Township Board. Additional fees may be set forth in the IJA Sewer Use Ordinance. All costs associated with a Pretreatment Program shall be borne by the User, including any costs incurred by the Township, Livingston County, or Genesee County.

2. Description of Charges and Fees.

   a. For reimbursement of costs of the initial evaluation and due diligence inquiry, setting up and operating the Pretreatment Program.

   b. For monitoring, inspections and surveillance procedures.

   c. For reviewing accidental discharge procedures and construction.

   d. For filing appeals.

   e. For permit applications or transfers.

   f. For consistent removal by the Township of pollutants otherwise subject to Federal Pretreatment Standards.

   h. And other fees as the Township, Livingston County, or Genesee County may deem necessary to compensate the Township, Livingston County, or Genesee County in carrying out the requirements contained herein.

Additional surcharges may be made by the Township, Livingston County, or Genesee County to compensate the Township, Livingston County, or Genesee County for the costs of treatment of pollutant loadings not normally treated at or in excess of those treated by the System.

There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each industrial user. The charges and fees for the services provided by the System shall be levied upon any User which may have any sewer connections with the System and which discharges industrial waste to the System. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.
Sec. 11 Protection from Damage

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the System.

Any costs associated with additional maintenance and/or repairs caused by a User's misuse of the System shall be charged to the User. In addition, a User shall be liable to the Township, Livingston County, and Genesee County for any and all fines, penalties, and associated legal, consultant's costs and other costs incurred or expended by the Township, Livingston County, or Genesee County as the result of any violation that is attributable, in whole or in part, to the User's violation of this section of the Ordinance.

Sec. 12 Municipal Liability

The Township, Livingston County, and Genesee County shall not be responsible for interruptions of services due to natural calamities, equipment or system failures, or actions of the system Users. The municipal liability shall be limited to the liability determined under the Governmental Immunity Act (Act 222 of Public Acts of 2001), MCL 691.1416 to 691.1419 et seq.; as the same may be amended from time to time. It shall be the responsibility of the User that all connected equipment to the Public Sewer remain in good working order so as not to cause disruption of service of any sewer or treatment plant equipment.

Sec. 13 Power and Authority of Inspectors

The Township, Livingston County, or Genesee County and other duly authorized employees or agents of the Township, Livingston County, or Genesee County, bearing proper credentials and identification, shall be permitted to enter upon such properties at any time as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

Sec. 14 Enforcement: Violations and Penalties

1. Emergency Suspension of Service or Permit.

   The Township may suspend wastewater treatment services to any User when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or may cause interference to the System, or causes or may cause the Township to violate any condition of its NPDES Permit.

2. Revocation of Permit.

   The Township, Livingston County, or Genesee County may revoke, suspend, or terminate the wastewater discharge permit of any User which (a) fails to accurately report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Township, Livingston County, or Genesee County for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance or any final judicial order entered with respect thereto.

3. Notification of Violation.

   Whenever the Manager, Livingston County, or Genesee County finds that any User has violated or is violating this Ordinance, its wastewater discharge permit, or any prohibition, limitation or requirements contained within, the Manager, Livingston
County, and Genesee County shall serve or cause to be served upon a User a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 10 days of the date of receipt of the notice, the discharger shall respond in writing to the Manager, Livingston County, and Genesee County, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereon. Receipt, or non-receipt, of a Notice of Violation shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township, Livingston County, or Genesee County against the affected User.

4. Show Cause Hearing.

a. The Township, Livingston County, or Genesee County may order any User that causes or allows conduct prohibited by this Ordinance to Show Cause before the Township, Livingston County, and Genesee County or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the User by personal service or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Township Board or its designee regarding the violation, the reasons why enforcement action is to be taken, the proposed enforcement action, and directing the User to Show Cause before the Township Board or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail not less than 10 days before the hearing. Service may be made on any agent, officer, or Authorized Representative of the User.

b. The Township Board may conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:

i. Issue in the name of the Township Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;

ii. Take the evidence;

iii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township Board for action thereon.

c. At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

d. After the Township Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that such devices or other related appurtenances are properly operated. Further orders and directives as are necessary may be issued.


Following the entry of any order by the Township Board with respect to the conduct of a User contrary to the provisions of this Ordinance, the Township, Livingston County, or Genesee County may, following the authorization of such action by the Township Board, commence an action for appropriate legal and/or equitable relief in the appropriate local court.
6. Publication of Violations.

The Township will annually publish in a newspaper of general circulation, a list of the Users which were in Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve months, in accordance with state law.

7. Right of Appeal.

Appeal of the Township Board's final determination shall be governed by applicable State law. Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township against the affected User.

8. Civil and Criminal Prosecution.

1. Violations - Generally

In addition to the other penalties provided in this Ordinance, any User who has willfully or negligently violated, or continues to willfully or negligently violate, any provision of this Ordinance, Industrial Waste Permit, or order issued hereunder, or other Pretreatment Standard or Requirement shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars ($500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User. Civil infraction prosecution shall be as set forth in the Township’s Civil Infraction Ordinance, and/or as determined by a competent court having jurisdiction.

2. Falsifying Information

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement, shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars ($500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, other actions by the Township, Livingston County, or Genesee County against the affected User.

3. Tampering

A User who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit, or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User shall be guilty of a misdemeanor, and upon conviction shall be fined up to five hundred dollars ($500) per violation, imprisonment for up to ninety (90) days, or both at the discretion of the court, together with the costs of such prosecution. Each day upon which a violation occurred or continues to occur shall constitute a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township, Livingston County, or Genesee County against the affected User.
9. Nuisance Per Se.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Township Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violation.

10. Costs.

In addition to the sanctions, orders, liabilities, and other remedies prescribed in this section, a User shall be liable to the Township, Livingston County, or Genesee County for any and all fines, penalties, and associated legal and other costs incurred or expended by the Township, Livingston County, or Genesee County as the result of any violation that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.

11. Injunctive Relief.

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waster Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a temporary restraining order, preliminary injunction or a permanent injunction, or both as may be appropriate. The Township, Livingston County, and Genesee County have a right to seek injunctive relief in a court of competent jurisdiction a User who has violated the terms of this Ordinance.

Sec. 15 Records

The Township and/or Livingston County shall maintain and keep books of general records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System, in accordance with the applicable Township and Livingston County record retention schedule. The Township will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

In conjunction with the budget, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to insure proportionality among user classes as required by federal regulations.

Classification of old and new Industrial Users shall also be reviewed annually by Livingston County and Genesee County.

The Township or Livingston County will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Public Sewers. All monies received for losses under any such insurance policies shall be solely to the replacement and restoration of the property damaged or destroyed.
Sec. 16  Records Retention

All Users subject to this Ordinance shall retain and preserve for not less than three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereto, relating to monitoring, sampling and chemical analyses made by or in behalf of a User in connection with its discharge, in accordance with Section 5 of this Ordinance. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 17  User Charge System

1. Fees.

Fees for the installation and use of the System shall be established by action of the Township Board to recover the costs of administration, construction, repairs, maintenance and operation of the System as necessary to preserve the System in good working order, to provide for the operation and replacement of the System, and to provide for the payment of any debt service obligations of The Township of Tyrone as they become due. The fees shall be made against all Users of the System.

The fees for sanitary sewer service are to be established by action of the Township Board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the System. The Township Board may classify the System Users according to the quantities and types of sewage received, and charge such fees to Users in each class, as it may deem reasonable.

The Township Board shall hold a public hearing 30 days before any fees increases are to take effect. The proposed fee increase and notice for public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before such public hearing.

The owner of all premises required by Section 5, Paragraph 4 or 5 to connect to the System shall pay a Connection Fee. The Connection Fee shall be a rate per REU established by resolution of the Township Board, which may be enacted apart from this published Ordinance as necessary.

In addition to the Connection Fee as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the Service Connection pursuant to Township specification on file at the Township.

A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Connection Fee of one Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Connection Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Tyrone Township Sanitary Sewer System Policies or subsequent revisions adopted by the Township Board. Unless otherwise determined by the Tyrone Township Board, the formula to determine REUs for uses other than single family residences shall be: 260 gallons of water use = 210 gallons of sewer use = 1 non-residential REU.

Upon connection to the System, commercial and Industrial Users shall have a water meter or waste discharge meter, of the size and type approved by the Township, installed on the User’s water or waste discharge line. The User shall purchase the meter as directed by Tyrone Township. The cost of both the meter and the installation shall be paid by the User with the installation to be made or approved by the Township or LCDC. The meter shall be read by Tyrone Township, its authorized agent, or other party determined by the Township, at a period determine by the Township.
2. **No Free Service.**

   No free service shall be allowed for any User of the System.

3. **Billing.**

   All fees for wastewater service shall be billed and collected in accordance with the Township Administrative Policies, as revised from time to time, and adopted by the Township Board.

   The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment of any outstanding balance owed on the account prior to being applied to current charges.

4. **Billing Appeals.**

   All disputes with bills for wastewater service shall be submitted in writing to the Township department responsible for utility billing. That department will consider the dispute and render a determination within 30 days of receiving the written dispute. The sewer User may appeal that department's determination by submitting a written appeal to the Township Supervisor within 15 days of the department's determination. The Supervisor shall render a final determination within 30 days of receipt of a written appeal. Submittal of an appeal shall in no way relieve the affected User of payment of the bill.

   Further appeal of the Supervisor's final determination shall be submitted to the Township Board. The appeal request shall be submitted to the Township Clerk within 15 days of the Supervisor's final determination. The Township Board will convene a hearing on the matter and render a final determination within 45 days of receipt by the Township Clerk of the appeal. Submittal of an appeal shall in no way relieve the affected User of payment of the bill.

5. **Nonpayment.**

   User Charges that are not paid on or before the due date as indicated on the bill shall be considered delinquent and shall accrue a 10% penalty on the unpaid amount.

6. **Collection of Delinquent Accounts.**

   Any and all charges, such as property owner's direct charges, O&M charges, and Debt Service charges, special assessment charges, interest, penalties and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the Owner of the Premises and shall become a lien against the Premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the Owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

   On the first day of September of each year, any and all balances that are past due for 90 days or more, including the 10% penalty assessed in preceding paragraph 5. Nonpayment of the above shall be certified to the next Township tax roll as a lien for collection against the Premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a 10% penalty on the entire amount of the lien in addition to previous charges.
7. REU Assignment Appeals.

A. Every Owner has a right to an administrative appeal of the assignment of REUs to a Property pursuant to the Township’s REU schedule as applied to a particular Property. Claims of economic hardship shall not be considered grounds for an administrative appeal.

B. A written appeal shall be submitted to the Manager within 15 days of the assignment of REU’s. The appeal shall identify the assigned REU’s and how the Owner feels they were incorrectly calculated. The Manager shall submit his/her written decision within 15 days after receiving the written appeal by a written decision sent by regular mail to the Owner.

C. If the Owner is dissatisfied with the Manager’s decision, a written appeal may be taken to the Township Supervisor by any User within 30 days from the date of the order, requirement, decision or determination as to application or interpretation of the REU schedule as applied to a particular Property, by filing with the Manager a notice of appeal specifying the grounds for the appeal and the payment of the appeal fee, if such a fee is established by the Township Board. If no appeal is taken within the 30 days, the order, requirement, decision, or determination shall be final.

D. Further appeal of the Township Supervisor’s determination shall be submitted to the Township Board. The appeal request shall be submitted to the Township Clerk within 15 days of the Township Supervisor’s final determination. The Township Board will convene a hearing on the matter and render a final determination within 45 days of receipt by the Township Clerk of the appeal. Further appeals shall be to the appropriate court.

E. The Township Board shall fix a reasonable time for the hearing of the appeal and render a decision within 60 days from the date of filing the notice of appeal, unless an extension of time is required by a decision of the majority of the members of the Township Board, whose decision shall state the reasons for the extension.

F. Minutes of the appeal hearing shall be kept in accordance with the Open Meetings Act and contain the basis of the determination made by the Township Board.

G. In ruling on an appeal, the Township may consider the current REU schedule, evidence of actual maximum usage, whether actual metering is appropriate, the economic life of the System and the particular properties, uses or classes of uses involved, the history of the particular land use in the community and similar communities and the policies, fees and rates of similar communities, and any other data deemed relevant to make a determination.

H. The Township Board may reverse or modify the order, requirements, decision, or determination appealed from, and shall make an order, requirement, decision, or determination as deemed necessary. The Township Board may impose conditions upon an affirmative decision on appeal. The concurring vote of a majority of the total members of the Township Board shall be necessary to reverse an order, requirement, decision, or determination.


If the determination by the Township Supervisor in the Administrative Appeals section 17-7 above is not agreeable to the appellant, the following “Metering Option” may be used by the Owner.

All REU fees and quarterly User Charges determined under section 17-7 above shall be paid to the Township Treasurer. The difference between the Township Supervisor’s determination of the appropriate assignment of REUs and quarterly User Charges for the Property as established in 17-7, less the number the User alleges is appropriate, shall be held in escrow with the Township Treasurer until final determination is made. The
number the User alleges is appropriate shall be retained by the Township. Upon a final determination of the appropriate number of REU’s to be assigned to the Property, any REU fees and quarterly User Charges in escrow shall be apportioned between the Township and the User per the final determination.

The Owner must install an approved water meter or waste discharge meter. The water meter or waste discharge meter purchase, installation and meter reading process must be coordinated through, and approved by, the Township. The meter location and installation shall be approved by the Township and the Owner shall obtain all applicable permits.

The Owner shall coordinate and pay all costs associated with the purchase and installation of the water meter or waste discharge meter, meter accuracy testing if required, and pay the Township’s cost of processing the meter readings to determine the REUs.

Water meter or waste discharge meter readings shall be taken and logged daily. They shall be taken at nearly the same time each day to represent daily usage of water through the meter. A log of the meter readings shall be kept near the meter and shall be made available to an authorized Township employee or contractor whenever requested. Request(s) by the Township to review the log and read the meter may be made on an unannounced basis.

The meter may be read during normal work days for the business excluding week-ends if that constitutes normal usage. If peak usage may occur during a week-ends, meter readings must be taken on the week-ends.

The water meter or waste discharge meter readings shall continue for a minimum of twelve (12) months.

This option is not to be used on partially occupied buildings. It may only begin after full occupancy.

The average daily flow shall be used in determining the REU assignment. The average daily flow during the total time monitored above shall be divided by 260 gallons per day for water meters, or 210 gallons per day for waste water meters, to determine the number of REUs assigned by this option. Fractional REUs will be rounded up to the next higher whole number of REUs.

If at any time during the monitoring period the number of REUs observed during 120 or more days exceeds the assigned number of REUs the higher REU figure will be considered as accurate and additional fees for those REUs shall be placed in escrow.

9. REU Assignments

A. A minimum of 1 REU shall be assigned to any building hooking up to the System. Any fractional REU’s shall be rounded up to the next half unit.

B. Any expansion or change in a building use or intensity shall be cause for a reevaluation and/or reassignment of REU’s. A change in a building use or intensity shall not result in a reduction of REUs already assessed against a building.

C. Each unit within a building developed pursuant to PA 59 of 1978, the Condominium Act, shall be considered a separate structure and will be assessed REUs based on the use or intensity of each unit.

D. The Township, by action of the Township Board, may adopt policies for combining, splitting, reassigning and reassessing REUs.
Sec. 18 Deferral of Special Assessment Charges; Waiver of User Charges; Debt Service Charges

1. Hardship Cases.

The Township does not have the authority to waive any special assessment. The Township Board may determine that it is appropriate to approve the deferral of special assessments imposed for the Township's System or any extensions thereto in certain circumstances in accordance with the authority set forth in Section 9a of Act 188, Public Acts of 1954, as amended. Any property owner who has property that is subject to a special assessment may, in accordance with the procedures set forth in Section 9a of Act 188, apply to the Manager for deferral of all or part of the annual portion of the principal and interest coming due on a special assessment. The Manager shall forward any such application to the Township Clerk. Consideration of deferrals shall be based on guidelines adopted by action of the Township Board.

Hardship deferrals shall be considered on a case by case basis by the Township Board as set forth by resolution establishing policies and fees for deferred payments.

2. Financial Hardship.

The Township Board shall examine any application for a deferral of the annual portion of the principal and interest coming due on a special assessment. The Township Board shall recommend approving a full or partial deferral of the amount coming due in that year if the applicant meets the Township's then existing criteria for the deferral of special assessments as set forth by action of the Township Board.


All applications for deferrals must be submitted prior to the time the annual special assessment installment is billed to the property owner. The Township Board shall establish, by appropriate action, the date by which such applications for deferrals must be submitted and the date by which the Township Board shall make its final determinations.

As a condition of granting the deferment, the amount deferred shall constitute a lien on the subject property, and the property owner or agent shall sign a document, in recordable form, that will provide notice of the lien on the property for the deferred amount.

Any deferment granted by the Township Board shall not exceed the amount of the principal and interest on the special assessment that is scheduled to be billed to the property owner in the following December.

The total sum of all annual deferments, both principal and interest, shall be paid in full at the time of any change in ownership of the subject property. If the total sum is not paid when due, the delinquent sum shall be placed on the tax bill for the Property. No additional interest shall be due on the amounts deferred pursuant to this ordinance.


Owners of new septic systems are eligible, under certain circumstances, to receive a waiver of the O&M component of the Quarterly Usage Charges that would normally apply to Users of the Township's System. In order to qualify for such a waiver, a property owner must have a "Qualified New Septic System."

A Qualified New Septic System is new or replacement septic systems that was installed prior to a System being available to the property in question. The time period for the waiver, if any, will be determined at the time the future sewer district is created.
An Owner of a Qualified New Septic System may apply in writing to the Manager and request a waiver of the O&M component of the Quarterly Usage Charges (but not the Debt Service cost component of the Quarterly Usage Charges) applicable for the Township's System.

Upon receiving an application for a waiver of the O&M charges, the Manager shall verify whether the property owner has a "Qualified New Septic System," and if the property owner has a "Qualified New Septic System," the Manager shall waive the O&M component of the Quarterly Usage Charges (but not the Debt Service component of the Quarterly Usage Charges). The Manager shall issue his/her written decision within 30 days of receipt of the request for a waiver.

Any such waiver of the O&M component of the Quarterly Usage Charges shall cease at such time as the "Qualified New Septic System" needs to be replaced, or 10 years from the date of waiver, whichever is later.

5. Exceptions.

Special assessment charge deferrals and waivers of O&M charges shall not be granted under the provisions of this Section where a person applying therefore is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such deferrals and/or waivers shown to have been granted under these circumstances shall be immediately terminated. Any deferral and/or waiver granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

Sec. 19 Validity, Severability, Conflict

The provisions of this article are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this article, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.
Sec. 20  Effective Date

This revised Ordinance shall be effective upon publication of said Ordinance as provided by law.

Ayes: None
Nays: None
Absent: None

The Supervisor declared the Ordinance adopted.

______________________________  ___________________________
Mike Cunningham, Supervisor     Marcella Husted, Clerk

ADOPTED: December XX, 2018
PUBLISHED: December XX, 2018
EFFECTIVE DATE: December XX, 2018

CERTIFICATION:
I, Marcella Husted, Clerk of the Township of Tyrone, County of Livingston, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township of Tyrone Board of Trustees on the.

In witness hereof, I have hereunto affixed my official seal this

______________________________
Marcella Husted, Clerk
Township of Tyrone
APPENDIX A: TYRONE TOWNSHIP EQUIVALENT USER TABLE

The following equivalent user factors will be used to assess tap-in fees. For purposes of this table, an equivalent user is defined as that quantity of wastewater discharged from an ordinary single family dwelling. The volume of wastewater generated by an equivalent user is defined in each sanitary sewer district. In computing charges for commercial, industrial, or multiple residences, the number of units for which charges are made shall be determined from the following equivalent user factors. Where square footage is used in the calculation of equivalent users, it shall mean the entire square footage inside the building. When the use of a building changes substantially the number of equivalent users for the new use, a supplemental tap-in fee will be assessed for the increased use.

<table>
<thead>
<tr>
<th>USER</th>
<th>UNIT FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Dealers</td>
<td>0.40 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Auto Repair/Collision – Body Shop</td>
<td>1.00 per shop plus 0.5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Banks</td>
<td>0.25 per employee station</td>
</tr>
<tr>
<td>Barber Shops</td>
<td>1.00 per shop plus 0.1 per chair after 2</td>
</tr>
<tr>
<td>Bars</td>
<td>4.00 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Beauty Shops</td>
<td>1.00 per shop plus 0.15 per booth</td>
</tr>
<tr>
<td>Bed &amp; Breakfast Establishments</td>
<td>1.0 per building plus 0.2 per guest room</td>
</tr>
<tr>
<td>Boarding Houses</td>
<td>1.00 per building plus 0.2 per bedroom</td>
</tr>
<tr>
<td>Boarding Schools</td>
<td>0.27 per bed</td>
</tr>
<tr>
<td>Bowling Alleys (w/o bars or lunch)</td>
<td>0.16 per alley</td>
</tr>
<tr>
<td>Bowling Alleys (with bar and/or lunch)</td>
<td>0.60 per alley</td>
</tr>
<tr>
<td>Car Wash (production line w/o recycle)</td>
<td>10.00 per single production line</td>
</tr>
<tr>
<td>Car Wash (production line with recycle)</td>
<td>5.00 per single production line</td>
</tr>
<tr>
<td>Car Wash (self service)</td>
<td>1.25 per stall</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>1.00 per premise plus 0.05 per person</td>
</tr>
<tr>
<td>Churches</td>
<td>0.25 per 1,000 sq. ft.(minimum 1.0 unit)</td>
</tr>
<tr>
<td>Cleaners (pick-up only)</td>
<td>1.00 per shop</td>
</tr>
<tr>
<td>Cleaners (pressing facilities)</td>
<td>1.25 per press</td>
</tr>
<tr>
<td>Clinics</td>
<td>0.50 per doctor (minimum 1.0 unit)</td>
</tr>
<tr>
<td>Convalescent Homes</td>
<td>1.00 per premise plus 0.5 per bedroom</td>
</tr>
<tr>
<td>Convents</td>
<td>1.0 per premise plus 0.25 per bedroom</td>
</tr>
<tr>
<td>Country Clubs &amp; Athletic Clubs</td>
<td>1.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Doctor’s Office</td>
<td>1.00 per premise plus 0.5 per exam room</td>
</tr>
<tr>
<td>Drug Stores</td>
<td>0.40 per 1,000 sq. ft. (minimum 1.0 unit)</td>
</tr>
<tr>
<td>Factories (exclusive of industrial flow)</td>
<td>0.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Fire Stations</td>
<td>0.20 per stationed firefighter/ 24 hours</td>
</tr>
<tr>
<td>Fire Stations (Volunteer)</td>
<td>1.00 per premise</td>
</tr>
<tr>
<td>Florist</td>
<td>1.10 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Fraternal Organizations (members only)</td>
<td>1.00 per hall</td>
</tr>
<tr>
<td>Fraternal Organizations (members/rentals)</td>
<td>2.00 per hall plus bar, restaurant, etc.</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>1.50 per 1,000 sq. ft. plus residence</td>
</tr>
<tr>
<td>Garden Center (nursery)</td>
<td>1.0 per premise plus 0.5 per employee</td>
</tr>
<tr>
<td>Government Office</td>
<td>0.40 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Grocery Stores &amp; Markets</td>
<td>1.10 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1.09 per bed</td>
</tr>
<tr>
<td>Hotels &amp; Motels (private baths)</td>
<td>0.25 per bedroom plus bar, restaurant, etc.</td>
</tr>
<tr>
<td>USER</td>
<td>UNIT FACTOR</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Industrial Buildings (exclusive of wet process)</td>
<td>0.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Laundry (self service)</td>
<td>0.54 per washer</td>
</tr>
<tr>
<td>Lumber Yard</td>
<td>1.00 per each 15 employees</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>1.00 per pad</td>
</tr>
<tr>
<td>Multiple Family Residence</td>
<td>1.00 per dwelling unit</td>
</tr>
<tr>
<td>Office Building</td>
<td>0.40 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Pet Shops</td>
<td>1.10 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Pool Halls</td>
<td>0.10 per table</td>
</tr>
<tr>
<td>Post Office</td>
<td>1.00 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Printing Shop</td>
<td>0.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Public Institutions (other than hospitals)</td>
<td>0.75 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Research &amp; Testing Laboratories</td>
<td>0.75 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Restaurants (fast food)</td>
<td>10.00 per restaurant</td>
</tr>
<tr>
<td>Restaurants (with liquor license)</td>
<td>4.00 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Restaurants (meals w/service &amp; dishes)</td>
<td>2.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Restaurants (take out)</td>
<td>1.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Retail Stores</td>
<td>0.15 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Rooming Houses (no meals)</td>
<td>0.25 per room</td>
</tr>
<tr>
<td>Schools (w/o showers and/or pool)</td>
<td>1.00 per classroom</td>
</tr>
<tr>
<td>Schools (with showers and/or pool)</td>
<td>1.50 per classroom</td>
</tr>
<tr>
<td>Senior Citizen Apartments</td>
<td>0.33 per apartment unit</td>
</tr>
<tr>
<td>Service Station – Gas Service</td>
<td>0.50 per pump</td>
</tr>
<tr>
<td>Service Station – with auto repair</td>
<td>1.00 per premise plus 0.15 per stall</td>
</tr>
<tr>
<td>Service Station – with mini mart</td>
<td>1.00 per premise plus 0.5 per 1,000 sq. ft. of building</td>
</tr>
<tr>
<td>Skating Rinks</td>
<td>0.40 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Snack Bar (drive-in)</td>
<td>2.50 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>3.00 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Single Family Residence</td>
<td>1.00 per residence</td>
</tr>
<tr>
<td>Sport Centers</td>
<td>0.05 per employee</td>
</tr>
<tr>
<td>Stores (other than specifically listed)</td>
<td>0.25 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Tennis Clubs</td>
<td>0.08 per member</td>
</tr>
<tr>
<td>Tennis or Handball (indoor club)</td>
<td>0.50 per court</td>
</tr>
<tr>
<td>Theaters (drive-in)</td>
<td>0.03 per car space</td>
</tr>
<tr>
<td>Theaters</td>
<td>0.01 per seat</td>
</tr>
<tr>
<td>Tourist Courts (individual bath units)</td>
<td>0.27 per cubicle</td>
</tr>
<tr>
<td>Trailer Parks (central bath units)</td>
<td>0.40 per trailer</td>
</tr>
<tr>
<td>Veterinary Facility</td>
<td>2.00 per veterinarian</td>
</tr>
<tr>
<td>Veterinary Facility with kennel</td>
<td>1.50 per facility plus 0.1 per kennel</td>
</tr>
<tr>
<td>Warehouse &amp; Storage</td>
<td>0.10 per 1,000 sq. ft.</td>
</tr>
</tbody>
</table>

Where building size and number of employees are both known, the equivalent water factors shall be based on the highest projected flow factor.

Classifications not specifically listed shall be assigned values as determined by the Township, but no facility shall be assigned less than one unit.

Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

In cases of expansion or change of existing water/sewer uses, connection fees shall be levied in accordance with the current connection fee schedule based upon the difference in the current and expanded or changed use.
In cases where an application for sewer service has been made for property which is contiguous to an existing sewer special assessment district such sewer service may be granted only after the following fees have been paid:

1. All Connection Fees.
2. An up-front lump-sum capital charge equivalent to the pro-rata share of what would have been the property’s assessment costs if the property were in the district, for the remaining term of the assessment. The capital charge will be placed in the debt service fund for future debt service payments on the special assessment. The properties in the SAD (Special Assessment District) will have their remaining assessments reduced by their pro-rata share of the capital share.

- See Section 17 for REU Fees, Assignments, and Appeals
APPENDIX B: OWNER/TOWNSHIP RESPONSIBILITY FOR GRINDER PUMP SYSTEM

The grinder pump location on each property will be coordinated by appointment with the property owner during the construction phase. An easement within the property will be required for the installation, operation, and maintenance of the grinder pump, sewer lead from the grinder pump to the Public Sewer, control/monitor panel, and the electrical line to the grinder pump. The grinder pump easement will need to be signed by the property owner before the grinder pump is installed. Tyrone Township and/or Livingston County shall prepare the grinder pump easement document and record the executed grinder pump easement at the Livingston County Register of Deeds.

Three different types of grinder pumps will be installed, as summarized below:

- Runyan Lake residents will receive replacement grinder pumps from Environmental One that are 120 volt, 15 amp rated and are to be installed with a 20 amp circuit breaker.
- Irish Hills residents will receive hydromatic TG-Pro Pressure Plus System grinder pumps that are two (2) horsepower.
- The remaining grinder pumps will be one (1) horsepower, 230 volt, and 30 amp pump.

A simplex grinder pump unit shall be provided to all properties with one (1) REU and to residential-use properties with two (2) REUs. A simplex grinder pump unit consists of one grinder pump with a 70 gallon holding basin. A duplex grinder pump unit shall be provided to non-residential use properties with two (2) to twelve (12) REUs and to residential properties with three (3) to twelve (12) REUs. A duplex grinder pump unit consists of two grinder pumps with a 150 gallon holding basin. All properties with thirteen (13) to twenty (20) REUs will be served by a duplex grinder pump unit with a 275 gallon holding basin.

Once installed, the lid of the grinder pump encasement will extend approximately 3 inches above the ground surface. The grinder pump encasement lid is 24 inches in diameter. No new permanent structures or other items can be placed on top of the grinder pump encasement or grinder easement.

The grinder pump must be located at least 10 feet from a building or property line and at least 50 feet from an on-site water supply well. In situations where it is physically impractical to locate the grinder pump outside the Livingston County Health Department’s (LCHD’s) 50-foot isolation distance from an on-site well, the grinder pump location will be subject to the LCHD’s approval. The grinder pump must be located within 100 feet of the exterior Consumers Energy electrical meter.

A control/monitor panel for the grinder pump will be mounted on the side of the existing building. The control/monitor panel must be located within sight of the grinder pump.

The red light on top of the control/monitor panel will illuminate when a high-level condition is detected in the grinder pump holding basin. The property owner would need to contact the sewer system operators to inform them that the red light is illuminated. All installation, operation, and maintenance work for the grinder pump, sewer lead from the grinder pump to the Public Sewer, and the electrical line from the grinder pump to the Consumers Energy meter is exterior work.

For properties served by a grinder pump/low pressure sewer system, the responsibilities of the public sewer system and the property owner are as follows:

**Public Sewer System/Township’s/Livingston County’s Responsibilities (Grinder Pumps)**

1. Coordinate grinder pump location with property owner.
2. Prepare grinder pump easement.
3. Record grinder pump easement with the Livingston County register of Deeds.
4. Install, operate, and maintain public portion of grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder
pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).

5. Install and maintain the electrical line from the property owner’s exterior electrical meter to the grinder pump (including the electrical connection to the electrical meter).

6. Restoration associated with the installation of the public portion of the grinder pump sewer system within property (sewer lead from the public sanitary sewer to the grinder pump, the grinder pump, and the electrical lines from the exterior Consumers Energy electrical meter to the grinder pump, including a control/alarm panel and the electrical connection to the existing Consumers Energy meter).

7. Maintain, repair, and replace (when necessary) the grinder pump and any other item of the public portion of the grinder pump sewer system within property.

8. Respond to high-level conditions (reported by property owner).

9. Provide a toll-free emergency phone number to sewer customers to contact for questions, maintenance, or emergencies.

10. Respond to service issues reported by property owners received on the toll-free emergency phone number. The appropriate service/maintenance will be completed as expeditiously as possible.

11. Maintain a tracking system that records the maintenance, repair, and replacement activities for all the grinder pumps. A monthly operating report will be completed summarizing the sewer system’s operation and maintenance activities during each month.

**Property Owner’s Responsibilities (Grinder Pumps)**

1. Coordinate grinder pump location with Township and/or Livingston County representative.

2. Sign the grinder pump easement.

3. Contract, hire, and pay contractor to install sewer lead from the building to the grinder pump (including connection to the grinder pump). The property owner will be responsible for the restoration associated with installing the sewer lead from the building to the grinder pump.

4. Notify the public sewer system operators of high-level conditions (when red light on top of control/alarm panel is illuminated). **To Report a Sewer Alarm or Sewer Leak call 517-546-0040.**

5. Notify the public sewer system operators of lack of power to grinder pump when the remainder of the household has power. First verify the electrical breaker in the home has not been turned off. **To Report a Sewer Alarm or Sewer Leak call 517-546-0040.**

6. Pay the electrical costs to operate the grinder pump. The electrical cost to operate the grinder pump will be included in the electric utility bill for each property served by a grinder pump. The typical electrical costs associated with a grinder pump serving a residential single family house is approximately $5.00 per month.

**GRINDER PUMP OPERATION DURING POWER OUTAGES**

When electrical service is disrupted to properties (such as area power outages), the grinder pumps will not have power and will not operate. Once power is restored to the property, the grinder pump will automatically start operating with no need to reset the grinder pump. Caution should be exercised because without power, the grinder pump does not operate and may result in sewage backup if more water/waste is allowed into the sewer system during the power outage than the on-site storage tank or main sewer line from the house to the grinder pump has capacity to hold.

Property owners cannot use portable generators to operate the grinder pumps during periods of power outage for the following reasons:
1. Improperly connecting a generator to a residential electrical system can endanger the lives of power company repair crews working to restore electricity by energizing lines the workers believe have been disconnected.

2. Some of the grinder pumps are designed to operate at 220/240 volts. Connecting a 110/120 volt power supply will result in permanent damage to the pump motor. The replacement cost of a grinder pump damaged by a property owner connecting a portable generator to the grinder pump shall be the responsibility of the property owner. This includes both the 110/120 volt and 220/240 volt grinder pump units.

As stated previously, property owners should limit the amount of wastewater generated during power outages, as the grinder pumps will not operate. Water/sewage use during power outages for properties served by a grinder pump could cause sewage backups within the premises.
APPENDIX C: Livingston County IJA InterJurisdiction Agreement Sewer Use Ordinance

Link to Fully Executed IJA – 12-14-2017
APPENDIX D: Sewer Do's and Don'ts

DOs AND DON’Ts
FOR SANITARY SEWER DISTRICTS OPERATED
BY THE
LIVINGSTON COUNTY DRAIN COMMISSIONER

DO

Always practice water conservation. Reducing the amount of water going into the system extends its working life and reduces the power consumption.

Always call MISS DIG 1-800-482-7171 at least 72 hours before doing any digging on your lot.

DON’T

Never connect troughs, storm drains, sump pumps or allow other surface water to enter into the wastewater collection system. It will increase pumping costs and overburden the drain field.

Never flush flammable, toxic products, rags, cigarettes, egg shells, sanitary napkins, hair, etc. This is dangerous and will lead to pump failures and increase maintenance cost. If you have any questions please call L.C.D.C.

Never overuse garbage disposals, the majority of what is put in an under the sink disposal can easily be put into the waste basket. This will keep cost for operation and maintenance lower.

Never put grease down the drain. Hamburger grease, bacon grease, etc. clogs line, and can cause failure of drain fields.

Building sewer lines running from the house to the main lead are the homeowner’s responsibility.

** If you have any questions on how your wastewater system operates, please call the L.C.D.C. at (517) 546-0040
Tyrone Township Sewer Rate Policy

Rates

From time to time, the Tyrone Township Board will establish Sewer Rates, Meter Costs, Sewer Assessment Equity Charges, and other fees via Resolution.

Billing Frequency

Bills for sewer service shall be sent to customers on a quarterly basis. Bills will be for the current quarter of service (i.e., service for January through March will be mailed in January).

For billing for new utility accounts, if the structure is connecting to the sewer, then the billing for that account will begin when the sewer connection permit is finalized.

Utility Bill Delivery Options

Invoices for the sewer service shall be delivered to customers via US Mail. A copy is also available by electronic mail (e-mail). Customers who wish for their bills to be e-mailed in addition to being mailed will need to call the Tyrone Township Treasurer’s Department.

Utility Bill Payment Options

Invoices for the sewer service may be paid through the following methods:

- **After Hours Drop Box** - We encourage payments in the night deposit box located at the front of the building, near the main entrance of Township Hall on the west side. Please write your phone number and utility bill account number on your check. If you desire a receipt, please enclose a stamped self-addressed envelope with your payment.

- **In Person** - Bring your utility bill with you to the Treasurer's Department along with payment, between 9:00 am and 5:00 pm, Monday through Thursday.

- **US Mail** - Mail checks payable to: "Tyrone Township", 10408 Center Road, Fenton, Michigan 48430. **Do not send cash.** If a receipt is desired, please enclose a stamped self-addressed envelope with your check.
  
  o Payment will be recorded on the date received, not the date it is mailed, postmarked, or the date the check is written. Postmarks will not be accepted as an indication of the date paid. **Please allow 10 days for payments to reach us.**

- **Online Payment** – Go to [www.tyronetownship.us](http://www.tyronetownship.us). Locate the orange Property Search & Bill Pay button. Below the button is a link to the instructions for online payments. Open that document and follow the instructions.
  
  o There is a nominal fee charged for online payments, typically 3% for credit cards and $3.00 for electronic checks. Current rates can be obtained via the township website or by contacting the Treasurer’s Office.
Payment by Check

Checks are accepted only as a conditional payment. If not honored and returned by the bank, the utility bill remains unpaid and subject to fees, penalties, and/or interest. The returned check fee may change over time. The Township will assess the returned check fee approved by the Township Board if a check is returned as unpaid (currently $35 at the time of Rate Policy adoption). Future payments will be applied to outstanding returned check fees, penalties, and/or interest prior to crediting your utility bill.

Late Fees

Sewer O&M Utility Bill payments not received by the specified due date will have a 10% late fee added to the balance of the account. Late fees are non-reversible without approval from the Township Treasurer. Any sewer O&M Utility Bill not paid by September 1st of each year will roll over onto the property tax bill with an additional 10% penalty applied. Failure to receive a bill does not waive interest or penalty.

Other Services

All services provided outside the fee schedule and permitted by Tyrone Township Sewer Ordinance #43 will be charged on a time and materials basis, plus a 10% administrative fee.

Surcharge Fees for Commercial Property

Excess Flow Surcharge shall mean a surcharge established from time to time by resolution of the Township Board for sanitary sewage in excess of the REU allowance.

Any sanitary sewer customer whose wastewater discharged to a sanitary sewer exceeds the REU allowance shall be charged an Excess Flow Surcharge. The Township may use any best practices method to determine the Excess Flow Surcharge.

- Usage will be measured over a 12 month period. Excess usage surcharges shall be applied to the first quarter bill, annually.
  - For example, any Excess Flow Surcharge for 2018 (January through December) shall be added to the April 1st bill in 2019.
- Allowed usage will be based upon the total allowable daily flow, measured by the gallons used and REUs assigned to the property. Allowable flow is measured by:
  - Sewer: 210 gallons per day per REU assigned to the property as set forth by the EQUIVALENT UNIT FACTOR TABLE (Appendix A) of Sewer Use and Rate Ordinance #43.
- If a lapse in data occurs and there are 2 or more actual readings available, then the total usage amount will be divided evenly over the days where the data is not recorded.

Revision Log

July 2018 - General revision
INTERJURISDICTIONAL AGREEMENT  
(SEWER USE)  

ENTERED INTO BETWEEN THE COUNTY AGENCY AND THE 
COUNTY OF LIVINGSTON.  

THIS AGREEMENT is dated as of December 14, 2017 (the “Effective Date”) by and between the COUNTY OF GENESEE acting through its COUNTY AGENCY, a Michigan municipal agency established by the Genesee County Board of Commissioners pursuant to Act 342, Public Acts of Michigan of 1939 (“Act 342”), as amended, (the “County Agency”); and the COUNTY OF LIVINGSTON, Michigan, a Michigan county and political subdivision of the State of Michigan, acting through its BOARD OF PUBLIC WORKS and its BOARD OF COMMISSIONERS (“Livingston County”).  

WITNESSETH:  

WHEREAS,  

The County Agency owns and operates a sewer system for the collection, conveyance, and treatment of wastewater (referred to herein as the “Genesee County Publicly Owned Treatment Works” or “Genesee County POTW”) as authorized by Act 342.  

The Genesee County POTW currently provides wastewater treatment service for discharges of wastewater originating from within certain areas of Livingston County (“Livingston County Discharges”).  

Some Livingston County Discharges are made pursuant to the 2003 Genesee/Livingston Sewage Disposal Service Agreement, dated as of June 1, 2003 and the Genesee County Sewage Disposal System No. 3 2003 Improvements Contract, dated as of June 1, 2003 (collectively, the “2003 Contracts”), previously entered into between Genesee County and Livingston County.  

The discharges from Livingston County to the Genesee County POTW pursuant to the 2003 Contracts are transported through the transmission line constructed pursuant to the 2003 Contracts (the “Livingston County Interceptor”) from premises located in Livingston County to the Genesee County Sewage Disposal System No. 3 and treated at the Linden Facility which is part of the Genesee County POTW.  

Other Livingston County Discharges are made pursuant to contracts previously entered into between the County Agency and the Township of Deerfield (the “Deerfield Contracts”). The discharges from Livingston County to the Genesee County POTW pursuant to the Deerfield Contracts are transported to the Genesee County Sewage Disposal System No. 7 and treated at the Argentine Facility. (Discharges made pursuant to the Deerfield Contracts shall be addressed under a separate interjurisdictional agreement between the County Agency and Deerfield Township.)
After treatment by the County Agency at the Linden Facility the treated effluent is then discharged pursuant to the National Pollution Discharge Elimination System Permits ("NPDES Permits") for that facility held by the County Agency.

The County Agency is the designated "Control Authority" for the Genesee County POTW as provided by its NPDES permits and by applicable state and federal laws, including: the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 USC 1251, et seq.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the Michigan industrial pretreatment rules, Michigan Administrative Code, R 323.2301 et seq., as amended.

Under applicable state and federal laws and regulations, the County Agency, in its capacity as the Control Authority and holder of the NPDES Permits, is required to adopt a sewer use ordinance; implement and enforce an industrial pretreatment program ("IPP"); and have the same legal authority for all users, existing and future, throughout all areas served by the POTW, regardless of jurisdictional or political boundaries.

At a minimum, applicable state and federal laws require the County Agency to have the legal authority and procedures, through its sewer use ordinance, IPP, and interjurisdictional agreements, that will enable it to independently assess and assure compliance by all users with applicable laws and regulations.

The County Agency has established and organized the Genesee County Water and Waste Services Division ("GCWWSD") to administer, implement and enforce the provisions of Act 342, other applicable state and federal laws and regulations, and Genesee County's sewer use ordinance.

On November 21, 2006, to comply with applicable State and Federal laws and regulations, the Genesee County Board of Commissioners repealed its then existing sewer use ordinance and adopted a new sewer use ordinance ("The Genesee County Sewer Use Ordinance," Genesee County Ordinance No. 0605).

The 2003 Contracts require Livingston County to have in place a sewer connection and use ordinance satisfactory to the County Agency. Further, the Genesee County Sewer Use Ordinance requires Livingston County (the same as it requires for all local units of government that discharge to the Genesee County POTW) to adopt an ordinance that expressly designates, empowers, and authorizes GCWWSD to act as the agent and representative of Livingston County for purposes of administering and enforcing Livingston County's sewer use ordinance within Livingston County for wastewater that is transmitted through the Livingston County Interceptor to the Genesee County POTW.

The County Agency and Livingston County are entering into this Agreement to comply with the requirements of Act 342, the 2003 Contracts, the Genesee County Sewer Use Ordinance, and the POTW's NPDES Permits, and to ensure that the County Agency has the proper legal authority to administer, implement and enforce Livingston County's Sewer Use Ordinance and the applicable
IPP within Livingston County for Livingston County Discharges that are transmitted through the Livingston County Interceptor to the Genesee County POTW as required by applicable laws and regulations.

NOW, THEREFORE, the Parties agree as follows:

1. **DEFINITIONS**

For purposes of this Agreement, the following terms are defined to mean as follows:

"**Act 342**" means the “County Public Improvement Act of 1939”, as amended, being MCLA 46.171 et seq., which act authorizes, in pertinent part, the establishment by Genesee County of a system or systems of sewer, or sewage disposal improvements and services and disposal facilities and services within or between cities, villages, townships, charter townships, or any duly authorized and established combinations thereof, within or without Genesee County, and mains, trunks, connecting lines, and disposal facilities therefore.

"**Clean Water Act**" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

"**County Agency**" means the public body or official as designated by the Genesee County Board of Commissioners pursuant to the provisions of Public Act 342 of the 1939 Public Acts of Michigan, being MCL 46.171 et seq., as amended (the “County Public Improvement Act”). The County Agency has established and organized the Genesee County Water and Waste Services Division ("GCWWSD") to administer, implement and enforce the provisions of Act 342 and Genesee County’s Sewer Use Ordinance. Accordingly, for purposes of this Agreement, "GCWWSD" may also be used to refer to the “County Agency.”

"**Discharge**" means the introduction of waste, wastewater, effluent or pollutants into the POTW through the Livingston County Interceptor, whether intentional or unintentional, and whether directly (such as through an approved sewer connection or other approved discharge point) or indirectly (including, but not limited to, sources such as inflow and infiltration).

"**GCWWSD**" means the Genesee County Water and Waste Services Division and its authorized representatives (see “County Agency”).

"**NPDES Permit**" means a permit issued pursuant to Section 402 of the Clean Water Act.

"**Person**" means any individual, partnership, co-partnership, firm, company, association, society, corporation, limited liability company, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns.

"**POTW** (Publicly Owned Treatment Works) means the complete sewage disposal, transportation and treatment system of Genesee County, Michigan, as defined by the Act, the County Public Improvement Act, and Genesee County’s Sewer Use Ordinance, including any devices, processes and systems used in the storage, treatment, recycling or reclamation of
wastewater, sewage or sludge, as well as sewers (including all main, lateral and intercepting sewers), pipes and other conveyances used to collect or convey wastewater or sewage to the treatment works, as now or hereafter added to, extended or improved. The term “POTW” shall also include any sewers, pipes, and other conveyances not owned by the County Agency that convey or discharge wastewaters to the POTW, provided that nothing in this sentence is intended, nor shall it be construed, to have any effect on the ownership or administration of, or responsibility for, any such sewer, pipe, or other conveyance. References in this Agreement to approvals, determinations, reviews, etc., “by the POTW” shall mean by the County Agency, the POTW Manager, or their authorized representatives. The term “POTW” may also be used to refer to the GCWWSD (acting through the County Agency) as the entity that has jurisdiction over the discharges to, and discharges from, the POTW (the “control authority”), as appropriate to the context in which the term is used.

“POTW Manager” or “Manager” means the person designated by the County Agency as being responsible to administer the POTW’s Industrial Pretreatment Program, and who is charged with certain duties and responsibilities as provided by Genesee County’s Sewer Use Ordinance. References to “POTW Manager” or “Manager” shall include the Manager’s authorized representatives.

“Premises” means a lot, tract, or parcel of land located in Livingston County, or a building or structure located in Livingston County, having any connection, directly or indirectly, through the Livingston County Interceptor to the POTW, or from which there is a discharge through the Livingston County Interceptor to the POTW.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before or instead of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or other means, except for the use of dilution (unless expressly authorized by any applicable pretreatment standard or requirement and the POTW Manager). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings, subject to applicable requirements of local, state and federal laws and regulations.

“Pretreatment Requirement” means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on a nondomestic User.

“Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated in accordance with Section 307(b) and (c) of the Act or Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.3101 et seq., including general and specific prohibitive discharge limits and local limits established in Genesee County’s Sewer Use Ordinance pursuant to MAC R 323.2303, and categorical standards.

“Surcharge” means the additional charges made by the POTW for the treatment of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits, or for other purposes specified by Genesee County’s Sewer Use Ordinance.
“User” means any person who contributes, causes or permits the contribution, introduction or discharge of wastewater into the POTW through the Livingston County Interceptor, whether intentional or unintentional, and whether directly or indirectly, from any Premises in Livingston County.

“User Permit” means an Industrial User Permit or a General User Permit as provided by Genesee County’s Sewer Use Ordinance.

“Wastewater” means the liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions (including, without limitation, contaminated groundwater and landfill leachate), whether treated or untreated, that is contributed, introduced or discharged into the POTW through the Livingston County Interceptor by any User or Premises located in Livingston County. The term includes any water that has in any way been used and degraded or physically or chemically altered.

2. ADOPTION BY LIVINGSTON COUNTY OF GENESSEE COUNTY’S SEWER USE ORDINANCE

A. Section 5(E) of the 2003 Genesee/Livingston Sewage Disposal Service Agreement, dated as of June 1, 2003, requires that Livingston County “must have in effect a sewer connection and use ordinance satisfactory to the County Agency.” Section 1.1(D) of the Genesee County Sewer Use Ordinance requires that Livingston County, as a local unit of government that discharges into the Genesee County POTW, must adopt a new sewer use ordinance, as follows:

“... the Local Unit shall adopt (and keep continually in force and up to date) an ordinance that, except as specifically provided by this paragraph, shall be identical to this Ordinance (as this Ordinance is amended from time to time by the County upon the recommendation of the County Agency). The ordinance adopted by the Local Unit shall expressly designate, empower and authorize the GCWWSD to act as the agent and representative of the Local Unit for purposes of administering and enforcing the Local Unit’s ordinance within the Local Unit. This shall include, but shall not be limited to, the power and authority of the GCWWSD, as deemed necessary by the GCWWSD, to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of the Local Unit’s ordinance or of any notice, order, permit, decision or determination promulgated, issued or made by the GCWWSD, the POTW Manager, or their authorized representatives under the this Ordinance and the Local Unit’s ordinance, and to otherwise implement the requirements of this Ordinance and the Local Unit’s ordinance. The only other deviations and differences permitted between this Ordinance and the Local Unit’s ordinance shall be those that reflect the fact that the Local Unit’s ordinance is being adopted by the Local Unit, and any other deviations or differences that are approved in advance by the GCWWSD.”
B. As required by Section 5(E) of the 2003 Genesee/Livingston Sewage Disposal Service Agreement, dated as of June 1, 2003, and by Section 1.1(D) of the Genesee County Sewer Use Ordinance, and as a condition for any discharge from within Livingston County through the Livingston County Interceptor into the Genesee County POTW, Livingston County shall adopt a new sewer use ordinance (referred to herein as the “Livingston County IJA Sewer Use Ordinance”) as provided by this Paragraph 2.

C. Livingston County shall keep the Livingston County IJA Sewer Use Ordinance continually up-to-date through amendments as requested by the County Agency from time to time, as required by the Genesee County Sewer Use Ordinance and in accordance with applicable laws and regulations. The County Agency shall notify Livingston County in writing of any amendments made by Genesee County to Genesee County’s Sewer Use Ordinance for which similar amendments are required to the Livingston County IJA Sewer Ordinance. Upon receipt of notice from the County Agency, Livingston County shall proceed to adopt the amendments to the Livingston County IJA Sewer Use Ordinance in a prompt manner, and the parties hereby state their intent that any such ordinance amendments shall become fully effective as Livingston County law no later than 180 days after the date of receipt by Livingston County of the notice from the County Agency. Livingston County shall notify the County Agency upon final enactment of all such amendments to the Livingston County IJA Sewer Use Ordinance and shall send a copy of the ordinance as amended to the County Agency.

D. The Livingston County IJA Sewer Use Ordinance shall apply only to Users or Premises in Livingston County from which there are discharges of wastewater through the Livingston County Interceptor to the Genesee County POTW, and to any sewers, pipes, and other conveyances that convey or discharge wastewaters to the Genesee County POTW from such Users or Premises.

E. Livingston County shall take such steps as are necessary to ensure that all requirements of the Livingston County IJA Sewer Use Ordinance are met (including, but not limited to, the issuance of User Permits) before allowing any connection to be made to a public sewer that transports wastewater through the Livingston County Interceptor to the POTW.

F. Attached to this Agreement as Schedule 1 is the Livingston County IJA Sewer Use Ordinance (“Livingston County IJA Sewer Use Ordinance”) in the form to be initially adopted by Livingston County. The County Agency agrees that the Livingston County IJA Sewer Use Ordinance, if adopted and kept up-to-date in accordance with this Paragraph 2, shall be deemed to comply with the requirement under Section 5(E) of the 2003 Genesee/Livingston Sewage Disposal Service Agreement, dated as of June 1, 2003, that Livingston County must have in effect a sewer connection and use ordinance satisfactory to the County Agency, and shall be deemed to comply with the requirements of Section 1.1(D) of the Genesee County Sewer Use Ordinance.

G. Livingston County shall proceed to adopt the Livingston County IJA Sewer Use Ordinance in the form attached to this Agreement as Schedule 1 in a prompt manner, and the parties hereby state their intent that the ordinance shall become fully effective as Livingston County law no later than 180 days after the effective date of this Agreement. Livingston County
shall notify the County Agency upon final enactment of the Livingston County IJA Sewer Use Ordinance and shall send a copy of the ordinance as enacted to the County Agency.

3. DESIGNATION OF GCWWSD AS LIVINGSTON COUNTY AGENT AND REPRESENTATIVE

   A. Livingston County hereby designates, authorizes, and empowers the GCWWSD as provided by this Paragraph 3.

   B. Livingston County designates, authorizes, and empowers the GCWWSD to act as the principal agent and representative of Livingston County for purposes of administering and enforcing the Livingston County IJA Sewer Use Ordinance within Livingston County with respect to Users or Premises within Livingston County that discharge wastewater through the Livingston County Interceptor to the Genesee County POTW (hereinafter “Livingston County Users” or “Livingston County Premises, respectively”) and any sewers, pipes, and other conveyances that convey or discharge wastewaters to the Genesee County POTW from such Users or Premises. This includes the power and authority of the GCWWSD to do all of the following, as determined necessary by the GCWWSD, consistent with the Livingston County IJA Sewer Use Ordinance and other applicable laws and regulations:

   (1) Identify and locate all Livingston County Users or Livingston County Premises located within the County that may be discharging to the Genesee County POTW and may be subject to pretreatment requirements under the Livingston County IJA Sewer Use Ordinance, or other applicable laws and regulations; identify the character and volume of the discharges from those Livingston County Users or Livingston County Premises; and notify them of applicable requirements.

   (2) Deny or condition discharges from Livingston County, Livingston County Users, and Livingston County Premises through the Livingston County Interceptor that do not meet the standards and requirements of the Livingston County IJA Sewer Use Ordinance, applicable pretreatment standards and requirements, or that would cause the Genesee County POTW to violate its NPDES permits.

   (3) Require all Livingston County Users and Livingston County Premises to comply with all applicable standards and requirements under the Livingston County IJA Sewer Use Ordinance, or other applicable laws and regulations.

   (4) Take random samples, conduct inspections and surveillance activities and monitoring of Livingston County Users and Livingston County Premises, and take such other actions to independently assess and ensure compliance with the Livingston County IJA Sewer Use Ordinance, or other applicable laws and regulations.

   (5) To the extent permitted by law, enter the premises of any Livingston County Users or Livingston County Premises from which there is a discharge source for the purposes authorized by the Livingston County IJA Sewer Use Ordinance.
(6) Immediately and effectively halt or prevent any discharge that might present an imminent endangerment to public health or welfare; and also to halt or prevent any discharge that might endanger the environment, pass-through or interfere with Genesee County POTW treatment processes (as defined by the Livingston County IJA Sewer Use Ordinance), or cause the POTW to violate its NPDES Permits, consistent with the requirements and procedures applicable to halting or preventing any such discharge as provided by the Livingston County IJA Sewer Use Ordinance. Further, if GCWWSD determines that it can do so consistent with applicable laws, regulations, and the POTW’s NPDES Permits, the GCWWSD shall, to the extent reasonably possible under the circumstances, attempt to constrain its action to halt or prevent any such discharge to the known specific source or sources of the discharge.

(7) Control discharges to the POTW from Livingston County Users and Livingston County Premises through User Permits issued by the GCWWSD.

(8) Take enforcement action against any Livingston County User or Livingston County Premises under the Livingston County IJA Sewer Use Ordinance, or other applicable laws and regulations, including the power and authority of the GCWWSD to immediately and independently investigate, enforce, and prosecute (administratively or judicially, and civilly or criminally) any violation of the Livingston County IJA Sewer Use Ordinance, or of any notice, order, permit, decision or determination promulgated, issued or made thereunder, and to otherwise implement the requirements of the Livingston County IJA Sewer Use Ordinance, and other applicable laws and regulations. In all cases, the GCWWSD shall have responsibility for matters regarding discharges of wastewater to the Genesee County POTW by Livingston County Users and Livingston County Premises regulated under the Livingston County IJA Sewer Use Ordinance, or other applicable laws and regulations; and the GCWWSD shall have the ability to act independently of Livingston County regarding such matters and without Livingston County’s approval. Notwithstanding the foregoing, Livingston County shall retain the authority to revoke the enforcement authorization granted to the GCWWSD in this Paragraph 3(B)(8). Upon thirty (30) days prior written notice to GCWWSD, Livingston County may terminate the enforcement authorization granted hereby. Effective as of the date of such termination, all discharges from within Livingston County to the Genesee County POTW shall immediately cease upon direction of the Genesee County POTW Manager and shall not thereafter recommence discharge without written authorization from the Genesee County POTW Manager; and provided further that if the discharges are not immediately ceased, the County Agency may take such action as it determines necessary to physically block the sewer connections and may bill Livingston County for the costs incurred by the County Agency in taking such action.

C. Livingston County hereby designates, authorizes and empowers the GCWWSD as being among the officials authorized to issue municipal civil infraction notices and citations to Livingston County Users or Livingston County Premises for violations of the Livingston County IJA Sewer Use Ordinance; provided that such enforcement authorization not remain in effect if Livingston County elects to revoke the enforcement authorization granted to the GCWWSD in this Paragraph 3(B)(8).

D. Livingston County agrees that it will take any other action required by law if and as necessary to effect the provisions of this Paragraph 3.
4. ACCEPTANCE, TREATMENT AND DISPOSAL OF WASTEWATER DISCHARGES

A. The Genesee County POTW will accept, provide treatment, and dispose of wastewater discharges from Livingston County to the Genesee County Sewage Disposal System No. 3 as provided by the 2003 Contracts and consistent with the terms, conditions, and requirements of this Agreement.

B. All discharges to the Genesee County POTW from any Livingston County User or Livingston County Premises shall be subject to and fully comply with the requirements of the Livingston County IJA Sewer Use Ordinance, the terms, conditions, and requirements of any applicable User Permits or orders issued by the GCWWSD thereunder, and the requirements of applicable state and federal laws and regulations, as amended, modified or revised.

C. To the extent that Genesee County’s Sewer Use Ordinance and IPP regulations may be lawfully applied, all discharges to the Genesee County POTW from any Livingston County User or Livingston County Premises shall be subject to and fully comply with the requirements of the terms, conditions, and requirements of any applicable User Permits or orders issued by the GCWWSD thereunder, and the requirements of applicable state and federal laws and regulations, as amended, modified or revised.

D. Nothing in this Agreement or in the 2003 Contracts (or any other agreement between the County Agency and Livingston County, or between the County Agency or Livingston County and any other person) shall be construed: (1) to nullify or conflict with any provision of this Agreement regarding the application and binding regulatory effect of the ordinances, laws, and regulations referenced in Paragraph 4(B) or 4(C), above, on discharges from Livingston County Users or Livingston County Premises to the Genesee County POTW; or (2) to limit in any way the GCWWSD’s power, authority and discretion to administer and enforce those ordinances, laws, and regulations with respect to such discharges, acting on its own behalf within Genesee County or acting as the agent and representative of Livingston County for purposes of administering and enforcing the Livingston County IJA Sewer Use Ordinance within Livingston County.

E. The failure or refusal by Livingston County to fully and timely comply with any of the terms, conditions, or requirements of Paragraph 2 (“Adoption By Livingston County Of Genesee County’s Sewer Use Ordinance”) or Paragraph 3 (“Designation Of GCWWSD As Livingston County Agent And Representative”) of this Agreement constitutes sufficient cause for the GCWWSD to refuse or terminate discharges from Livingston County through the Livingston County Interceptor to the Genesee County POTW; provided that nothing in this Agreement shall be construed to limit the County Agency’s power, authority and discretion to refuse or terminate such discharges under applicable ordinances, laws, and regulations. If the GCWWSD takes action to refuse or terminate discharges based on Livingston County’s failure or refusal to comply with Paragraph 2 or Paragraph 3 of this Agreement, the GCWWSD shall provide notice to Livingston County of its decision prior to or concurrent with the action taken.
Further, if the GCWWSD subsequently determines that Livingston County has returned to full compliance with Paragraph 2 and Paragraph 3 of this Agreement, GCWWSD shall take such actions as are reasonably necessary to allow Livingston County to recommence discharges through the Livingston County Interceptor as otherwise provided by this Agreement. The County Agency may bill Livingston County for all costs incurred by the County Agency in terminating discharges or allowing discharges to recommence for Livingston County’s failure to comply with Paragraph 2 or Paragraph 3 as provided by this Paragraph.

5. **RELATIONSHIP OF PARTIES**

    Nothing under this Agreement and no action taken pursuant hereto shall cause Genesee County and Livingston County to be treated as a partnership, joint venture, association, authority, or other common entity.

6. **BINDING EFFECT**

    This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective representatives and successors.

7. **SAVING CLAUSE**

    If any part of this Agreement is held by a Court of competent jurisdiction to be illegal or unenforceable or rendered invalid or unenforceable by state or federal law, such event shall not be deemed to affect the validity of any other portion hereof.

8. **EFFECTIVE DATE**

    This Agreement shall become effective on the Effective Date stated on page one of this Agreement.

9. **ENTIRE AGREEMENT**

    This Agreement constitutes the final, entire and exclusive agreement of the parties with respect to the subject matter addressed by this Agreement. Nothing in this Agreement shall limit the ability of the Parties to negotiate amendments to this Agreement, provided that except as expressly provided in this Agreement, no amendment or waiver of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No waiver of any provision of this Agreement shall constitute a waiver of any other provision nor shall any waiver of any provision of this Agreement constitute a continuing waiver unless otherwise expressly provided. Nothing in this Agreement is intended to nor should it be construed to create any rights in any persons or entities that are not a party to this Agreement.

10. **GOVERNING LAW**

    This Agreement shall be governed by the laws of the State of Michigan.
11. CONSTRUCTION

This Agreement has been prepared and negotiations have occurred in connection with said preparation pursuant to the joint efforts of the parties. This Agreement therefore shall not be construed against any party to this Agreement.

12. NOTICE

Any notice required or permitted under this Agreement or under state or federal law shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested or by overnight mail, addressed as follows:

If to Livingston County: If to County Agency:

Livingston County Drain Commissioner
Board of Public Works Genesee County Drain Commissioner's Office
Attention: Director G-4610 Beecher Road
2300 East Grand River, Suite 105 Flint, Michigan 48532-2617
Howell MI 48843

13. NONDISCRIMINATION

The parties hereto, as required by law, shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or matters directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individuals’ ability to perform the duties of a particular job or position, height, weight, or marital status. Breach of this covenant may be regarded as material breach of this Agreement.

14. NON-BENEFICIARY CONTRACT

This Agreement is not intended to be a third party beneficiary contract and confers no rights on anyone other than the parties hereto.

[Agreement continued on next page.]
IN WITNESS WHEREOF, this Agreement is signed and delivered by authority of the County Agency and Livingston County.

COUNTY AGENCY,

a Michigan municipal agency established by the Genesee County Board of Commissioners pursuant to Act 342, acting on behalf of the COUNTY OF GENESEE.

By

Jeff Wright, Drain Commissioner,
As County Agency

STATE OF MICHIGAN )
) ss.
COUNTY OF GENESEE )

The foregoing instrument was acknowledged before me this 4th day of December, 2017, by Jeff Wright, the Genesee County Drain Commissioner, for and on behalf of the County Agency.

JANIS M WELLS
Notary Public, Genesee County, MI
My commission expires:

[Agreement continued on next page.]
THE COUNTY OF LIVINGSTON,
a Michigan county and political subdivision of the
State of Michigan, acting through its Board of
Public Works and its Board of Commissioners,

By
Print name: ARTHUR P. MCCLEER
Chairperson, Livingston County Board of Public Works

By
Print name: KATE LAWRENCE
Chairperson, Livingston County Board of Commissioners

STATE OF MICHIGAN )
COUNTY OF LIVINGSTON ) ss.

The foregoing instrument was acknowledged before me this 7th day of December, 2017, by Arthur P. McCleer, the Chairperson of the Livingston County Board of Public Works, for and on behalf of the County of Livingston.

My commission expires: March 3, 2020

(Stamp) Shelly A. Messing
Notary Public, Livingston County, MI
Acting in: Livingston County, MI

STATE OF MICHIGAN )
COUNTY OF LIVINGSTON ) ss.

The foregoing instrument was acknowledged before me this 13th day of November, 2017, by Kate Lawrence, the Chairperson of the Livingston County Board of Commissioners, for and on behalf of the County of Livingston.

My commission expires: 10/20/2020

(Stamp) Carol Sue Jonckheere
Notary Public, Livingston County, MI
Acting In: Livingston County, MI

[End of Agreement.]
NEW BUSINESS #8
December 12, 2018

Township Board
Tyrone Township
10408 Center Road
Fenton, MI 48430-9439

Subject: Agenda Request – Section 21.55 – Medical Marijuana Uses Amendments

Dear Township Board Members:

During our meeting on December 11, 2018, Kurt Shulze moved to recommend Township Board approval of revised regulations for medical marijuana which substantially comply with the recent Michigan Court of Appeals ruling for DeRuiter v. Township of Byron, COA Docket No. 338972. Al Pool supported the motion. The motion carried by majority voice vote.

History – During our meeting of July 10, 2018, the Planning Commission recommended amendments to Section 21.55 intended to address issues experienced with a caregiver operation within the Township. Just a few days before the Livingston County Planning Commission (LCPC) formally reviewed the proposed text amendments the Court of Appeals (COA) decision was released. This decision was discussed with the LCPC and resulted in their “no action – encourage further review” recommendation. McKenna also authored a memo after consulting with their attorney (attached). The COA decision involved a community which was regulating caregiver operations, similar to what Tyrone Township was proposing. In summary, the COA ruled local municipalities could not infringe upon the rights of caregivers conferred in Initiated Law 1 of 2008, inclusive of location restrictions. This decision effectively demonstrates our proposed caregiver regulations are unenforceable. This also results in several of our existing caregiver regulations being unenforceable. This includes standards for zoning district limitations, special land use and site plan approval, accessory use, and security requirements applicable to caregiver operations set forth in our existing Section 21.55 text.

As it is the duty of the Planning Commission to periodically review our Zoning Ordinance and make recommendations to the Township Board when we identify regulations or standards which have been determined to be unenforceable as a result of litigation or legislative amendments, at this time we are recommending the Township Board reject the July 10, 2018, Planning Commission recommendation to adopt amendments to Section 21.55, and instead utilize your authority to modify the recommended text and instead adopt a revised Section 21.55 as provided, or substantially similar to that provided, to minimize Township liability resulting from known unenforceable regulations. After consultation with several attorneys and our Planner we recommend adoption of the text contained in the “v10 post COA ruling draft” document.

Respectfully submitted,

Tyrone Township Planning Commission
Mark Meisel
Chairman
SECTION 21.55    MEDICAL MARIJUANA USES

A. Findings. These requirements for Medical Marijuana Uses are based on the following findings of fact:

1. **Voter Approved.** Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act”).


3. **Intent.** The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.

4. **Controlled Substance.** Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B. Purpose. It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Tyrone Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Tyrone Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well. At the time of adoption, the Michigan Supreme Court and Michigan Attorney General had ruled or opined collectives, dispensaries, or cooperative establishments existing to allow primary caregivers or qualifying patients...
to share or transfer medical marijuana between primary caregivers or between qualifying patients, or which allow contact with or access to medical marijuana by those not registered with the State of Michigan as primary caregivers or qualifying patients, are not permitted by the Act.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. **Prior Use.** Any use which purports to have engaged in the medical use or distribution of marijuana prior to the enactment of this Section shall be deemed not to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

D. **Definitions.** For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. **Drug Paraphernalia** means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.

2. **Medical Marijuana Caregiver Operation or Caregiver Operation** means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.

3. **Medical Marijuana Collective, Cooperative, or Dispensary** means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the
following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act, and the Administrative Rules of the Michigan Department of Community Health, and this Ordinance. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

4. Medical Use of Marijuana, also known as Marihuana, also known as Cannabis has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.

5. Primary Caregiver or Registered Primary Caregiver is defined as set forth in the Act.

6. Qualifying Patient or Registered Qualifying Patient is defined as set forth in the Act.

E. Compliance Required. “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 21.55.G for qualifying patients, and the requirements of Section 21.55.H for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health. Caregiver operations shall be available for inspection, during business hours, by the Township Supervisor or his designee, to confirm the operation is operating in accordance with State laws and Township ordinances.

F. Prohibited Uses and/or Activities. Marijuana Collectives, Cooperatives and Dispensaries Prohibited. It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Tyrone Township. Marijuana Facilities, inclusive of growers, processors, secure transporters, provisioning centers, and safety compliance facilities, are also prohibited.

G. Requirements for Qualifying Patients. Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:
1. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a medical marijuana caregiver operation, and, as set forth by the Act, shall not consume marihuana on any form of public transportation, or in any public place, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.

H. **Requirements for Caregiver Operations.** Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. **Where Permitted.** A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the FR, M1 Light Manufacturing District, or PIRO Planned Industrial Research Office District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
   
a. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and if the structure is a residence, only those qualifying patients residing in the residence may be supported by that primary caregiver.

b. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;

c. There shall be no outward appearance of a caregiver operation.

2. **One Caregiver per Approved Caregiver Operation.** The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver’s services as allowed under the Act.

3. **Delivery Required.** Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

4. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.
5. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

6. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a caregiver operation, and, as set forth by the Act, shall not consume marihuana on any form of public transportation, or in any public place, or at a primary caregiver’s dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient’s dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

I. **Growing of Medical Marijuana.** Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:

1. **For marijuana grown indoors,** a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.

2. **For marijuana grown outdoors:**
   a. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and
   b. Plants are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
   c. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and
   d. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.
   e. The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.
J. **Lighting.** If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.

K. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

L. **MMMA Amendments / SEVERABILITY.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.
Township’s checklist for medical marijuana facilities.

1. The growing of medical marijuana shall not be outwardly visible to adjacent properties.
2. No nuisance factors shall exist, inclusive of noise, odors, traffic, excessive outdoor equipment, or any other element which would direct attention or interest to the property.
3. Applicants shall demonstrate they will comply with the “separate enclosed, locked facility requirement.
4. Outdoor growing shall comply with the visibility requirements of the Act.
5. All products supporting a grow operation (soil, fertilizer, containers) shall be stored in such a manner as to not be outwardly visible from an adjacent property in a residential district.
6. No conflicts with neighbors will be tolerated.
7. Property shall be maintained consistent with the character of the immediate neighborhood.
8. Any growing shall not be outwardly visible to neighbors.
9. Other?

OUTDOOR GROW FACILITY SITE PLAN REQUIREMENTS:

1) Location map
2) Legal description & tax ID
3) Owner's name;
4) Provide copy of primary caregiver's valid registry identification card; if owner is not the primary caregiver, provide copy of lease, contract, or other use agreement between owner and primary caregiver (per 21.55(H.1.))
5) Emergency contact number
6) Clear and concise description of operation including but not limited to hours of operation, frequency of visits, number of plants, plans for harvest and delivery, etc.
7) Area composite photo with 1000’ area beyond subject property identified. (township to provide using GIS) To be used to assist with establishing operation visibility from adjacent properties.
8) Site plan consisting, at a minimum, of the following:
   a) property boundaries identified;
   b) existing contours at minimum 5 ft. interval; (may be obtained from township upon request);
   c) aerial photograph; (may be obtained from township upon request);
   d) ingress/egress (driveway access);
   e) existing structures identified and dimensioned, setbacks dimensioned;
   f) reasonable scale identified, date, and north arrow;
   g) adjoining property and subject property zoning shown;
   h) proposed structures with dimensions and setbacks, and details of construction (types of materials, height, color);
   i) Show location of any significant trees or vegetation which provides screening of the enclosure;
   j) wetlands identified (or a note of “no wetlands identified”);
   k) location of security cameras and lighting, if any;
   l) other items that the planning commission determines may be required due to unique site characteristics.
9) Confidential security plan identifying: (can no longer be required)
a) lighting & security identified and described including shielding if proposed;
b) if fertilizing or other chemicals will be kept on site, location and security of same;
c) screening plan to prevent plants from being visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure;
d) type and height of fencing around facility, and how affixed to ground;
e) identify the method for restricting access to interior of fenced area and the sole individual who will have access.
Present: Mark Meisel, Dave Wardin, Kurt Schulze, Al Pool, Kim Veenstra, and Bill Wood.

Absent: Perry Green.

Approved the agenda as presented.

APPROVAL OF THE MINUTES:
1) Approved the October 9, 2018 Regular Meeting & Public Hearing minutes as presented.

OLD BUSINESS:
1) Cider Mill Crossings Second Entrance – Tabled the application pending receipt of amended documents and the applicant attending a meeting.
2) Medical Marijuana Regulation Amendments – Recommended the Township Board adopt amended regulations which are deemed compliant with a recent Court of Appeals decision.
3) Solar Farm Regulations – Reviewed prior proposed text changes. No action was taken.

NEW BUSINESS:
1) Yasin LLC Land Division – Recommended Township Board approval with conditions.
2) Recreational Marijuana Regulations – Preliminary discussion of proposed regulations.
3) Schedule Public Hearing – was deferred to a future meeting.
4) Noise Regulations Discussion – Discussed comments regarding interpretation from the Zoning Administrator.

MISCELLANEOUS BUSINESS:
1) None

ADJOURNMENT: The meeting adjourned at 9:48 P.M.
Dear Commissioners:

As you may know, the Michigan Medical Marihuana Act, MCL 333.26421 et seq. (the “MMMA”) provides for the growing of limited numbers of marijuana plants, and for their use by registered patients. Caregivers under the act may grow and process plants for up to five patients. The MMMA is distinct from the set of laws passed by the Legislature in 2016 to provide for the commercial production, processing, and sale of medicinal marijuana. Principal amongst those laws is the Medical Marihuana Facilities Licensing Act, which authorizes certain enumerated facilities for the seed-to-sale process of medical marijuana provisioning only when expressly allowed by a municipality. In spite of the passage of this comprehensive scheme for medical marijuana regulation by the Legislature, the original MMMA, which was passed by voter initiative, remains intact as a separate way in which individuals may procure medical marijuana.

The basic approach that the MMMA took to allowing patient and caregiver activities in relation to medical marijuana was to, essentially, immunize those activities from arrest, prosecution, or penalty and to prohibit the denial of any right or privilege on account of those activities. Basically, if one is doing what the MMMA allows, then no unit of the Michigan government can penalize those licensed under the MMMA for doing so. This follows from the general proposition that a municipal ordinance may not prohibit what a state statute permits.

Recently, the Michigan Court of Appeals had occasion to evaluate a Township’s attempt to regulate medical marijuana caregiver activities under the MMMA. The case was DeRuiter v. Township of Byron, COA Docket No. 338972, publication pending, which was decided on July 17, 2018. In that case, the Township had provided for caregiver activities only as a home occupation, had prohibited them from operating on commercial property, and had required a Township permit for them to operate. The appellate court found that those regulations directly conflicted with the MMMA because they attempted to regulate, and therefore potentially penalize, what the MMMA allows. In other words, the court ruled that if a licensed caregiver is operating in the way prescribed by the MMMA, a municipality cannot impose limits or burdens upon their activity that are different or additional to those requirements. The Township’s zoning ordinance was found to be preempted by the MMMA.

A similar result was reached in another recent Court of Appeals decision, York Charter Township v. Miller, COA Docket No. 335344 (2018). Both cases pointed to the Michigan Supreme Court’s ruling in Ter Beek v. City of Wyoming, 495 Mich. 1, 846 N.W.2d 531, (2014) in support of their holdings. In that case, the MSC stated, “The City stresses that the [Michigan Zoning Enabling Act] affords local municipalities a broad grant of authority to use their zoning powers to advance local interests, such as ‘public health, safety, and welfare.’ MCL 125.3201. The MMMA, however, provides in no uncertain terms that ‘[t]he medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with’ the MMMA, MCL 333.26427(a), and that ‘[a]ll other acts and parts of acts inconsistent with [the MMMA] do not apply to the medical use of marihuana,’ MCL 333.26427(e).
City contends that the MMMA does not express a sufficiently clear intent to supersede the MZEA, but we see no ambiguity in the MMMA's plain language to this effect. . . . Accordingly, the City cannot look to the MZEA to authorize or excuse the Ordinance's contravention of the specific immunity for medical marijuana use provided under § 4(a) of the MMMA.”  id. at 21.

**Recommendation**
Based on the pretty clear position of the Michigan courts, as summarized above, which has been very recently affirmed, we believe that it is problematic to propose restrictions on patient or caregiver activities under the MMMA.  We do expect, however, these activities to become increasingly less significant, and more in line with what the voters originally intended to allow, because of the state’s comprehensive, seed-to-sale regulatory scheme for commercial, medical marijuana activities.  No longer will caregivers be able to overgrow in order to sell product to dispensaries, because all such sales must now come from grow facilities license under the Medical Marihuana Facilities Licensing Act.  Accordingly, it seems unlikely that caregivers will find it financially viable to operate as a principal use of property, and the use will like be no more than an accessory use for a few such licensees in the future.

Respectfully submitted,

McKENNA

Brian Keeseey, AICP   Gregory M. Elliott, AICP
Principal Planner   Principal Planner
1. CALL TO ORDER: Meeting was called to order by Commissioner Prokuda at 6:30 PM.

2. PLEDGE OF ALLEGIANCE

3. ROLL AND INTRODUCTION OF GUESTS

4. APPROVAL OF AGENDA:

   Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA DATED AUGUST 15, 2018, SECONDED BY COMMISSIONER ANDERSON.

   All in favor, motion passed.

5. APPROVAL OF MINUTES

   Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED JULY 18, 2018, SECONDED BY COMMISSIONER CLUM.

   All in favor, motion passed.

6. CALL TO THE PUBLIC
7. ZONING REVIEWS

A. Z-30-18: TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE 21 SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21.55 MEDICAL MARIJUANA USES.

The Tyrone Township Planning Commission proposes revising amendments regarding medical marijuana uses, more specifically in the Township’s FR district.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended Approval of the text amendments at their July 10, 2018 meeting. There were a few public comments as noted in the review.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate and are consistent with provisions in Michigan Public Acts 281 and 283. It appears that the proposed amendments should successfully eliminate the identified loophole in the township’s current Michigan Medical Marijuana Act (MMMA) regulations.

Because of the fluidity and evolving course of action by the State of Michigan and it’s legislature and associated agencies related to the passage of PA 281 and 283 (MMMA), Staff would highly recommend that the Township consult with Township legal counsel before taking any formal action to approve these amendments.

Commission Discussion: Commissioner Prokuda invited Mr. Mark Meisel, Tyrone Township Planning Commission, to speak further and provide a brief background and summary of these amendments to the Commission.

Public Comment: Mark Meisel, Tyrone Township Planning Commission Chair, provided a comprehensive update as to where in the process these amendments currently stand. Mr. Meisel stated that the Township is currently undergoing further legal review of these amendments with Township counsel and other legal experts as to their consistency and legal standing concerning the provisions of the Michigan Medical Marijuana Act (MMMA, PA 281 and PA 283 and Initiated Law 1 of 2008).

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW. SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 6-0

B. Z-31-18: GENOA CHARTER TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE 10 PLANNED UNIT DEVELOPMENT AND ARTICLE 25 DEFINITIONS.

The Genoa Charter Township Planning Commission proposes several amendments to Article 25 Definitions and Article 10 Planned Unit Development of the Genoa Charter Township Zoning Ordinance.

The majority of proposed amendments regard the addition of two new types of Planned Unit Developments (PUD). These PUD zoning districts may be applied to the south Latson Road interchange area.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of the Zoning Ordinance Text amendments to Articles 10 and 25 at their July 9, 2018 meeting. Several public comments were received at the June 11, 2018 public hearing; some in support of industrial use south of I-96 along Latson Road and other comments that were not in support of industrial use.
**Staff Recommendation: Approval.** The proposed text amendments related to Interchange Commercial PUD and Interchange Campus PUD are well thought out and well written. This proposed text amendment was needed to further the Genoa Township Master Plan I-96/ Latson Road Subarea Plan. County Planning Staff urge Genoa Charter Township to consider the minor revisions and observations noted by staff in the review.

**Commission Discussion:** Commissioner Clum asked how far south the districts extend. Kelly Van Marter, Genoa Township Community Development Director, explained the limits in more detail. Commissioner Sparks asked about the microbrewery, less than 60,000 gallons – what size barrel is this based on. Kelly Van Marter stated that the proposed regulations are based on State regulations. Commissioner Prokuda asked about where the Township is in the process of implementing these provisions. Kelly Van Marter provided more details about the development process going forward.

**Public Comment:** Kelly Van Marter, Genoa Township Community Development Director, provided a few brief comments regarding the proposed amendments.

**Commissioner Action:**

*Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER CLUM. Motion passed: 6-0*

8. **OLD BUSINESS:** None.

9. **NEW BUSINESS:** None.

10. **REPORTS**

A. **County Planning Staff Reports**

1. **2018 Livingston County Master Plan Review Period.** Materials were provided to Commissioners highlighting the local and regional organizations that were contacted regarding the Draft Livingston County Master Plan. In addition, a spreadsheet was also provided to Commissioners detailing public comments garnered thus far.

2. **Schedule Public Hearing for 2018 Livingston County Master Plan.** Commissions agreed to hold a public hearing for the Livingston County Master Plan as part of the October, 17, 2018, County Planning Commission meeting.

*Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO FORMALLY SET THE PUBLIC HEARING DATE AND TIME REGARDING THE 2018 LIVINGSTON COUNTY MASTER PLAN TO BE HELD DURING THE REGULARLY SCHEDULED PLANNING COMMISSION MEETING ON OCTOBER 17, 2018 AT 6:30 PM. SECONDED BY COMMISSIONER STEVENS. Motion passed: 6-0*

3. **Schedule Visits To Local Planning Commissions.** Commissioners and Staff coordinated scheduling of visits to local Planning Commissions for the month of September and early October. Planned visits will be to Conway Township (Sept. 10), Green Oak Township (Sept. 20), Howell Township (Sept. 25), Marion Township (Sept. 25), Unadilla Township (Sept. 27), and the Village of Fowlerville (Oct. 9).

4. **Other.** A handout was provided to Commissioners regarding the upcoming opening of the new University of Michigan Medical Clinic in Brighton.
11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:

Commissioners Clum and Ikle stated they will not be in attendance at the September Livingston County Planning Commission meeting.

Bruce Powelson, Marion Township Planning Commissioner stated that he had a very nice visit to Lutz County Park for Dark Sky viewing of the Perseid Meteor Shower.

12. ADJOURNMENT

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER CLUM TO ADJOURN THE MEETING AT 7:30 P.M., SECONDED BY COMMISSIONER SPARKS.

Motion passed: 6-0
Present: Mark Meisel, Kurt Schulze, Dave Wardin, Cam Gonzalez, Al Pool, Ron Puckett, and Bill Wood.

Absent: None

Approved the agenda as presented.

APPROVAL OF THE MINUTES:
1) March 21, 2018 Regular Meeting – Were approved as amended.

OLD BUSINESS:
1) MMMA Regulations in the FR District – Latest draft was reviewed and recommended for Township Board approval.

NEW BUSINESS:
1) Becker Boundary Realignment – Was recommended for Township Board approval with conditions.
2) Hager Land Division – Was tabled to allow additional time for requirements to be met.
3) Foster/Benecor SLU – The site plan and special land use permits were recommended for Township Board approval with conditions.
4) Payne - Dentonview Boundary Realignment - Was recommended for Township Board approval with conditions.
5) Engberg Land Division - Was recommended for Township Board approval without conditions.

PUBLIC HEARING:
A public hearing was held to review and accept comments for the following items:
1) Proposed amendments to Section 21.55 – Medical Marijuana Uses.
2) Proposed Foster/Benecor Special Land Use at the corner of Faussett and Old US-23.
3) A Proposed Shared Private Driveway associated with the Hagar land division request.

MISCELLANEOUS BUSINESS:
1) A workshop meeting was scheduled for 7/18/18 at 6:00 PM

ADJOURNMENT: The meeting adjourned at 10:45 P.M.
SECTION 21.55  MEDICAL MARIJUANA USES

A.  **Findings.** These requirements for Medical Marijuana Uses are based on the following findings of fact:

1.  **Voter Approved.** Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act”).


3.  **Intent.** The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.

4.  **Controlled Substance.** Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B.  **Purpose.** It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Tyrone Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Tyrone Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well. At the time of adoption, the Michigan Supreme Court and Michigan Attorney General had ruled or opined collectives, dispensaries, or cooperative establishments existing to allow primary caregivers or qualifying patients...
to share or transfer medical marijuana between primary caregivers or between qualifying patients, or which allow contact with or access to medical marijuana by those not registered with the State of Michigan as primary caregivers or qualifying patients, are not permitted by the Act.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. **Prior Use.** Any use which purports to have engaged in the medical use or distribution of marijuana prior to the enactment of this Section shall be deemed not to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

D. **Definitions.** For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. **Drug Paraphernalia** means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.

2. **Medical Marijuana Caregiver Operation or Caregiver Operation** means any registered primary caregiver who cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.

3. **Medical Marijuana Collective, Cooperative, or Dispensary** means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the
following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act, and the Administrative Rules of the Michigan Department of Community Health, and this Ordinance. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

4. Medical Use of Marijuana, also known as Marihuana, also known as Cannabis has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.

5. Primary Caregiver or Registered Primary Caregiver is defined as set forth in the Act.

6. Qualifying Patient or Registered Qualifying Patient is defined as set forth in the Act.

E. Compliance Required. “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 21.55.G for qualifying patients, and the requirements of Section 21.55.H for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health. Caregiver operations shall be available for inspection, during business hours, by the Township Supervisor or his designee, to confirm the operation is operating in accordance with State laws and Township ordinances.

F. Prohibited Uses and/or Activities. Marijuana Collectives, Cooperatives and Dispensaries Prohibited. It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Tyrone Township. Marihuana Facilities, inclusive of growers, processors, secure transporters, provisioning centers, and safety compliance facilities, are also prohibited.

G. Requirements for Qualifying Patients. Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:
1. **Consumption.** Consumption of marijuana by a qualifying patient may not occur at a medical marijuana caregiver operation, at any place of business, in any public place, or at a primary caregiver’s dwelling unit, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.

2. **Growing for Personal Use.** Growing of marijuana by a qualifying patient for his or her own personal use, as set forth in the Act, is permitted in any location within the Township, subject to the following requirements:

   a. **Patient Control.** The site must be under the control, through written lease, contract, or deed, in favor of the qualifying patient. The single family residence must under the control of, and occupied by, the qualifying patient or his/her parent or legal guardian.

   b. **Accessory Use.** In residential districts, growing for personal use must be accessory to an existing single family residential use.

   c. **Enclosed, Locked Facility.** Such growing, indoors and outdoors, shall only be allowed as set forth by the Act, including the requirement that plants must be located within an enclosed, locked facility. For marijuana grown indoors, an enclosed locked facility means: a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the qualifying patient associated with that facility.

   d. **Shielded Windows.** If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage to adjacent residential properties. Shielding shall be accomplished without alteration to the exterior of the dwelling unit.

   e. **For marijuana grown outdoors:**

      1. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and

      2. Plants are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
3. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and

4. Equipped with functioning locks and other security devices that restrict access to only the qualifying patient.

H. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. Where Permitted. A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the FR, M-1 Light Manufacturing District, or PIRO Planned Industrial Research Office District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and if the structure is a residence, only those qualifying patients residing in the residence may be supported by that primary caregiver.

   a. FR District. A caregiver operation shall not be permitted if an occupied single family residence does not exist on the lot. If the growing portion of the caregiver operation will exist in a single family residential area, the lot and structures shall comply with the following requirements:
      i. A minimum lot or parcel area of 3 acres;
      ii. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;
      iii. There shall be no outward appearance of a caregiver operation.

   b. M-1 and PIRO Districts. Structures shall comply with the following requirements:
      i. The structure shall be at least 75 feet from any adjacent residential structure and/or any shared private driveway, private road, or access easement serving one or more residential lots or parcels.
      ii. There shall be no outward appearance of a caregiver operation.

2. Growing. Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:
a. For marijuana grown indoors, a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.

b. For marijuana grown outdoors:
   
i. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and

   ii. Plants are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and

   iii. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and

   iv. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.

The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.

3. Lighting. If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.

4. One Caregiver per Approved Caregiver Operation. The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver’s services as allowed under the Act.

5. Delivery Required. Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.
6. **Location.** Caregiver operations shall comply with the following location requirements:

   a. **Separation Measurement.** The distances set forth below shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the caregiver operation, or between the nearest point of the zoning district boundary from which the caregiver operation is to be separated to the nearest point of the property line of the caregiver operation.

   b. **Separation from Schools.** The location shall not be located within 1,000 feet of any public or private school having a curriculum including kindergarten or any grades between 1 and 12, or any state-licensed child care or day care facility, to insure community compliance with Federal “Drug-Free School Zone” requirements.

   c. **Separations.** The location from which a primary caregiver grows for service to a qualifying patient shall not be within 1000 feet of any of the following:

      i. Caregiver to caregiver;
      ii. A church, place of worship, or other religious facility;
      iii. A public library, public park, or public playground;
      iv. An established school bus stop;
      v. A residential district other than FR.

      Additionally, the structure, inclusive of outdoor growing structures, shall be at least 75 feet from:

      - Any adjacent residential structure;
      - Any shared private driveway, private road, or access easement serving one or more residential lots or parcels; and
      - Any property line.

   d. **Yard Location.** Any growing of marijuana in an accessory structure, inclusive of outdoor growing, shall be located in a side or rear yard.

      Additional separation requirements may be recommended by the Planning Commission and approved by the Township Board to ensure compatibility with existing adjacent uses and character.

7. **Operation in Conjunction with Other Uses.** To facilitate monitoring, and to comply with the limited access requirements of the Act, a caregiver operation must be located in a single use building with an outside entrance separate from
any other use, except for a permitted single family residential dwelling or permitted single family accessory structure. No other commodity, product or service shall be available on the same lot.

8. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

9. **Consumption.** Consumption of marijuana by a qualifying patient may not occur at a caregiver operation, at any place of business, in any public place, or at a primary caregiver’s dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient’s dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

10. **Special Land Use and Site plan Approval Required.** Special land use and site plan approval shall be required for any Medical Marijuana Caregiver Operation prior to its establishment in Tyrone Township. The requirements and procedures of Article 22 Special Land Uses and Article 23 Site Plan Review of this Ordinance shall apply. As provided in Article 23, the Planning Commission may modify the site plan requirements to be consistent with the Township’s checklist for medical marijuana facilities.

11. **Special Land Use Permit Fee and Annual Renewal Required.** To ensure compliance with the Act and the requirements set forth herein, all Medical Marijuana Caregiver Operation special land use permits shall require payment of an annual fee as set forth by the Township Board, and shall expire one (1) year after issuance. Renewal of the special land use permit shall be granted upon successful completion of a Township inspection of the caregiver operation site, confirming the Primary Caregiver remains legally registered with the state of Michigan, the caregiver operation complies with the requirements set forth in the Act, and the caregiver operation complies with Section 21.55 herein.

I. **Security.** Qualifying patients and primary caregivers shall provide secure locations, consistent with the Act, for cultivation and storage of medical marijuana. Primary caregivers shall submit a security plan and a floor plan identifying the number of plants, storage locations for chemical and growing materials, and other critical aspects of the layout, and how they intend to secure the facility, with the special land use application. Security measures for primary caregiver operations shall include, but are not limited to, security cameras installed to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition a monitored alarm system shall be provided. The recorded data shall be made available to law enforcement personnel and the Tyrone Township Zoning Administrator or other Township designee
upon request to allow confirmation of compliance with these regulations. The Township may require additional security measures such as fencing, security lighting, and other measures as conditions of the special land use approval. The security plan shall be considered a confidential document by the Township and exempt from disclosure under the Freedom of Information Act.

J. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

K. **Taxes Paid.** No special land use shall be approved by the Township unless the property taxes are paid and up-to-date at the time of approval.

L. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

M. **MMMA Amendments.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.
TYRONE TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AGENDA
July 10, 2018  7:30 p.m.

The notice below was published in the Tri-County Times on Sunday, June 24, 2018, in compliance with the Open Meetings Act.

TYRONE TOWNSHIP PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, July 10, 2018, beginning at 7:30 at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:
To receive public comments regarding proposed amendments to Zoning Ordinance #36:
1. Solar Farms: Article 21, Section 21.46 - Essential Public Services and Required Utilities, to modify commercial solar energy production requirements;
2. Article 21, Section 21.55 – Medical Marijuana Uses, to modify requirements for caregiver operations and to include references to recent State of Michigan amendments affecting the MMMA.

To receive public comments regarding:
1. A request by Brendan Foster for a special land use to operate a light industrial assembly/manufacturing facility in the PCI (Planned Commercial Industrial) district, located at the southwest corner of Faussett Road and Old US-23 on a proposed ten (10) acre parcel to be split from parcel # 4704-32-200-010 and rezoned to PCI, currently zoned FR (Farming Residential);
2. A request by Ransom and Cindy Hager, represented by Travis Hager, for a shared private driveway as part of a proposed land division to create three (3) new parcels on the north side of Hogan Road, between Sonora Drive and Nimphie Road, Parcel ID: 4704-08-400-035, approximately eight (8) acres, zoned RE.

Additional information is available at the Tyrone Township Clerk’s Office, 10408 Center Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.

Mark Meisel, Chairman
Tyrone Township Planning Commission

PUBLIC HEARING AGENDA:
1) Open the Public Hearing
2) Reading of the Public Notice
3) Review Proposed Zoning Amendments
4) Receive Public Comments for Proposed Zoning Amendments
5) Planning Commission and Planner Comments
6) Review Foster/Benecor Special Land Use
7) Receive Public Comments for Foster/Benecor Special Land Use
8) Planning Commission and Planner Comments
9) Review Hager Proposed Shared Private Driveway
10) Receive Public Comments for Hager Proposed Shared Private Driveway
11) Planning Commission and Planner Comments
12) Close the Public Hearing
NEW BUSINESS #9

Discussion for future budgeting.

No documents attached.
Sewer Use Ordinance 43 Rewrite

Scope of work: During August of 2017 I was asked to help rewrite our existing Sewer Ordinance #43 to incorporate what was perceived to be updated standards contained in the Brighton Township ordinance, along with revisions and best practices applicable to Tyrone Township.

Specific tasks:

1. Obtain and review the Brighton Township ordinance for applicability to Tyrone Township.
2. Create first draft incorporating best practices from the Brighton and Tyrone ordinances.
3. Incorporated revisions required to address the Tyrone Township – Livingston County – Genesee County Jurisdictional relationships unique to Tyrone Township’s sewer system administration.
4. Modified first draft to reorganize content for better flow and accessibility, created a clickable table of contents.
5. Met with Township personnel to discuss sections of the ordinance that required direction, clarification, a determination of applicability, and general direction regarding additional revisions.
7. Review attorney email regarding penalties and incorporate recommended text.
8. Generated 7 progressive drafts based on township personnel meetings and feedback.
9. Worked with Jennifer Eden to generate four drafts of the sewer rate policy to match current practices and website payment options.
10. Incorporated changes required as a result of the adoption of the Interjurisdictional agreement (IJA) dated 12/14/17 by Livingston County.
11. Amended the REU table based on consolidation with Brighton and LC.
12. Communications with LCDC regarding best practices for metered users.
15. Final review with township personnel on 12/5/18. Revised final draft as directed.
16. Created finished product with proper pagination, formatting, appendices, and table of contents on 12/12/18.

Project Summary:

- 16 month project
- Over 100 emails
- 3 or 4 meetings at the township hall
- Eight formal drafts, including the final product, with documented revisions and revision summaries
- Supporting documents, inclusive of amended or provided Appendices to the Ordinance
- Roughly 80 hours of work.

Mark Meisel