

Thomas Township, MI *Code language referring to public trees – 2015*

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CHAPTER 1 - SIDEWALK CONSTRUCTION AND MAINTENANCE[1]

SECTION:

6-1-1: - PURPOSE AND INTENT:

The Township Board hereby declares its intention to have constructed and maintained along all public and private roads and highways in the Township, a sidewalk for the use, benefit, protection, safety, convenience and general welfare of the citizens of Thomas Township.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-2: - REQUIREMENT TO CONSTRUCT:

A.

Residential, Agricultural, And Environmental Designated Zoning Districts: Any person constructing or causing to be constructed any new single-family, two-family, or multiple-family dwellings, or any person who alters, remodels, restores, rebuilds or repairs any structures in excess of fifty percent (50%) of the State equalized value, (as determined by the Assessor), shall be required to construct sidewalks as designated in the Township Sidewalk Master Plan Map. Prior to the issuance of a building permit, a performance bond or cash bond shall be deposited with the Township. The amount of the bond shall be determined by the Township Manager or the Township Manager's designee, and shall be sufficient to cover the estimated costs of constructing the sidewalk.

B.

Business and Manufacturing Designated Zoning Districts: Any person constructing or causing to be constructed any new structure, or any addition to existing structure, parking lot improvement, or alteration/remodeling, the cost of construction of which exceeds one thousand dollars (\$1,000.00) shall be required to construct sidewalks as designated in the Township Sidewalk Master Plan. Prior to the issuance of a building permit, a performance bond or cash bond shall be deposited with the Township. The amount of the bond shall be determined by the Township Engineer and shall be sufficient to cover the estimated costs of constructing the sidewalk.

C.

[In Lieu of Performance or Cash Bond:] In lieu of a performance bond or cash bond, the Township shall withhold a certificate of occupancy until any required sidewalk is installed in accordance with these standards.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-3: - AREAS WHERE REQUIRED:

Areas in which sidewalks shall be required by the Township Board are as follows per the Sidewalk Master Plan Map:

A.

Gratiot Road: Tittabawassee River to Thomas Road.

B.

Subdivisions: Residential Developments: All single family residential subdivisions; all site condominium, or condominium developments; and all planned unit developments shall be required to construct sidewalks unless the Township Board determines otherwise.

All other properties within Thomas Township, not designated above, shall comply with Section 6-1-13, pertaining to covenant or contract for future construction.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-4: - PLANS AND SPECIFICATIONS:

A.

Building Permit: No person shall construct or repair any sidewalk without first obtaining a written permit therefor from the Township Building Inspector.

1.

Permits from the Saginaw County Road Commission and/or the Michigan Department of Transportation may be required to construct sidewalks within road rights-of-way. Permits must be presented to the Township prior to the issuance of a building permit.

2.

The owner of each lot will be responsible to see that the building inspector is notified at least twenty-four (24) hours in advance of the pouring of any sidewalk. The work shall not proceed until the building inspector shall have inspected the rails and subgrade and passed the work as suitable and in conformance with the grade and specifications. The sidewalk shall also be subject to a final inspection after all work has been completed.

3.

Plans shall consist of a cover sheet allowing a plan view of the complete job, split plan and profile sheets drawn to a scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals five feet (1" = 5') vertical, and standard detail sheets. Profiles of the existing center line of the roadway, street right of way line and parallel drainage facilities are to be provided. In addition, the proposed profile along the street right-of-way line shall be provided. The horizontal location of the center line of each driveway within the limits of construction shall also be delineated in the profile view. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The direction of drainage from each parcel shall be indicated by drainage arrows. The Building Inspector may accept alternatives which comply with the Michigan Building Code.

4.

The length of the frontage of each parcel of land abutting the proposed improvement shall be dimensioned on the plans. Each such parcel shall be identified by its subdivision or condominium name and lot number, or by its permanent parcel number, as established and assigned by the county equalization department, and street address number.

5.

A building permit is required. The fee for the permit will be set by resolution of the Township Board.

B.

Specifications; Construction Requirements: Construction or repair shall be made in accordance with the following specifications:

1.

All sidewalks shall be at least five feet (5') in width. Sand shall be used as determined by the Building Inspector or Township Engineer as a base when the native ground is found to be unsuitable and/or fill is necessary to bring the sidewalk up to the desired grade.

2.

Sidewalks shall be constructed of concrete at least four inches (4") in thickness, except in locations accessible to motor vehicles which shall be at least six inches (6") unless otherwise ordered by the Saginaw County Road Commission or Michigan Department of Transportation.

3.

Concrete shall be of at least three thousand five hundred (3,500) pounds per square inch compression strength.

4.

All sidewalks shall be located at the direction of the Township Engineer, Township Manager, or the Township Manager's designee.

5.

Grade elevations shall be established by the Township Engineer, Township Manager, or the Township Manager's designee.

6.

Any variance in the location or specifications hereof shall be subject to the approval of the Township Engineer, Township Manager, or the Township Manager's designee.

7.

All sidewalks constructed over filled trenches shall be six inches (6") in thickness and shall be reinforced with four (4) no. 8 bars and twelve inch (12") centers.

8.

Drainage structures shall be provided at locations designated by the Township, Township Manager, or the Township Manager's designee.

9.

Expansion joints of one-half-inch ($\frac{1}{2}$ ") in size, the full depth of the sidewalk shall be placed at uniform intervals of not more than fifty feet (50'), and at all locations where sidewalks abut paved roads or driveways and where thickness of sidewalk changes from four inches (4") to six inches (6").

10.

Construction joints shall be placed at approximately five foot (5') intervals and shall be a minimum of three-fourths-inch ($\frac{3}{4}$ ") in depth. All joints shall be constructed at right angles to the center line of the sidewalk.

11.

Barrier free ramps shall be constructed at curbs, or at intersections in accordance with the standard details and specifications as provided by the Township and as required by the State of Michigan having approved truncated domes.

12.

The direction of drainage from each parcel shall be indicated by drainage arrows on the plan.

13.

Sidewalks shall be flush with abutting curbs and paved surfaces.

14.

Forms shall be clean and straight, composed of wood or metal. The forms shall be staked to line and grade in a manner that will prevent deflection or settlement. Forms shall be oiled before placing concrete.

15.

The base shall be thoroughly wetted and the concrete deposited thereon to the proper depth. Concrete shall be spaded along the forms, compressed and struck off flush with the top of the forms. The surface shall be floated with a steel float, edges and joints properly tooled, and then finished with a wood float or brush, transverse to the center line of the sidewalk to provide a nonslip surface.

16.

Concrete shall not be placed on frozen ground. When the temperature is below forty degrees Fahrenheit (40°F), or when freezing temperatures within the next twenty four (24) hour period are forecast, concrete shall not be placed unless protection against freezing of the concrete is provided as required by the Township Engineer or Building Official.

17.

Sidewalks shall not be painted and/or carpeted.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-5: - REQUIREMENT TO CLEAR AND MAINTAIN SIDEWALKS: Modified

A.

Removal of Snow, Ice and Debris: All property owners and occupants of real property fronting upon a sidewalk required by this Ordinance shall keep such sidewalk free from all ice, snow, earth and other substances or debris. Owners and occupants shall have a period of forty-eight (48) hours to remove such ice, snow, earth and other substances or debris after deposit thereof.

B.

Clear, Maintenance and Repair: No person shall permit any sidewalk which crosses or adjoins property owned by such person to fall into a state of disrepair, be unsafe or impassible. This would include the parking of vehicles of all types across or on any part of a sidewalk. Further any overhanging tree, shrubbery branches or plant growth of any kind over any sidewalk, required by this Ordinance shall be removed to maintain a seven (7') foot vertical clearance over the entire sidewalk width.

C.

Liability of Owner For Injury and Damages: Any owner of any such premises who shall allow any such sidewalk to remain in disrepair, or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalk. Such owner shall further indemnify and reimburse the Township for any and all liability, costs and expenses which the Township might incur as a result of any such defective or dangerous sidewalk.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015; Ord. No. 15-G-01, § 1, 8-3-2015, eff. 9-22-2015)

6-1-6: - CONSTRUCTION OR REPLACEMENT OR MAINTENANCE EXPENSE:

A.

Public Hearing: Before the Township Board may require any owners of any lot or premises to construct, replace or to pay for the expense of construction or replacement of a sidewalk across or adjoining their lot or premises, the Township Board shall first hold a public hearing relative to the requiring of the

sidewalk construction or replacement and shall notify all property owners involved of the time and place of the hearing by regular first class mail directed to the last known address of such owners as indicated by the Township tax rolls. An exception to the above would be if sidewalks are required to be constructed due to subsections 6-1-2A and B hereof, in which case no public hearing will be required.

B.

Charges: Unless otherwise approved by the Township Board, the expense of any construction or replacement of such sidewalks shall be charged as follows:

1.

In newly developed subdivisions: entire cost to be borne by the developer.

2.

Adjacent to all new construction, regardless of zoning: entire cost to be borne by the developer/builder or owner.

3.

Adjacent to all existing structures zoned R-3, M-1, and B-1, B-2, B-3, and B-4: the cost will be borne by the owner.

4.

Along designated roads adjacent to existing structures in R-1 and R-2 zoning districts: the entire cost shall be borne by the owner who has entered into an agreement with the Township pursuant to this ordinance.

C.

Assessments Ordered By Township Board: The Township Board may require the owners of any lot or premises to build or replace said sidewalks within such time and in such manner as the Township board may require.

1.

Failure of Owner To Act: If the owner shall fail to build or replace said sidewalks as ordered, the Township Board may cause said sidewalks to be built or replaced.

2.

Expense Assessed Against Owners: The expense thereof shall be assessed against such property owners.

3.

Treated Same As Taxes: The expense shall be collected and treated in the same manner as taxes assessed under the general laws of the State of Michigan.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-7: - WAIVER OF SIDEWALKS REQUIREMENT:

A waiver to construct a required sidewalk may be granted when a property owner can prove there is a physical difficulty associated with the property, which would prohibit the construction of sidewalks, or that the requirement for a sidewalk is not practical. The Thomas Township Board of Trustees may grant a waiver upon presentation of a written request by the property owner to the Township Manager.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-8: - REQUIREMENTS FOR COMPLETION:

Prior to issuance of a certificate of occupancy, required sidewalk construction must be completed. If cold weather conditions do not permit sidewalk installation, the sidewalk shall be installed no later than June 30 of the following construction season if a performance bond or cash deposit equivalent to the estimated cost of the construction is placed with the Township. If construction is not completed by May 30, the Building Official shall send a notice to the property owner stating that work is to be completed by June 30 or the Township will undertake completion of the work at a cost to be set forth in said notice. The performance/cash bond will be utilized to construct the sidewalks. Any excess monies remaining after the sidewalks are constructed will be refunded to the person who deposited the performance/cash bond with the Township.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-9: - DETERMINATION OF NEED TO REPAIR HAZARDOUS CONDITION:

The Director of the Department of Public Works, or the Director's designee shall determine when a sidewalk is in need of repair based upon one or more of the following conditions:

A.

Vertical cracks—Upheaval or settlement greater than one-half inch ($\frac{1}{2}$ ").

B.

Horizontal cracks or joint separation greater than one inch (1").

C.

Tilted sections—If tilted greater than two inches (2") in any direction of a five foot by five foot (5' × 5') section.

D.

Spalled or pitted sections—Of greater than twenty-five percent (25%) of the surface or depressions that are greater than three inches (3") in diameter.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-10: - NOTICE TO PROPERTY OWNER:

A notice of the need to repair a hazardous condition will be given or sent to the responsible property owner. Such notice shall indicate the location and nature of the condition and a time limit for repair or replacement. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than thirty (30) days, within which such work shall be completed with due diligence.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-11: - METHODS FOR SERVICE OF NOTICE:

Notice regarding sidewalk repairs shall be served in the following manner:

A.

Mail: By mailing the notice by certified mail to the owner at the address on the most recent tax roll.

B.

Personal Delivery: If the address is unknown, by delivering the notice to the owner personally.

C.

Posting On Premises: If the owner is unknown, by posting the notice in some conspicuous place on the premises at least fifteen (15) days before the required work shall be completed. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Township official, unless permission is given by such official to remove the notice.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-12: - RECOURSE FOR NONCOMPLIANCE; EMERGENCY REPAIRS:

If the property owner does not repair the sidewalk within the time limit specified or in a manner not in accordance with this Ordinance, the Township Manager or the Township Manager's designee shall have the sidewalk repaired. If at any time the Township Manager or the Township Manger's designee determines that an emergency exists and that immediate repair is necessary to protect the public, he/she may dispense with the notice and institute the repairs immediately. In any event, the cost of repairs under this Section shall be charged against the property which adjoins the sidewalk and shall be paid by the owner of the property.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-13: - ALTERNATIVES TO CONSTRUCTION OF SIDEWALKS:

A.

Covenant or Contract: An alternative to the current construction of a sidewalk is for the owners to covenant or contract with the Township to defer the installation of the required sidewalk to a later date to be established by the Township Board.

B.

Conditions of Alternatives: The Township Board, after a recommendation by the Director of the Community Development Department, shall determine that this alternative is appropriate subject to the following conditions:

1.

The owner agrees to install the sidewalks as approved by the Township or as depicted on a site plan, or on the Township's Sidewalk Master Plan Map or when and if the Township Board determines that such sidewalks must be installed in the interest of public safety. Such sidewalks shall be installed within one hundred twenty (120) days after notice by the Township Board.

2.

If the owner fails to timely install such sidewalks, the Township may proceed to install same and assess the cost of the installation against the subject site pursuant to and in accordance with the provisions of Act. No. 188, Public Acts of 1954, as amended.

3.

The owner will provide in the contract that his action constitutes a petition pursuant to and in accordance with the above mentioned Act. No. 188, and thereby waives any and all hearings, notices of hearing and/or other requirements preliminary to the establishment of a lien against the land for recovery of the actual costs incurred by the Township for the design and installation of the sidewalks as required by the above mentioned Act. No. 188.

4.

The contract shall be recorded with the Saginaw County Register of Deeds and shall be deemed to be a covenant running with the land binding upon the parties hereto, their successors and assigns. A fee equal to the County recording fee shall be charged to the property owner for recording the contract with the Saginaw County Register of Deeds office.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-14: - OWNER-CAUSED DEFECTS:

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to:

A.

Trees or other growth;

B.

Surface drainage;

C.

On-site construction or vehicular traffic;

D.

Other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-15: - SANCTIONS FOR VIOLATION:

A.

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

B.

Any person or entity who violates any of the provisions of this Ordinance and who has been issued a municipal civil infraction violation notice as defined by Ordinance 97-G-01 and who admits responsibility therefor within the time specified thereon shall pay a civil fine and costs at the Thomas Township Municipal Ordinance Violations Bureau in accordance with the schedule of civil fines and costs in section 9 of Ordinance 97-G-01 which is incorporated herein by reference.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

6-1-16: - ENFORCING AGENCY:

The Township Community Development Department is hereby designated the enforcing agency under this Ordinance and it shall be its duty to enforce the same.

(Ord. No. 14-G-01, § 1, 12-1-2014, eff. 1-7-2015)

CHAPTER 2 - TOWNSHIP LIBRARY

SECTION:

6-2-1: - DEFINITIONS:

A.

Common Definitions: For purposes of this Ordinance, the words and phrases used have their usual commonly understood dictionary definitions, unless a more particular definition is given or made obvious by the context.

B.

Gender: The masculine gender includes the feminine and the neuter genders.

C.

Interpretation: All the provisions of this Ordinance shall be construed according to the fair import of their terms.

D.

Library Material Defined: The words "library material" as used in the Ordinance are intended to include any and all personal property of whatever nature which the Thomas Township Library owns, rents, leases, uses, controls, possesses or which it has borrowed from another library system or from another person.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-2: - UNLAWFUL TAKING OF LIBRARY MATERIALS:

A.

Taking Materials Prohibited: No person shall attempt to procure or take in any way, library materials out of a library building without renting or checking out said materials in accordance with the Thomas Township Library rules and regulations or to convert the same to his own use, or with intent to prevent the owner from exercising possession or use of said library material.

B.

Moving Library Materials: It is not necessary for a person to actually take the library materials outside of a library building. Moving library materials within a library building with the intent to injure or destroy, to annoy, harass or make more difficult the work of library employees, agents, volunteers, or to conceal said materials from any person to make it more difficult to find or use said materials is a violation of this Ordinance.

C.

Return Of Library Materials: A person shall return library materials to the library if he comes into possession or control of said materials and knows that said materials have been procured, taken or are being used or kept in violation of this Ordinance.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-3: - FAILURE TO RETURN LIBRARY MATERIALS:

A.

Return Of Materials Required; Overdue Notice: A person shall return all library materials which have been rented or checked out from the library by the due date. Notification is given to a person if, by some means he is personally informed or notification is sent by means of the United States Post Office of the fact that said library materials are overdue.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997; amd. 1998 Code)

B.

Costs To Borrower: A person shall pay all fines, penalties, damages or replacement costs which are assessed by the library for failure to return library materials when due or for loss of, destruction, or damage to said materials as well as payment of all library assessed fines and penalties as charged.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-4: - USE OF IMPROPER NAME AND IMPROPER CHECK OUT:

A.

Fraud: A person shall not use a name that is not his own, use identification belonging to another person, or identification that is false, fraudulent or inaccurate, in order to or attempt to rent or check out, library materials from the library.

B.

Suspended Check-Out Privileges: A person shall not rent or check out library materials from the library during a period of time when his rental or check-out privileges have been suspended by the library.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-5: - MALICIOUS DESTRUCTION OF LIBRARY MATERIAL:

A person shall not wilfully or maliciously deface or by any other means destroy any library material, library building, library grounds, library property or any property belonging to another which is located in a library building or on library grounds.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-6: - DISORDERLY CONDUCT:

A person commits the crime of disorderly conduct if, inconvenience, annoyance or alarm to any person in a library building, or on library grounds, or by recklessly creating a risk thereof, such person:

A.

Fighting: Engages in fighting or in violent, threatening behavior.

B.

Noise: Makes unreasonable noise.

C.

Indecent Language: Uses abusive, indecent, immoral, vulgar, insulting or obscene language or makes an obscene gesture.

D.

Disturbing Meetings: Without lawful authority, disturbs any lawful assembly or meeting of persons.

E.

Noncompliance With Police: Refuses to comply with a peace officer to disperse.

F.

Hazardous Conditions: Creates a hazardous condition by any act.

G.

Intoxication: Is intoxicated because of use of alcohol or controlled substances or a combination of both.

H.

Physical Contact With Others: Strikes, shoves, kicks, or otherwise touches a person or subjects a person to physical contact.

I.

Annoying Behavior: Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

J.

Loitering: Loiters or refuses to leave a library building or library grounds after he has been asked or told to leave by a library employee or agent.

K.

Inappropriate Clothing: Does not wear a shirt, blouse, dress, pants, shorts, skirt, or similar type of appropriate clothing; or shoes, boots, sandals or similar type of appropriate footwear.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-7: - EATING OR SPITTING ON LIBRARY GROUNDS OR PROPERTY:

A.

Spitting Prohibited: No person shall spit or expectorate any substance from the nose, mouth, throat or lungs upon any library materials, library buildings, or library grounds.

B.

Eating Or Drinking Restricted: No person shall eat or consume any food or beverage in library buildings except in staff rooms, in the public meeting rooms during a meeting or during a function specifically authorized by the library.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-8: - UNOBSTRUCTED ACCESS AND USE OF LIBRARY FACILITIES AND MATERIALS:

A person shall not knowingly block, hinder or interfere with another person's lawful use of library materials, library building or library grounds by any means including, but not limited to, physical obstructions, threats, noise or any other behavior which discourages, hinders or intimidates any person from using said materials, said building or said grounds.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-9: - HAWKERS, PEDDLERS, AND SALESMEN:

A.

Soliciting Prohibited: No person shall go about within a library building or on library grounds, from person to person in order to sell or take orders or solicit merchandise in any way.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

B.

Exception: This Section does not apply to persons who offer to sell materials for use by the library or to an activity taking place in the meeting room during a meeting when such activity is a part of said meeting.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997; amd. 1998 Code)

6-2-10: - LITTERING PROHIBITED:

A person shall not knowingly dump, deposit or in any way leave any type of litter in library buildings or on library property other than in places specifically designated and designed for the type of litter involved.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-11: - SMOKING PROHIBITED:

A person is not permitted to smoke in library buildings or on library grounds.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-12: - ALCOHOL AND CONTROLLED SUBSTANCES:

No person shall drink any intoxicating liquor or have in his possession any controlled substance or open receptacle containing alcoholic liquor or controlled substance in a library building or on library grounds.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-13: - PARENTAL RESPONSIBILITIES:

A parent, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years shall not knowingly permit said minor to violate any provision of this Ordinance.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-14: - AIDING AND ABETTING:

Every person concerned in the commission of an offense in violation of the Ordinance, whether he directly commits the act or assists, aids or abets in its commission may be prosecuted, and shall be punished as if he had directly violated the applicable provisions of this Ordinance.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-15: - ATTEMPTED VIOLATIONS:

A person commits a crime under this Section if he attempts to commit any offense prohibited by this Ordinance or by doing any act toward the commission of an offense.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-16: - PENALTIES:

A.

Fine; Imprisonment: A person who violates any provision of this Ordinance is guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days or by both fine and imprisonment at the discretion of the court.

B.

Separate Violations: A violation of this Ordinance as to each separate item of library material, library property or other property involved constitutes a separate offense, each such separate offense being subject to the penalties provided in this Ordinance.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-17: - NEGATION OF DEFENSES, EXCUSES, EXCEPTIONS:

A.

Nothing in this Ordinance shall be construed or held to limit prosecution under any other state or Federal statute, or city, county, or Township Ordinance, even if the same subject matter or the same legal question is involved. Prosecution and conviction may be under any or all applicable provisions of any law in the prosecutorial official's discretion.

B.

Nothing in this Ordinance shall prohibit or limit any person from exercising any rights which he might have in any court of competent civil jurisdiction.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-18: - SEVERABILITY:

If any provisions of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or other applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of the Ordinance are severable.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-19: - REPEAL:

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

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

6-2-20: - PUBLICATION AND EFFECTIVE DATE:

That this Ordinance, or a summary thereof, is hereby ordered to be published in The Township Times, a newspaper of general circulation within the Township of Thomas on September 10, 1997, and shall become effective thirty (30) days from the date of said publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 97-G-24, 9-1-1997, eff. 10-10-1997)

CHAPTER 3 - TOWNSHIP CEMETERY

SECTION:

6-3-1: - TITLE:

This Ordinance shall be known and cited as the THOMAS TOWNSHIP CEMETERY ORDINANCE.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-2: - DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES:

A.

A cemetery lot shall consist of burial space sufficient to accommodate from one to eight (8) burial spaces.

B.

An adult burial space shall consist of a land area four feet wide and eight feet in length (4' x 8').

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-3: - SALE OF LOTS OR BURIAL SPACES:

A.

Sale To Residents; Exception: Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

B.

Form: All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

C.

Transfer Of Burial Rights: Burial rights may be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-4: - PURCHASE PRICE AND TRANSFER FEES:

A.

Charges Established: Purchase price and transfer fees shall be established and set from time to time by a resolution of the Township Board.

B.

Payment And Disposition Of Charges: The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund.

C.

Changes In Charges: The Township Board, by resolution, shall periodically establish fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-5: - GRAVE OPENING CHARGES:

A.

Charges Established: The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.

B.

Authority To Open And Close Graves: No burial spaces shall be opened and closed except under the direction and control of the DPW Superintendent. This provision shall not apply to proceedings for the

removal and reinterment of bodies and remains, which matters are under the supervision of the State and/or County agencies.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-6: - MARKERS OR MEMORIALS:

A.

Materials: All markers or memorials must be of stone or other equally durable composition.

B.

Foundation Required For Large Monuments: Any large upright monuments must be located upon a suitable foundation, as determined by DPW Superintendent, to maintain the same in an erect position.

C.

Number: Only one monument, marker or memorial shall be permitted per burial space.

D.

Construction And Cost Of Foundations: The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-7: - INTERMENT REGULATIONS:

A.

Number Per Space: Only one person may be buried in a burial space except for an adult and an infant or two (2) children buried at the same time.

B.

Notice Of Funeral: Not less than thirty six (36) hours' notice shall be given in advance of any funeral to allow for the opening of the burial spaces.

C.

Required Information And Documents: The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the DPW Superintendent or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records or with written permission from the owner of a lot that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

D.

Maintenance Of Grave Sites: All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-8: - GROUND MAINTENANCE:

A.

Excavations: No grading, leveling, or excavating upon burial space shall be allowed without the permission of the DPW Superintendent.

B.

Planting Vegetation: No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the DPW Superintendent. Any of the foregoing items planted without such approval may be removed by the Township.

C.

Township May Remove Or Trim Vegetation: The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

D.

Mounds Prohibited: Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

E.

Removal Of Vegetation And Decorations: The DPW Superintendent shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise have become unsightly, a source of litter or a maintenance problem.

F.

Fencing Grave Sites Prohibited: Fencing, curbing and coping around grave sites are prohibited.

G.

Surface Restrictions: Surfaces other than earth or sod are prohibited.

H.

Refuse Disposal: All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, balloons, and flower containers must be removed or deposited in containers located within the cemetery.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

I.

Removal Of Winter Decorations: All grave blankets, wreaths, and other winter decorations must be removed by April 1.

(Ord. 06-G-06, 5-1-2006, eff. 6-10-2006)

6-3-9: - FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES:

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

A.

Notice: Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the within notice his desire to retain said burial rights.

B.

No Response To Notice: No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-10: - REPURCHASE OF LOTS OR BURIAL SPACES:

The Township will repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-11: - RECORDS:

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-12: - VAULT:

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-13: - CEMETERY HOURS:

A.

Hours Cemetery Open: The cemetery shall be open to the general public from the hours of eight o'clock (8:00) A.M. to dusk each day.

B.

Permission Required For Other Hours: No person shall be permitted in the Township cemeteries any time other than the foregoing hours, except upon permission of the Township Board or the DPW superintendent.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-14: - SANCTIONS:

A.

Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

B.

Any person or entity who violates any of the provisions of this ordinance and who has been issued a municipal civil infraction violations notice as defined by ordinance 97-G-01 [2] and who admits responsibility therefor within the time specified thereon shall pay a civil fine and costs at the Thomas Township municipal ordinance violations bureau in accordance with the schedule of civil fines and costs in section 9 of ordinance 97-G-01 [3] which is incorporated herein by reference.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-15: - SEVERABILITY:

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

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-16: - EFFECTIVE DATE:

That this Ordinance, or a summary thereof, is hereby ordered to be published in The Township Times, a newspaper of general circulation within the Township of Thomas on May 14, 1997, and shall become effective thirty (30) days from the date of said publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

CHAPTER 4 - PARKS AND PARK FACILITIES

SECTION:

6-4-1: - DEFINITION:

As used in this Ordinance, the term "Township park" or "park" shall mean any area within the Township of Thomas designated by the Township Parks and Recreation Commission as a Township park or used as an area or facility by the Township Parks and Recreation Commission for recreational or other similar activities, including Roberts Park, Roethke Park and other similarly designated areas within the Township of Thomas.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-2: - ACTS PROHIBITED:

No person shall, within any Township park within the Township of Thomas, do or permit any of the following acts or things:

A.

Damage To Plants And Animals: Injure, remove or otherwise mutilate or disturb any plant or wildlife.

B.

Damage To Structures And Equipment: Deface, mar or in any way damage any building, structure, sign, equipment.

C.

Unauthorized Entry Into Buildings: Enter any building or area at any time when it is not open to the general public.

D.

Temporary Lodging: Establish a temporary lodging of any kind without written permission of the Thomas Township Parks and Recreation Commission or Thomas Township Board.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

E.

Open Fires: Build an open fire upon any lawn or other area within any Township park without a permit from the Fire Chief.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984; amd. Ord. 97-G-11, 5-5-1997)

F.

Garbage And Refuse Disposal: Dispose of, abandon, place, deposit, throw, dump or scatter any waste, garbage, rubbish or refuse on any park area except in receptacles provided for that purpose.

G.

Obscene Conduct: Use profane or obscene language or gestures.

H.

Disorderly Conduct: Conduct himself in a disorderly or indecent manner.

I.

Rocks On Lawn Area: Toss or throw any stones or rocks on the lawn areas of any Township park.

J.

Improper Use: Use any Township park for any purpose which is not recreational or civic in character.

K.

Noise: Play any radio, phonograph, tape recorder or musical instrument so that it disturbs other persons.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-3: - PERMIT, CONTRACT FOR CERTAIN ACTS:

No person, without first obtaining a written permit from the Thomas Township Parks and Recreation Commission or entering into a contract with the Thomas Township Board, shall do any of the following within any Thomas Township park:

A.

Weapons: Brandish or discharge firearms of any description; carry, or use air rifles, bows and arrows or slingshots; except police officers in the performance of their duties.

B.

Explosives: Discharge any fireworks or explosive substances of any nature.

C.

Building Construction: Erect any structure.

D.

Advertising; Solicitation; Sales: Advertise, canvass, solicit, vend or rent any service, merchandise or object.

E.

Special Functions: Hold or participate in any special function other than those conducted by or in behalf of the Township of Thomas.

F.

Hunting or Trapping: Engage in hunting or trapping of animals or birds.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984; Ord. No. 10-G-02, § 1, 7-21-2010, eff. 8-20-2010)

6-4-4: - LIABILITY:

Any person or organization to whom a written permit is issued by the Township Parks and Recreation Commission, or who shall enter into a contract with the Thomas Township Board, shall be subject to the provisions of this Ordinance and shall be held liable for any loss, damage or injury to persons or property caused by such violation.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-5: - VEHICLE USE:

In a Township park no person shall:

A.

Safe Driving: Fail to drive or operate a vehicle without caution at all times.

B.

Speed Limit: Drive a vehicle at a speed in excess of fifteen (15) miles per hour or the posted speed limit.

C.

Parking: Drive or park a vehicle anywhere except on established drives and parking areas.

D.

Practice Driving: Use a park driveway for the purpose of demonstrating, teaching the driving of, or learning to drive any vehicle.

E.

Commercial Vehicles: Drive or operate a vehicle used solely for commercial purposes except authorized concession vehicles and those required in the performance of construction or maintenance functions approved by the Thomas Township Board or Township Parks and Recreation Commission.

F.

Definition: "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn on a roadway except devices which are moved exclusively by human power.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

G.

Recreational Vehicles And Motorcycles: Notwithstanding any provision herein to the contrary, no snowmobile, ATV or ORV as defined in Act 58 of the Public Acts of Michigan of 1995 and no "motorcycle" as defined in the Michigan Vehicle Code being Act 300 of the Public Acts of Michigan of 1949, as amended, shall be operated in any Township park other than in the drives or parking areas.

(Ord. 97-G-11, 5-5-1997)

6-4-6: - SELLING OR RENTING SERVICE, MERCHANDISE:

No person shall sell or rent, or attempt to sell or rent, any service, merchandise or any object in any Township park without first entering into a contract with the Thomas Township Board to operate a park concession, except that a group or organization may on special occasions sell to its own members provided a written permit therefor has been first obtained from the Township Parks and Recreation Commission.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-7: - CLOSING HOURS:

All Township parks shall be closed to the public each evening at sunset and shall continue to be closed during the remainder of the evening hours unless specific hours of closing are posted at the park entrance.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984; amd. Ord. 97-G-11, 5-5-1997)

6-4-8: - PENALTY:

A.

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00,) plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

B.

Any person or entity who violates any of the provisions of this Ordinance and who has been issued a municipal civil infraction violations notice as defined by Ordinance 97-G-01 [4] and who admits responsibility therefor with the time specified thereon shall pay a civil fine and costs at the Thomas Township Municipal Ordinance Violations Bureau in accordance with the schedule of civil fines and costs in section 9 of Ordinance 97-G-01 [5] which is incorporated herein by reference.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984; amd. Ord. 97-G-11, 5-5-1997)

6-4-9: - VALIDITY:

If any section, subsection, clause, paragraph or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, subsection, clause, paragraph or provision as adjudged invalid and the rest of the Ordinance shall remain valid and effective.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-10: - REPEAL:

Any ordinance or parts of any ordinance in conflict with the provisions hereof are hereby repealed.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

6-4-11: - PUBLICATION; EFFECTIVE DATE:

This Ordinance shall be published in The Township Times, a newspaper of general circulation in Thomas Township, promptly after its adoption and shall be recorded in the Ordinance Book of the Township,

with such recording authenticated by the signatures of the Supervisor and Clerk. This Ordinance shall become effective immediately upon its adoption.

(Ord. PR-01-84, 7-2-1984, eff. 7-2-1984)

CHAPTER 5 - NON-MOTORIZED PATHWAYS

SECTION:

6-5-1. - DEFINITIONS.

The following words and terms in this ordinance are defined as follows:

(a)

BICYCLE means a device propelled exclusively by human power upon which a person may ride, having two, three, or four wheels arranged in a tandem or tricycle fashion.

(b)

MOTOR VEHICLE means a vehicle which is self-propelled including, but not limited to motorized scooters, all-terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts and Segway Personal Transporters.

(c)

MOTORCYCLE means a motor vehicle having a saddle or seat for use of a rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(d)

NON-MOTORIZED PATHWAY shall mean any public way operated and maintained by the Township or the road authority having jurisdiction, for bicycle and pedestrian use.

(e)

PERSON shall mean any person, or any firm, corporation (profit or nonprofit), or any association (incorporated or unincorporated), or any other type of business entity.

(f)

SIGN shall have the same meaning as provided in the Township Zoning Ordinance.

(g)

SNOWMOBILE means a motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or a revolving belt tread, or any combination of these or similar means of contact with the surface upon which it is operated.

(h)

VEHICLE means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved exclusively by human power.

(i)

DESIGNATED EASEMENT is a two (2') foot area that runs on either side of the paved non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-2: - PROHIBITION OF MOTOR VEHICLE USE:

No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle or any other type of motor vehicle or golf cart upon any non-motorized pathway within the Township, except directly to enter or depart from adjacent property; provided, however, this section shall not prohibit the use of sidewalks and pedestrian pathways by persons using motorized wheelchairs or similar devices used to facilitate access and travel by handicapped persons. Township employees or others authorized by the Township to perform inspection, repair, or maintenance work, and persons providing emergency medical or veterinary services, in the performance of their official or professional duties shall be exempted as well.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-3: - SAFE BICYCLE OPERATION:

All persons will travel in a consistent and predictable manner. No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-motorized pathway, and also shall yield the right-of-way to pedestrians who are using the non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-4: - PROHIBITION OF HORSE RIDING:

No person shall ride or walk or lead a horse on a non-motorized pathway or within the designated easement for the non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-5: - TOWNSHIP POLICIES REGULATING PATHWAY USE:

The Township Board may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance. Such policies may include provisions regulating the occurrence and scope of gatherings and events on, near or associated with a non-motorized pathway, including but not limited to a Township Events Policy. Users of any non-motorized pathway located in the Township shall:

(a)

Travel in a consistent and predictable manner.

(b)

Travel as near to the right side of the pathway as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction.

(c)

Occupy only the right half of the non-motorized pathway, measured from the right side, so as not to impede the normal and reasonable movement of other pathway users.

(d)

Pass other users on the left and only when it can be done safely, returning to the right upon safely clearing the user being passed.

(e)

Give an audible warning signal (e.g. voice, bell, or mechanical or electrical signaling device), in sufficient time to allow response, before passing any user.

(f)

Remove themselves and any equipment at least three (3') feet off the non-motorized pathway when stopping, standing or parking.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-6: - DAMAGE:

(a)

No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, on any part thereof, or any sign, pillar, fence, bench, trash container or part thereof, relating thereto.

(b)

At the Township's option, the Township may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the Township for such repair work, or alternatively, the Township may require the person who caused the damage to repair the non-motorized pathway to its prior state within thirty (30) days of the date of the damage. All such repair work shall be performed to the Township's satisfaction.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-7: - NON-MOTORIZED PATHWAY OBSTRUCTION:

(a)

PARKING. No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle, motorcycle, trailer, mobile home, motor home, camper, or boat or any other object upon a non-motorized pathway or the designated easement so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.

(b)

DEBRIS. No person shall deposit or burn, or cause to be deposited or burned, any litter, or leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.

(c)

DEPOSIT OF ICE OR SNOW. No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Thomas Township official.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-8: - FISHING PROHIBITION:

No person shall fish or otherwise attempt to catch fish or other aquatic animals while on a non-motorized pathway, or the appurtenances of a non-motorized pathway. Appurtenances of a non-motorized pathway shall include, but are not limited to, any bridges or other structures which touch, adjoin or abut a non-motorized pathway or within the designated easement for the non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-9: - ANIMALS:

(a)

Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance.

(b)

Pets must be on a leash no longer than six (6') feet and under the control of the owner at all times so as not to interfere with other pathway users.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-10: - VEGETATION:

No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway. No person shall allow trees, shrubs or other vegetation to grow to a size that obscures view or obstructs passage along a non-motorized pathway. Thomas Township reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-11: - IRRIGATION:

No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-12: - CONSTRUCTION PROJECTS:

(a)

If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within ten (10) days after the damage occurs, unless otherwise authorized by Thomas Township; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such ten (10) day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skaters and pedestrians, and full repair and restoration shall then be completed as soon as weather permits.

(b)

An occupancy permit shall not be granted under the Township zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the

construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit safe and reasonable use by bicycles and pedestrians, and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.

(c)

Repair of all damage, as required by this Section, shall be performed in compliance with Section 13(c) of this Ordinance.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-13: - CUTS OR OPENINGS IN SIDEWALK OR PEDESTRIAN PATHWAY

(a)

All persons shall complete a Non-motorized Pathway Opening Permit if it is necessary to make a cut or opening in a non-motorized pathway. Such cut or opening shall not be made until a Non-motorized Pathway Opening Permit has been authorized in writing by the Township.

(b)

If an emergency requires an immediate utility cut or opening to be made, the Township shall be notified, the permit completed and the applicable fee paid on the next business day during which the Township office is open.

(c)

When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the Township Engineer.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-14: - SIGNS:

(a)

No person shall install, attach, suspend or in any other manner display any sign, banner, printed leaflet or similar object or above a non-motorized pathway, or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the Township Zoning Administrator or other Township official authorized by ordinance or Township policy to grant such approval.

(b)

The provisions of this Section shall not prohibit the Township from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-15: - EXEMPTION:

This ordinance shall not apply to work being done by an authorized Township official or employee on a non-motorized pathway and this ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-16: - SANCTIONS FOR VIOLATIONS:

(a)

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses, to which the Township has spent in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

(b)

Any person or entity who violates any of the provisions of this Ordinance and who has been issued a municipal civil infraction violation notice as defined by Ordinance 97-G-01 and who admits responsibility therefor within the time specified thereon shall pay a civil fine and costs at the Thomas Township Municipal Ordinance Violations Bureau in accordance with the schedule of civil fines and costs in section 9 of Ordinance 97-G-01 which is incorporated herein by reference.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-17: - SEVERABILITY:

This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

6-5-18: - REPEAL:

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

(Ord. No. 13-G-05, 9-9-2013, eff. 10-18-2013)

6-5-19: - PUBLICATION AND EFFECTIVE DATE:

This ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 7 days after adoption. The ordinance shall become effective 30 days after such publication.

Chapter 4 - LANDSCAPING and SCREENING

SECTION 4.1. - INTENT AND SCOPE OF REQUIREMENTS.

SECTION 4.2. - GENERAL LANDSCAPING REQUIREMENTS.

SECTION 4.3. - SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS.

SECTION 4.4. - STANDARDS FOR LANDSCAPE MATERIALS.

SECTION 4.5. - INSTALLATION AND MAINTENANCE.

SECTION 4.6. - TREATMENT OF EXISTING PLANT MATERIAL.

SECTION 4.7. - MODIFICATIONS TO LANDSCAPE REQUIREMENTS.

Scroll to Top



Chapter 4 - LANDSCAPING and SCREENING

SECTION 4.1. - INTENT AND SCOPE OF REQUIREMENTS.

a.

Intent. Landscaping enhances the visual image of the Township, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. The provisions in this Chapter are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1)

Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,

2)

Protect and preserve the appearance, character, and value of the residential uses that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,

3)

Reduce soil erosion and depletion, and

4)

Increase storm water retention, thereby helping to prevent flooding.

b.

Scope of Application. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Chapter. A Certificate of Occupancy shall not be issued unless provisions set forth in this Chapter have been met or a performance guarantee has been posted. The requirements in this Chapter shall not apply to single family and two-family detached homes, unless otherwise specifically noted.

c.

Minimum Requirements. The requirements in this Chapter are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

d.

Summary of Regulations. The following table summarizes the landscaping regulations contained in this Chapter:

TABLE 1 SUMMARY OF MINIMUM LANDSCAPING REQUIREMENTS

General Site	—	See	—	1 per 3,000	—	—

Landscaping		Table 5		sq. ft. [1]		
Greenbelts adjacent to road	—	See Sec 4.2d	10 ft.	1 per 40 lineal ft.	1 per 70 lineal ft.	8 per 40 lineal ft.
Greenbelts used for Screening	—	6 ft. See Sec 4.2e	10 ft.	[2]	—	—
Berms in Front Yard	—	[4] See Sec 4.2c	[3]	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal ft.
Berms used for Screening	—	3 ft See Sec 4.2c.	[3]	[2]	—	—
Parking Lot Landscaping	20 sq. ft. per space	See Sec 4.2f	5 ft. [4]	1 per 300 sq. ft.	—	1 per 75 sq. ft.
Required Landscaping	Planting Requirements					
	Landscaping Ratio	Minimum Height	Minimum Width	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs

Footnotes

[1] General Site Landscaping for: mobile home parks: 2 trees plus 4 shrubs per lot. qa multiple family uses: 2 trees plus 4 shrubs per dwelling unit.

[2] Evergreens shall be closely spaced (no further than fifteen (15) feet apart) to form complete visual barrier within three (3) years.

[3] Berms shall have slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Thus, the minimum width is equal to total height multiplied by three (3). Maximum height of berms in the front yard: three (3) feet.

[4] Minimum area of each parking lot landscaped area: two hundred (200) square feet.

SECTION 4.2. - GENERAL LANDSCAPING REQUIREMENTS.

a.

General Site Requirements. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1)

The site shall be planted with sod, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street property line. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro seed (grass seed).

2)

A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per three thousand (3,000) square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Chapter. Required trees may be planted at uniform intervals, at random, or in groupings.

b.

Landscaping Adjacent to Streets:

1)

Planting Requirements. Where required, landscaping adjacent to streets shall comply with the following planting requirements (see Landscaping Adjacent to Roads diagram):

TABLE 2 LANDSCAPE MATERIAL PLANTING REQUIREMENTS

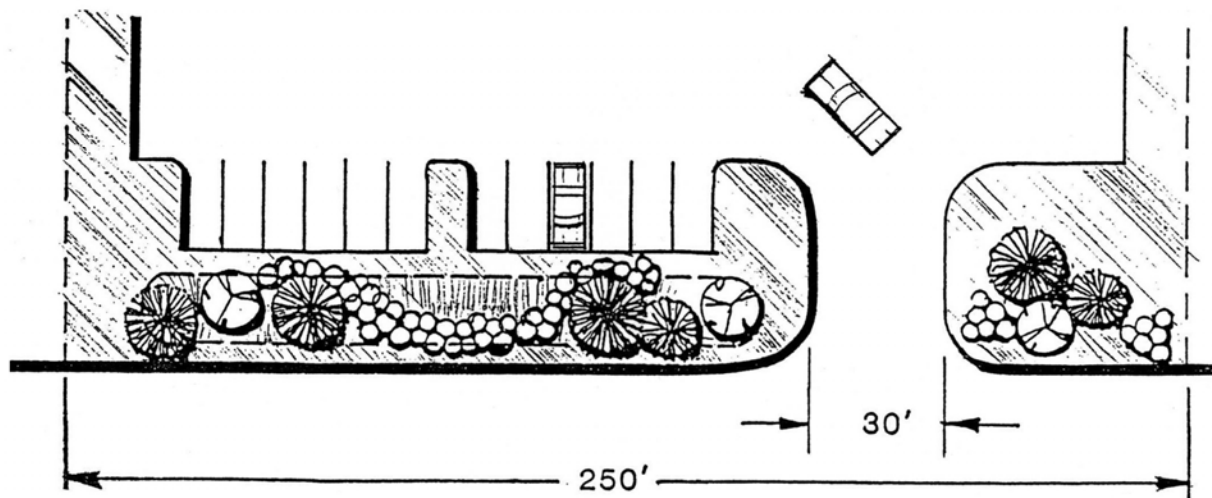
Deciduous or Evergreen Tree	1 per 40 lineal feet of road frontage
Shrubs	8 per 40 lineal feet of road frontage
Type of Landscaping	Planting Requirements

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings and shall be planted anywhere in the required front yard.

2)

Location and Dimensions. Required landscaping adjacent to streets shall be located totally on private property within a planting strip adjacent to the street right-of-way. The minimum width of the planting strip shall be ten (10) feet. All landscaping in the clear vision areas, adjacent to driveways, shall not exceed 30 inches in height.

TABLE 3 LANDSCAPING ADJACENT TO ROADS



Landscaping Adjacent to Roads

Length of Road Frontage: 250 feet minus 30-foot driveway = 220 feet

Required Number of Plants (Example)

Deciduous or Evergreen Trees	220 ft./40 ft.	= 6
Shrubs	220 ft./40 ft. x 8	= 44
TOTAL		50

c.

Berms. Where required, berms shall conform to the following standards:

1)

Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each two (2) feet horizontal (50 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

2)

Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.

3)

Required Plantings:

a)

Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, (Sec. 4.2b)

b)

Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, (Sec. 4.2e)

4)

Measurement of Berm Length. For the purposes of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

d.

Greenbelts. Where required, greenbelts shall conform to the following standards:

1)

Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

2)

Dimensions. The minimum width of the greenbelt shall be ten (10) feet.

3)

General Planting Requirements:

a)

Sod or Ground Cover Requirements. Sod, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.

b)

Tree and Shrub Requirements. Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet (or portion thereof) of required greenbelt. Alternatively, eight (8) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

4)

Greenbelts Used for Screening. Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening. (Sec. 4.2e)

e.

Screening:

1)

General Screening Requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of two rows of closely-spaced, staggered evergreen plantings (planted no more than fifteen (15) feet on-center) which can be reasonably expected to form a visual barrier that is at least six (6) feet above ground level within three (3) years of planting. A single row of evergreen screening planted ten (10) feet on center may be substituted if insufficient room exists to plant a staggered double row.

Deciduous plant materials may be used provided that a complete visual barrier shall be maintained throughout the year. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.

2)

Screening of Equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, air conditioners, and similar equipment shall be screened on all sides except those facing a building. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches. A three (3) foot open area shall be maintained around such equipment to facilitate repairs.

f.

Parking Lot Landscaping. In addition to required screening, all off-street parking areas shall be landscaped as follows:

1)

Landscaping Ratio. Off-street parking areas containing greater than ten (10) parking spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

2)

Minimum Area. Landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles. Curb cuts which permit drainage of landscaped areas may be designed as part of required curbing.

3)

Other Landscaping. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

4)

Required Plantings. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) shrub shall be planted per seventy-five (75) square feet or fraction thereof of interior parking lot landscaping, and one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed sight distance. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

g.

Maintenance of Unobstructed Visibility For Drivers. All landscaping shall comply with the provisions concerning Unobstructed Sight Distance.

h.

Landscaping of Divider Medians and Culs-de-sac. Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform

intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet. Curb cuts which permit drainage of landscaped areas may be designed as part of required curbing.

Culs-de-sac and site entrances shall be landscaped with species tolerant of roadside conditions in Saginaw County.

i.

Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards. Irrigation systems should be designed to prevent impervious surfaces.

SECTION 4.3. - SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS.

a.

Requirements for Business, Agricultural, and Industrial Districts. All lots or parcels located in commercial, office, community, agricultural, and industrial zoning districts shall comply with the following landscaping requirements:

1)

General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements Sec. 4.2a, except where specific landscape elements are required.

2)

Landscaping Adjacent to Street. All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the street in Sec. 4.2b.

3)

Berm Requirements. A berm may be used to screen off-street parking from view of the street, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 4.2c. The berm shall be located totally on private property, adjacent to the street right-of-way.

4)

Screening. Screening in the form of a landscaped berm or greenbelt shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes, and where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 4.2e. If the length of the adjoining residentially zoned property is less than two hundred (200) feet, a wall or solid fence with a planting strip a minimum of three (3) feet in width may be erected in lieu of a berm or greenbelt.

The landscaping in the planting strip shall consist of appropriate landscaping material and be arranged to provide a maximum opacity to a minimum height of four (4) feet within three (3) years.

If a wall or fence is used instead of landscaping, the requirements for fences shall be complied with, but a landscaped greenbelt shall be required on the side of the wall facing the residential district.

5)

Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f. Off-street parking areas containing five (5) or more parking spaces shall be screened on those sides which abut or are across the street from a residential zoning district. A landscape screen, berm, wall or fence may be used. Landscaped screening shall comply with the requirements in Section 4.2f. If a wall or fence is used instead of landscaping, the requirements for fences shall be complied with, but a landscaped greenbelt shall be required on the side of the wall facing the residential district.

b.

Requirements for Multiple Family Developments. All lots or parcels of land used for multiple family developments shall comply with the following landscaping requirements:

1)

General Site Landscaping. A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family developments shall not be counted in meeting these requirements for trees.

2)

Landscaping Adjacent to Road. All multiple family developments shall comply with the requirements for landscaping adjacent to the street in Section 4.2b.

3)

Parking Lot Landscaping. Off-street parking areas in the front or side yard shall be screened with a hedge not less than three (3) feet in height or more than four (4) feet in height. Hedges shall comply with specifications for maintenance of unobstructed sight distance for drivers. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f.

4)

Privacy Screen. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berms.

c.

Requirements for Non-Residential Uses in Residential Districts. All non-residential uses located in residential zoning districts shall comply with the following landscaping requirements:

1)

General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements in Section 4.2a, except where specific landscape elements are required.

2)

Landscaping Adjacent to Road. All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 4.2b.

3)

Berm Requirements. A berm may be used to screen off-street parking from view of the street, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with Section 4.2b. The berm shall be located totally on private property, adjacent to the road right-of-way.

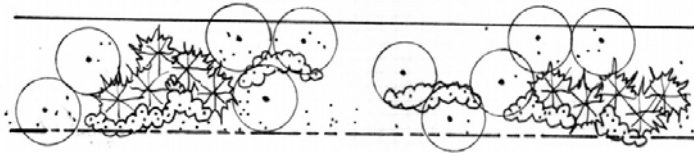
4)

Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 4.2e. If a wall is used instead of landscaping, the requirements for fence shall be complied with, and a landscaped greenbelt shall be provided on the side of the wall facing the residential district.

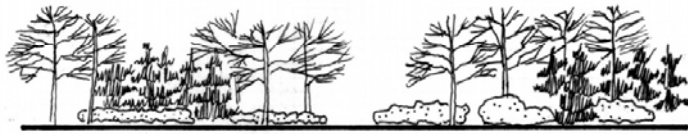
5)

Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 4.2f. All off-street parking areas shall be screened from adjoining residential uses by a landscape screen, berm, wall or fence. Landscaped screening shall comply with the requirements in Section 4.2e. If a wall is used instead of landscaping, the requirements for walls shall be complied with, and a landscaped greenbelt shall be provided on the side of the wall facing residential uses.

FIGURE 2 PRIVACY SCREENING



PLAN



ELEVATION



SECTION

SECTION 4.4. - STANDARDS FOR LANDSCAPE MATERIALS.

Unless otherwise specified, all landscape materials shall comply with the following standards:

a.

Non-Living Plant Material. Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this ordinance.

b.

Plant Material Specifications. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this ordinance:

TABLE 4 SUMMARY OF PLANT MATERIAL SPECIFICATIONS

Large Deciduous Trees	2 in.1	4 ft. first	—	—

			branch	
Ornamental Trees	1 ½ in.2		4 ft. first branch	—
Evergreen Trees	—		5 ft.	2 ½ ft.
Shrubs	—		2 ft.	2 ft.
Hedges	—		2 ft.	—

Landscape Material	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
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Notes

See Section 4.3 for detailed requirements

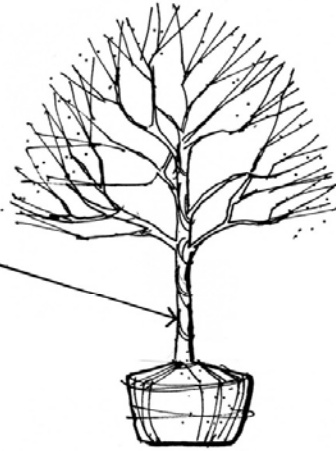
Measured twelve (12) inches above grade

Measured six (6) inches above grade.

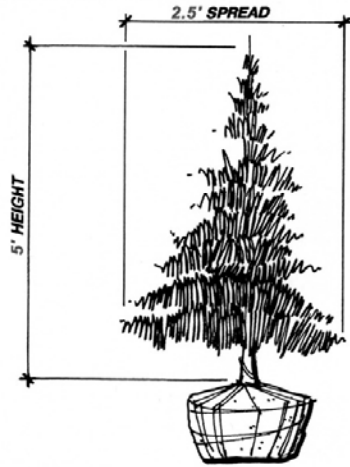
FIGURE 3 MINIMUM PLANT SIZES

TREE CALIPER MEASUREMENTS
FOR NEW TREES ONLY;

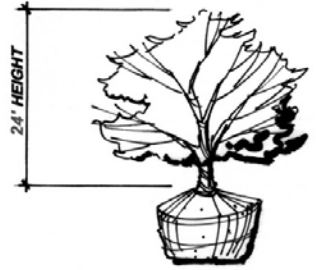
TAKE MEASUREMENT
12" ABOVE GROUND
LEVEL



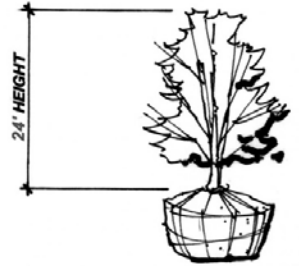
DECIDUOUS CANOPY TREE



EVERGREEN TREE



DECIDUOUS SHRUB



UPRIGHT EVERGREEN SHRUB



SPREADING EVERGREEN SHRUB

Minimum Plant Sizes

Minimum Plant Sizes

1)

Large Deciduous Trees. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

2)

Deciduous Ornamental Trees. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

3)

Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

4)

Shrubs. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

5)

Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

6)

Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

7)

Suggested Plant Materials. The following table lists suggested (not required) plant materials

TABLE 5 SUGGESTED PLANT MATERIALS

LARGE DECIDUOUS TREES	
Oaks	Quericus
Hard Maples (except Japanese)	Acer
Hackberry	Celtis
Planetree (Sycamore)	Platanus
Birch	Betula
Beech	Fancus
Ginkgo (male)	Ginkgo

Honeylocust (thornless cultivars)	Gleditsia
Sweetgum	Liquidambar
Hophornbeam (Ironwood)	Ostrya
Linden	Tilia
Hickory	Carya
Hornbeam (blue beech)	Carpinus
ORNAMENTAL DECIDUOUS TREES	
Amelanchier	Amelanchier
Redbud	Cercis
Dogwood (Tree form)	Cornus
Hawthorn	Crataegus
Flowering Crabapple	Malus (disease resistant cultivars only)
Flowering Plum (Tree form)	Prunus
Flowering Pear	Pyrus
Magnolia	Magnolia
Hornbeam	Carpinus
Rose of Sharon	Hibiscus
EVERGREEN TREES	
Fir	Abies
Hemlock	Tsuga
Spruce	Picea
Pine	Pinus

Douglas Fir	Pseudotsuga
Dwarf, Globe, Pendulous species/cultivars are not permitted	
NARROW EVERGREENS	
Juniper	Juniperus
Arborvitae	Thuja
Dwarf, Globe, Pendulous species/cultivars are not permitted	
LARGE SHRUBS	
Dogwood (Shrub form)	Cornus
Cotoneaster	Cotoneaster
Forsythia	Forsythia
Mock-Orange	Philadelphus
Sumac	Rhus
Lilac	Syringa
Viburnum	Viburnum
Witchhazel	Hamamelis
Euonymus	Euonymus
Privet	Ligustrum
Ninebark	Physocarpus
Juniper (Hetz, Pfitzer, Savin)	Juniper (evergreen)
Yew (Pyramidal, Japanese)	Taxus (evergreen)
SMALL SHRUBS - DECIDUOUS	
Barberry	Berberis

Quince	Chaenomeles
Boxwood	Buxus
Cotoneaster	Cotoneaster
Euonymus	Euonymus
Forsythia	Forsythia
Hydrangea	Hydrangea
Holly	Ilex
Privet	Ligustrum
Potentilla	Potentilla
Currant	Ribes
Lilac	Syringia
Viburnum	Viburnum
Weigela	Weigela
SMALL SHRUBS - EVERGREEN	
Fir	Abies
False Cypress	Chamaecyparis
Juniper (Low Spreading)	Juniperus
Spruce	Picea
White Pine	Pinus
Yew (Globe/Spreading/Upright)	Taxus
Arborvitae	Thuja
Common Name	Genus

8)

Undesirable Plant Material. Use of plant materials that cause disruption to storm drainage or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

TABLE 6 UNDESIRABLE PLANT MATERIALS

Ashes	Box Elder
American Elm	Tree of Heaven
European Barberry	Poplar
Willow	Silver Maple
Ginkgo (Female)	Black Locust
Honey Locust (with Thorns)	Horse Chestnut (Nut Bearing)
Cottonwood	Mulberry

Undesirable Plant Materials

SECTION 4.5. - INSTALLATION AND MAINTENANCE.

The following standards shall be observed where installation and maintenance of landscape materials are required:

a.

Installation. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

b.

Installation of Perimeter Landscaping. Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

c.

Seeding or Sodding. Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

d.

Protection from Vehicles. Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

e.

Off-Season Planting Requirements. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.

f.

Maintenance. Landscaping required by this ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes proper pruning, regular mowing of lawns, and removal of all litter and the replacement of dead and unhealthy plant material. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

SECTION 4.6. - TREATMENT OF EXISTING PLANT MATERIAL.

The following regulations shall apply to existing plant material:

a.

Consideration of Existing Elements in the Landscape Design. In instances where healthy plant material exists on a site prior to its development, substitution of such plant material in place of the requirements set forth previously in this Chapter, provided such substitution is in keeping with the spirit and intent of this Chapter and the Ordinance in general, is permitted.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

b.

Preservation of Existing Plant Material. When tree preservation credits are deserved, site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured twelve (12) inches above grade. A single tree credit, if deserved, shall equal one (1) of the trees required by the provisions of this Chapter.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures shall be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment or supplies shall be parked or stored within the drip line of any tree to be saved.

Trees to be preserved may provide credits toward the required trees for greenbelts, buffers, and parking lot landscaping. To obtain credit, the preserved trees shall be of a high quality and at least five (5) inches in caliper measured 12 inches above grade. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site.

The credit for preserved trees shall be as follows:

TABLE 7 PRESERVED TREE CREDITS

Over 12 inches	3 credits
8 inches - 12 inches	2 credits
5 inches - 7.9 inches	1 credit
Caliper of Preserved Tree Measured 12 Inches Above Grade	Tree Landscaping Credits 1 credit = 1 required tree

In the event that healthy trees which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, the removed trees shall be replaced with the same species as the damaged or removed tree, in accordance with the schedule in Table 10, unless otherwise approved by the Director of Planning and Community Development based on consideration of the site and building configuration, available planting space, and similar considerations:

TABLE 8 DAMAGED OR REMOVED TREE REPLACEMENT SCHEDULE

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Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree
Caliper Measured 12 Inches Above Grade		Replacement Ratio
Damaged Tree	Replacement Tree	

SECTION 4.7. - MODIFICATIONS TO LANDSCAPE REQUIREMENTS.

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the specific requirements outlined herein may be modified, provided that any such adjustment is in keeping with the intent of this Chapter and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

a.

Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

b.

Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

c.

The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.