

HULBERT TOWNSHIP ORDINANCE LISTINGS

i.	1978, SEPT 5	1-1978	UNIFORM TRAFFIC CODE
ii.	1978, APR 2	2-1979	ENFORCEMENT OFFICER WITHIN HULBERT TOWNSHIP
iii.	1996, FEB 28	3-1996	DANEROUS BUILDINGS
iv.	1996, FEB 28	4-1996	HULBERT LITTERING
v.	1997,	5-1997	LAND DIVISION/REGULATE THE DIVISION OF PARCELS OR TRACTS OF LAND
vi.	2003, JUL 10	6-2003	TOWNSHIP FIRE RUN CHARGES
vii.	2005, NOV 10	7-2005	HAZARDOUS MATERIALS INCIDENT/FIRE DEPARTMENT
viii.	2019, NOV 18	8-2019	PROHIVITION OF RECREATIONAL MARIJUANA ESTABLISHMENT
ix.	2021, AUG 24	9-2021	HULBERT TOWNSHIP CEMETERY
x.	2022, MAR 8	10-2022	CLOVERLAND ELECTRIC COOPORATIVE FRANCHISE

Ordinance

1-1978

1-1978

HULBERT TOWNSHIP
Box 128
Hulbert, Michigan
49748
Ordinance NO. 1

An ordinance to adopt by reference amendments to the
Uniform Code for Michigan cities, townships and villages.

The Township of Hulbert ordains:

Sec 1 Code Adopted

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14, 1958 and published in Supplement NO. 13, and as amended both on February 14, 1961 and published in Supplement NO.25, and on February 26, 1968 and published in Supplement NO. 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

Sec 2 References In Code

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the TOWNSHIP of HULBERT.

Sec 3 Notice To Be Published

The TOWNSHIP clerk has published this ordinance on or about October 1978. Complete copies of the UNIFORM TRAFFIC CODE are available at the Clerks Home at the Tahquamenon Hotel, 1st Street, Hulbert, Michigan.

Sec 4 When Effective

The Uniform Traffic Code will be in effect in this governmental unit 30 days after the passage of this adopting ordinance.

Adopted 5 September, 1978

Signed *Earl A. Cussey*
Hulbert Township Clerk

Office of the Clerk
Hulbert Township
Box 128
Hulbert, MI 49748

Notice of adoption of Uniform Traffic Code

Notice is hereby given that pursuant to the provisions of Act 62 of the Public Acts of 1956, State of Michigan, the Uniform Traffic Code for cities, townships and villages was adopted by the TOWNSHIP BOARD of the TOWNSHIP of HULBERT on the FIFTH day of SEPTEMBER, 1978.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the TOWNSHIP of HULBERT and to provide penalties for the violation of said Code.

A complete copy of the Uniform Traffic Code is available at the Office of the HULBERT TOWNSHIP CLERK for inspection by and distribution to the public at all times.

No further or additional publication of the Uniform Traffic Code is required or contemplated.

(SIGNATURE)


Hulbert Township Clerk

DATED: 2 April 1979



TRAFFIC CONTROL ORDER
CONTROLLING SPEED ON COUNTY HIGHWAYS

TRAFFIC CONTROL ORDER NO. S 17-97-79

Pursuant to Act 300, P.A. 1949, as amended, we have jointly caused an engineering and traffic investigation to be made with respect to County Road HULBURT ROAD in the Township of Hulburt

in Chippewa County, and having thereby determined that the speed of vehicular traffic is greater or less than is reasonable or safe under the conditions found to exist at the intersection or other place or upon any part of such highway hereafter described, hereby determine and declare the following reasonable and safe speed limits and direct the Chippewa County Road Commission to erect and maintain appropriate signs in conformity with the Michigan Manual of Uniform Traffic Control Devices which give notice of the following determination:

Speed Limit of:

Twenty-five (25) miles per hour on N. HULBURT ROAD (local) and N. HULBURT ROAD (Primary).

Any Traffic Control Orders heretofore made with respect to the foregoing are hereby rescinded and superseded:

This Order becomes effective when signs giving notice of same have been erected.

Director, Department of State Police

Board of County Road Commissioners
of Chippewa County

Date May 23, 1979

Date June 21, 1979

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, GOVERNOR

DEPARTMENT OF STATE POLICE

COL. GERALD L. HOUGH, DIRECTOR

May 30, 1980

TRAFFIC SERVICES DIVISION
GENERAL OFFICE BUILDING
7150 HARRIS DRIVE
LANSING, MICHIGAN 48913

Mr. Judson P. Swart
Chippewa County Clerk
Sault Ste. Marie, MI 49783

RE: Order(s) Controlling Speed and/or Parking

Dear Mr. Swart

The attached Order(s) has (have) been executed under authority of Act 300, P.A. 1949, as amended, and will become effective when signs giving notice of same have been erected or removed.

A copy of each Order is furnished for your files pursuant to Sections 628 (c) and 675 (d) of the law.

Very truly yours,

A handwritten signature in cursive script that reads "Paul J. Ruge".

Paul J. Ruge, Captain
Commanding Officer
Traffic Services Division

PJR:TSD





TRAFFIC CONTROL ORDER
CONTROLLING SPEED ON COUNTY HIGHWAYS

TRAFFIC CONTROL ORDER NO. S 17-80-80

Pursuant to Act 300, P.A. 1949, as amended, we have jointly caused an engineering and traffic investigation to be made with respect to County Road HULBERT ROAD in the Township of Hulbert

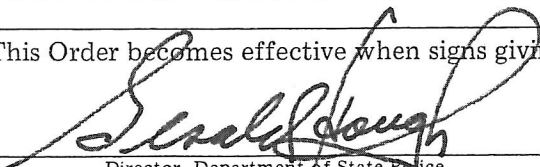
in Chippewa County, and having thereby determined that the speed of vehicular traffic is greater or less than is reasonable or safe under the conditions found to exist at the intersection or other place or upon any part of such highway hereafter described, hereby determine and declare the following reasonable and safe speed limits and direct the Chippewa County Road Commission to erect and maintain appropriate signs in conformity with the Michigan Manual of Uniform Traffic Control Devices which give notice of the following determination:

Speed limit of:

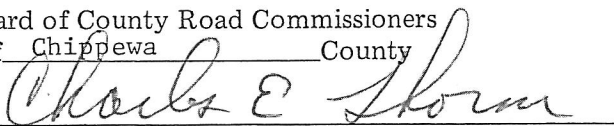
Twenty-five (25) miles per hour on HULBERT ROAD (local) and HULBERT ROAD (primary) beginning at a point one and two-tenths (1.2) miles northerly of its intersection with M-28 and continuing north-westerly for one (1) mile.

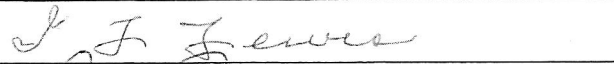
Any Traffic Control Orders heretofore made with respect to the foregoing are hereby rescinded and superseded: S 17-97-79

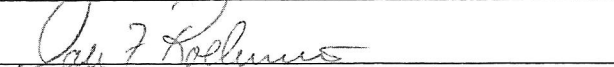
This Order becomes effective when signs giving notice of same have been erected.



Director, Department of State Police

Board of County Road Commissioners
of Chippewa County






Date April 9, 1980

Date 5-22-80

Ordinance

2-1979

HULBERT TOWNSHIP ORDINANCE NO. TWO (2)

ADOPTED:
EFFECTIVE:

ORDINANCE ENFORCEMENT OFFICER ORDINANCE

An Ordinance to establish the office of Ordinance Enforcement officer ; to prescribe the duties of said office; to authorize the township board to appoint any person or persons to said office; and to amend any ordinances of Hulbert Township which conflict with the provisions hereof.

THE TOWNSHIP OF HULBERT,
CHIPPEWA COUNTY, MICHIGAN
ORDAINS:

SECTION 1. ORDINANCE ENFORCEMENT OFFICER

There is hereby established the office of Ordinance Enforcement Officer within the Township of Hulbert, Chippewa County, Michigan.

SECTION 2. APPOINTMENT

The Township Board of Hulbert is hereby authorized by resolution, at any regular meeting of said board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. Said board may further, by resolution, remove any person from said office, in the discretion of said Board.

SECTION 3. DUTIES

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township of Hulbert, whether heretofore or hereafter enacted, and whether such Ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such Ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested in the Township Supervisor by State Statute. The Ordinance enforcing authority of the Township Supervisor and the other officers specifically

SECTION 3. CONTINUED DUTIES

designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance.

SECTION 4. DEFINITIONS

The Ordinance enforcement duties herein authorized shall include, among others, the following: Investigation of Ordinance violations; serving notice of violations; serving appearance tickets as authorized under chapter IV of Public Act 175 of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of Ordinance violators, and such other Ordinance-enforcing duties as may be delegated by the Township Supervisor or assigned by the Township Attorney.

SECTION 5. SAVING CLAUSE

The provisions of the within Ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or Ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take immediate effect. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within ordinance.

Ordinance

3-1996

3-1996 2-28-96

HULBERT DANGEROUS BUILDINGS ORDINANCE

THE TOWNSHIP OF HULBERT, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Hulbert Township Dangerous Buildings Ordinance.

Section II: Definitions of Terms

As used in this ordinance, including in this section, the following words and terms shall have the meaning stated herein:

A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being section 125.401 et seq. of the Michigan Compiled Laws for a new building or structure, purpose or location.
2. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
3. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws.
4. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give

way.

5. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.

6. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

7. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

8. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

9. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 75 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being Sections 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

a. A building or structure as to which the owner or agent does both of the following:

(1) Notifies the County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq of the Michigan Compiled Laws.

b. A secondary building of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

B. "Enforcing agency" means this township, through the Township Building Office, and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

Section III: Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section IV: Notice of Dangerous Building; Hearing

A. **Notice Requirement**-Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. **Parties Entitled to Notice**-The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local assessment records of the township.

C. **Contents of Notice**- The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building.

D. **Service of Notice**-The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested,

addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer—The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer—The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision—At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

D. Compliance with Hearing Officer Order—If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section II.A.9 of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including but not limited to, the maintenance of lawns, trees and shrubs.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order—If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to Section IX of this ordinance, the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals and request that necessary action

be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance.

Section VI: Enforcement Hearing Before the Township Board or Dangerous Building Board of Appeals

The Township Board, or the Dangerous Building Board of Appeals, as applicable shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

Section VII: Implementation and Enforcement of Remedies

A. **Implementation of Order by Township**-In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. **Reimbursement of Costs**-The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

C. **Notice of Costs**-The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the township assessor of the amount of the costs of the demolition, of making the building safe, of

maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Township records.

D. **Lien for Unpaid Costs**-If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling, the township shall have lien for the costs incurred by the township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts 1893, as amended, being Section 211.1 et seq of the Michigan Compiled Laws.

E. **Court Judgment for Unpaid Costs**-In addition to other remedies under this ordinance, the Township may bring action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single family dwelling or a two family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

F. **Enforcement of Judgment**-A judgment in an action brought pursuant to Section VII.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

G. **Lien for Judgment Amount**-In the case of a single family dwelling or a two family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section VIII: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI of this ordinance within

the time prescribed by that Section is responsible for municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. 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 violation of this ordinance continues to exist constitutes a separate violation.

Section IX: Dangerous Building Board of Appeals

A. **Establishment and Duties**—The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section VI of this ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.

B. **Membership**—The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:

1. A building contractor;
2. A registered architect or engineer;
3. Two members of the general public;
4. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Act No. 54 of the Public Acts of 1986, being Section 338.2301 et seq. of the Michigan Compiled Laws. The individual may not be an employee of the enforcing agency.

C. **Terms**—Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

D. **Officers**—The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.

E. **Quorum and Final Action Votes**—A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

F. **Compensation and Expenses**—The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the

performance of official duties may be reimbursed as provided by law for employees of the Township Board.

G. Open Meetings Act Applicable—A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Act No. 267 of the Public Acts of 1976, as amended, being Section 15.261 et seq. of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

H. Freedom of Information Act Applicable—A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, being Section 15.231 et seq. of the Michigan Compiled Laws.

Section X: Appeal of Township Board/Board of Appeals Decision

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section XI: Severability

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

Section XII: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

Section XIII: Effective Date

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

Earl Avery, Township Clerk

Ordinance

4-1996

4-1996

HULBERT LITTERING ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE REGULATION, CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN HULBERT TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP OF HULBERT, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

Section 1: Definitions

The following words or terms when used herein shall be deemed to have the meanings set forth below:

A. The term "litter" shall include, without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, manure, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material of any kind.

B. The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any provision of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall be equally liable as principals.

C. The term "public or private property or water" includes but is not limited to, the right of way of a street, road or highway, a body of water or water course, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and residential or farm properties or timberlands.

D. The term "vehicle" means every motor vehicle required to be registered under the provisions of MCLA 257.923, as amended, to operate on a public road.

E. The term "vessel" means a vessel required to be registered under the provisions of MCLA 281.1199, as amended, to operate.

Section 2:

It shall be unlawful for any person to knowingly, without the consent of this township or the owner of private property in this township, to dump, deposit, place, throw, or cause or permit the dumping, depositing, placing, throwing, or leaving, of litter on public or private property or water within Hulbert Township other than property designated and set aside for such purposes.

REC'D
FEB 28 1996
CHIPPEWA COUNTY CLERK

Section 3:

It shall be unlawful for a person who removes a vehicle, wrecked or damaged in an accident, on a highway, road, or street, to fail to remove all glass and other injurious substances or litter dropped on the highway, road or street as a result of the accident.

Section 4:

Except as provided in Section 6 involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this ordinance involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the Defendant named in the citation, complaint, or warrant was the registered owner of the vehicle or vessel at the time of the violation.

Section 5:

The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed, or left from the vehicle or vessel on public or private property defined in Section 1.

Section 6:

In a proceeding for a violation of this act involving litter from a leased motor vehicle or vessel, proof that the particular vehicle described in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 7:

Any violation of this ordinance by any person shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 and costs of prosecution, or by imprisonment not to exceed 90 days, or both. The court, in lieu of the other sentence imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the letter connected with the particular violation, under the supervision of the court. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the township from using other methods or means available to it under Michigan law pertaining to litter problems or violations.

Section 8:

Should any section, clause, or provision of this ordinance be declared by any court to be invalid, the same shall not affect the

validity of the remaining portions of such section of this ordinance or any part thereof than the part so declared to be invalid.

This ordinance shall become effective the 26th day of February, 1996.

Motion made Ken Blow, Supervisor,
to adopt Hulbert Township Littering
Ordinance. Motion supported by Siri
Perit, Trustee. Motion Passed 15 yeas,
Ken Blow Supervisor, Earl Avery Clerk, James
Baldia Treasurer, Arthur Hancock Trustee
and Siri Perit, Trustee. Zero Nay.

Earl Avery, Hulbert Township Clerk.

KENNETH R. BLOW
NOTARY PUBLIC - CHIPPEWA COUNTY, MI
MY COMMISSION EXPIRES 04/28/98

26th Day of February 1996

Kenneth R. Blow
Notary Public

HULBERT LITTERING ORDINANCE

(SUMMARY)

This is an ordinance to provide for the regulation, control and prohibition of littering of or on property or waters of or in Hulbert Township, and to provide penalties for violation thereof.

The ordinance specifically defines material terms such as "litter," "person," "public or private property or water," "vehicle," and "vessel."

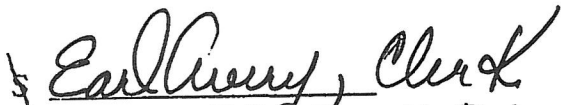
The ordinance is a prohibition against litter or causing littering on public or private property or water within Hulbert Township on property not designated and set aside for such purposes.

Any violation of this ordinance shall be deemed a misdemeanor and is punishable by a fine not to exceed Five hundred and 00/100 dollars (\$500.00) plus the cost of prosecution, or by imprisonment not to exceed Ninety days (90). This ordinance shall not prevent the township from using other methods or means available to it under Michigan law pertaining to litter problems or violations.

This ordinance shall become effective thirty days (30) from the date of publication as required by law.

Actual copies of this ordinance can be obtained at:

The Law Office of
MICHAEL BRYCE WINNICK
409 Ashmun St./P.O. Box 117
Sault Ste. Marie, MI 49783
(906) 632-1737


Earl Avery, Hulbert Township Clerk

26 February 1996

Section 4:

Except as provided in section 6 involving litter from a leased vehicle or leased vessel, in a proceeding for violation of this ordinance involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes an evidentiary presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 5:

The driver of a vehicle or vessel is presumed to be responsible for the litter which is thrown, dropped, dumped, deposited, placed, or left from the vehicle or vessel on public property defined in section 1.

Section 6:

In a proceeding for a violation of this ordinance involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle or vessel described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes an evidentiary presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 7:

Any violation of this ordinance by any person shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 and costs of prosecution, or by imprisonment not to exceed 90 days, or both. The court, in lieu of the other sentence imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with the particular violation, under the supervision of the court. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the township from using other methods or means available to it under Michigan law pertaining to litter problems or violations.

Section 8:

Should any section, clause, or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof than the part so declared to be invalid.

This ordinance shall take effect 30 days after publication as required by law.
Therefore, this ordinance becomes effective September 5, 1997.

Ordinance

5-1997

**Township of Hulbert
County of Chippewa, Michigan**

At a regular meeting of the Township Board of the Township of Hulbert, Chippewa County, Michigan, held at the Township Hall, in said Township, on the 9th day of October, 1997, at 7:30 p.m.

PRESENT: Members: KAYE LEAZIER, Joseph LEAZIER
EARL AVERY, Arthur RANCOUR, Geri LEAZIER

ABSENT: Members: None

The following ordinance was offered by Member Joseph Leazier
and supported by Member Geri Rancour
The Township of Hulbert ordains: 9 October 1997

ORDINANCE # 4

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

Section 1. Title and Purpose:

1.1 This ordinance shall be known and may be cited as the Hulbert Township Land Division Ordinance.

1.2 The purpose of this ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act"), including without limitation Sections 105 and 109(5) thereof, in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions with the Township.

1.3 This ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

Section 2: Definitions:

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

2.1 "Administrator" means the township supervisor or other official(s) designated by the township.

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

2.3 "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent.

2.4 "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.

2.5 "Parent parcel" of "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

2.6 "Road authority" means the governmental authority having jurisdiction of a public road or public street.

2.7 "Resulting parcel(s)" means one or more parcels which result from a land division.

2.8 "Tract" means two or more parcels that share a common property line and are under the same ownership.

Section 3: Land Division Approval Required:

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

Section 4: Application for Land Division Approval

4.1. A proposed land division shall be filed with the Administrator and shall include the following:

- (a) A completed application, on such written form as the Township may provide, including any exhibits described therein:

- (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land.
- (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
- (d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
- (e) Three copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch = 20 feet for parent parcels or parent tracts of less than three acres in area, and to a scale of at least 1" = 100 feet for parent parcels or parent tracts of three acres or more in area. A tentative parcel map shall include:
 - (1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
 - (2) Proposed boundary lines and the dimensions of each parcel;
 - (3) An adequate and accurate legal description of each resulting parcel;
 - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
 - (5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets; and
 - (6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
- (f) The requirements of subparagraph (e) do not apply to any resulting parcel which is 40 acres or larger, as long as such parcel satisfies the requirements of Section 5.1 (b) below.

- (g) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
- (h) Payment of the application fee and other applicable fees and charges established by resolution of the Township Board.

4.2 A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.3 commence, until all of the requirements for an application for land division approval have been compiled with by the applicant.

Section 5: Minimum requirements for approval of land divisions

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

- (a) The application requirements of Section 4.
- (b) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection 5.2.
- (c) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
- (d) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- (e) Each resulting parcel which is 10 acres or less in size shall have a depth which is not more than four times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant.

5.2 If a means of vehicular access to a resulting parcel does not lawfully exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied.

- (a) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Township ordinances.
- (b) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Township ordinances.

5.3 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the applicant with written notice of such approval or disapproval. If disapproved, the Administrator shall provide the applicant with a description of the reasons for disapproval. Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the Township is not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of Section 109a of the Act, including approval of on-site water supply and on-site sewage disposal under the standards set forth in Section 105g of the Act.

5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

Section 6: Approval of Land Divisions.

6.1 The Administrator shall maintain a record of all land divisions approved by the Township.

6.2 A decision approving a land division shall be effective for not more than 180 days after such approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 180-day period:

- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s) other than the remainder of the parent parcel or parent tract retained by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or

- (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 180th day following such approval by the Administrator or, if appealed, by the Township Board.

6.3 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 5.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.

6.4 The approval of a land division shall not, of itself, constitute an approval or permit required under other applicable Township ordinances. Approval of a division is not a determination that the resulting parcels comply with other Township ordinances or regulations.

Section 7: Consequences of Noncompliance with Land Division Approval Requirements:

7.1 Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunction or other relief to prevent any violation or continuance of any violation of this Ordinance.

7.2 An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action of law.

Section 8: Penalties and Other Remedies:

A violation of this Ordinance is a municipal infraction, for which the fine shall be not more than \$500 for the first offense and not more than \$1,000 for any subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this ordinance

committed by the same person or party within one year after a previous violation of the same provision of this ordinance for which the person or party admitted responsibility or was determined by law to be responsible.

Section 9: Severability:

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

Section 10: Effective Date:

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

AYES: 5
NAYS: 0

Members: KAYE, Joseph, EARL, Arthur, Geri
Members: _____

Ordinance declared adopted.

Earl A. Curry, Hubert Township CLK
Township Clerk
9 October 1997

Hulbert Township
P.O. Box 128
Hulbert, MI. 49748
(906)-876-2318
FAX: (906)-876-2571

WHEREAS, funding formula provisions of Act 51, Public Acts of 1951, are scheduled to expire on September 30, 1998; and

WHEREAS, the majority of road system funding sources for Michigan's roads have been historically provided from user fees, thereby ensuring an equitable relational cost/benefit condition; and

WHEREAS, road system jurisdictional control will become a component of funding renewal and transportation reform dialogue; and

WHEREAS, Hulbert Township, Chippewa County, Michigan recognizes certain jurisdictional transfers from local to state and from state to local control on a county by county basis may be warranted; and

WHEREAS, current system jurisdictions are comprised of 92% local and 8% state control, thereby providing the greatest opportunity for constituent input and resulting in the most effective and efficient use of resources; now therefore,

BE IT RESOLVED, Hulbert Township fully supports the user fee concept as the preferred method to fund local road system operations; be it

FURTHER RESOLVED, Hulbert Township believes the issue of jurisdictional transfers must be carried out in the spirit of cooperation, mutual respect, and local input and agreement to ensure that benefit to the motoring public is secured; be it

FURTHER RESOLVED, Hulbert Township believes the level of funding for local road systems must be adequate to retain the user fee concept, thus avoiding property tax as a major source of funding local road systems; be it

FURTHER RESOLVED, a copy of this Resolution be provided to the Michigan Township Association, County Road Association of Michigan and the Michigan House and Senate.

Adopted this 9th day of October, 1997, at

Hulbert Township, Chippewa County, Michigan.

AYES: 5
NAYS: 0

Members: Motion Joe Leazier

Members: Sgt EARL AVERY

5 AYES: KAYE, Joe, EARL, AUTHUR & Geri

Ordinance declared adopted.

Earl Avery 9 Oct 1997
Township Clerk

**TOWNSHIP OF HULBERT,
CHIPPEWA COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The residents and property owners of the township of Hulbert, Chippewa County, Michigan and any other interested persons.

PLEASE TAKE NOTICE that at a regular meeting held on October 9, 1997 the Township Board adopted Ordinance No. 4. The summary of the ordinance appears below.

Ordinance # 4.

Section 1 - Title & Purpose: This ordinance shall be known and cited as the "**Hulbert Township Land Division Ordinance**" The purpose of this ordinance is to carry out the provisions of the State Land Division Act, PA288 of 1967, as amended, formerly known as the Subdivision Control Act.

Section 2: Definitions: This section defines terms and phrases used in this ordinance.

Section 3: Land Division Approval Required: Sets out the requirements for prior review and approval of all land divisions by the designated administrator.

Section 4: Application for Land Division Approval: Sets out the documents required to be filed along with the application for land division approval and requires payment of an application fee.

Section 5: Minimum Requirements for Approval: States that a proposed land division shall be approved if all criteria in this section are met, i.e., complies with the requirements of the State Land Division Act and this ordinance: all parcels have adequate accessibility; the depth to width ratio of any parcel does not exceed 4 to 1; adequate easements for public utilities; compliance with accessibility standards set forth in the ordinance. Also sets out the procedure to be followed by the administrator when application for land division approval has been filed and states that the divisions must be approved or disapproved within 45 days after receipt of such completed application. Sets out the procedure for appealing the decision of the administrator to the township board and requires a written appeal be filed within 30 days of the decision of the administrator.

Section 6: Approval of Land Divisions: Requires the Administrator to maintain a record of all land divisions approved by the township. Provides that approval shall be effective for no more than 180 days unless certain requirements are met. Requires the administrator to review all deeds,

recordable instruments of conveyance and surveys submitted in compliance with the ordinance to determine their conformity with the approved tentative parcel map and states limitations on the legal effect of an approval.

Section 7: Consequences of Noncompliance with Land Division Approval Requirements:

States that any parcel created without compliance with this ordinance shall not be issued building permits, and shall not be recognized as a separate parcel on the assessment roll of the township. States that an unlawful division or split shall be voidable and subject the seller to forfeiture of consideration and damages.

Section 8: Penalties and Enforcement: Penalties for noncompliance with this Ordinance is a municipal civil infraction with a fine of \$500.00 for a first offense and not more than \$1000.00 for any subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law.

Section 9: Severability: Provided that if any portion of this Ordinance is declared invalid such invalidity shall not effect any other portion of this Ordinance.

Section 10: Effective Date: This Ordinance shall take effect 30 days following its publication after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available for inspection on the Hulbert Township Bulletin Board or may be purchased by calling 906-876-2318 or 876-2388. You may also write to Hulbert Township at P.O. Box 128 Hulbert, MI. 49748.



Earl Avery, Hulbert Township Clerk
P.O. Box 128 Hulbert, MI. 49748
906-876-2388