

LITTERING
Ordinance No. 144
Adopted: June 14, 1967

An ordinance to control and prohibit the littering of public and private property and waters; to prescribe penalties for the violation of this ordinance.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definition.

The term "**Litter**" as used herein, means all rubbish, refuse, waste material, garbage, trash, debris and other foreign substances of every kind of description.

SECTION 2. Depositing litter on public or private property or waters.

Paragraph A: No person, firm, individual, corporation, association, and/or partnership shall, after the effective date hereof and without the consent of the authorities of Fenton Township, dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of, litter on any public or private property or waters other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof and including the ice above such waters; any park, playground, building, refuge or conservation or recreation area; and any residential or farm properties or timberlands.

Paragraph B: No person, firm, individual, corporation, association, and/or partnership shall, knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling the highway.

SECTION 3. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 528, 5-18-98; Ord. No. 570, 2-5-01)

SECTION 4. Saving clause.

If any section, or provision of any section of this Ordinance shall be held void, in effective or unconstitutional, such clause shall not affect the validity of the remaining sections thereof.

SECTION 5. Effective clause.

This Ordinance shall take effective action on and after the 22nd day of July, AD, 1967.

SECTION 6. Final clause.

We, the undersigned, Supervisor and Clerk of the Township of Fenton, Genesee County, Michigan, do hereby certify that the above ordinance was passed by the Fenton Township Board on the 14th day of June, AD, 1967.

WATERCRAFT CONTROL; CROOKED LAKE

Ordinance No. 151

Adopted: October 11, 1967

An ordinance to regulate and control waters in the Township of Fenton, County of Genesee, State of Michigan.

THE TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the public health, safety, morals, general welfare to protect the public by regulating and controlling certain waters in the Township of Fenton, County of Genesee, State of Michigan, namely, Crooked Lake.

SECTION 2. General regulations.

On the waters of Crooked Lake, Township of Fenton, County of Genesee, State of Michigan, no operator of any motorboat shall:

- (a) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition, or
- (b) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

SECTION 3. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 4. Enforcement.

This ordinance shall be enforced as provided by the laws and the statutes of the State of Michigan and by any law enforcement agencies of the State of Michigan that may be so designated by said laws or statutes of the State of Michigan or laws of Genesee County, State of Michigan or the laws of the Township of Fenton, County of Genesee, State of Michigan.

SECTION 5. Validity.

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

**WATERCRAFT CONTROL; BARNUM LAKE
Ordinance No. 158
Adopted: May 15, 1968**

An ordinance to regulate and control waters in the Township of Fenton, County of Genesee, State of Michigan.

THE TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the public health, safety, morals, general welfare to protect the public by regulating and controlling certain waters in the Township of Fenton, County of Genesee, State of Michigan, namely Barnum Lake.

SECTION 2. Slow no-wake speed.

On the waters of Barnum Lake, Township of Fenton, County of Genesee, State of Michigan, no operator of any motorboat shall:

"Exceed a 'slow no-wake' speed."

SECTION 3. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 4. Enforcement.

This ordinance shall be enforced as provided by the laws and the statutes of the State of Michigan and by any law enforcement agencies of the State of Michigan that may be so designated by said laws or statutes of the State of Michigan or laws of Genesee County, State of Michigan or laws of the Township of Fenton, County of Genesee, State of Michigan.

SECTION 5. Validity.

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

**WATERCRAFT CONTROL; PINE LAKE
Ordinance No. 183
Adopted: October 28, 1970**

An ordinance to regulate and control waters in the Township of Fenton, County of Genesee, State of Michigan.

THE TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the public health, safety, morals, general welfare to protect the public by regulating and controlling certain waters in the Township of Fenton, County of Genesee, State of Michigan, namely, Pine Lake.

SECTION 2. General regulations.

On the waters of Pine Lake, Township of Fenton, County of Genesee, State of Michigan, no operator of any motorboat shall:

- (a) Operate such motorboat at high speed, which means a speed at or above which a motorboat reaches a planing condition, or
- (b) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance.

SECTION 3. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 4. Enforcement.

This Ordinance shall be enforced as provided by the laws and the statutes of the State of Michigan and by any law enforcement agencies of the State of Michigan that may be so designated by said laws or statutes of the State of Michigan or laws of Genesee County, State of Michigan or the laws of the Township of Fenton, County of Genesee, State of Michigan.

SECTION 5. Validity.

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

SECTION 6. Effective Date.

This Ordinance shall take effect thirty days after passage and publication thereof.

Enacted at a regular meeting of the Township of Fenton Board of Trustees held on the 28th day of October, 1970.

WATERCRAFT CONTROL; MARL LAKE

Ordinance No. 237

Adopted: December 9, 1974

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Fenton Township, Genesee County; enacted under the authority of Act 303, Public Acts of 1967, as amended (MSA 18.1287(17)), being identical to state administrative rules filed in the office of the secretary of state.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions.

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

SECTION 2. Slow no-wake speed.

On the waters of Marl Lake, sections 32 and 33, T5N R6E, Fenton Township, Genesee County, from the bridge at Owen Road, southerly for a distance of 1600 feet, it is unlawful for the operator of a vessel to exceed a slow no-wake speed.

SECTION 3. Repeal.

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

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 5. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

SECTION 6. Effective date.

This ordinance shall take effect 30 days after its publication in the Fenton Independent a newspaper of general circulation in the Township.

WATERCRAFT CONTROL; SILVER LAKE, AREA 2

Ordinance No. 250

Adopted: May 17, 1976

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Fenton Township, Genesee County, enacted under the authority of Act 303, Public Acts of 1967, as amended MSA 18.1287(17), being identical to state administrative rules filed in the office of the secretary of state.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions.

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

SECTION 2. Slow no-wake speed.

On that portion of Silver Lake, Township of Fenton, County of Genesee, including all canals and channels located in the south 1/2 of the south 1/2 of the northwest 1/4 and the southwest 1/4 of the northeast 1/4 of section 33, T5N, R6E, it is unlawful for the operator of a vessel to exceed a slow no-wake speed.

SECTION 3. Repeal.

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

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.
(Amended: Ord. No. 651, 10-17-05)

SECTION 5. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

SECTION 6. Effective date.

This ordinance shall take effect 30 days after its publication in the Fenton Independent, a newspaper of general circulation in the Township.

**WATERCRAFT CONTROL; LAKE PONEMAH
Ordinance No. 264
Adopted: April 18, 1977**

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Fenton Township, Genesee County; enacted under the authority of Act 303, Public Acts of 1967, as amended MSA 18.1287(17) being identical to state administrative rules filed in the office of the secretary of state.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions.

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

SECTION 2. Slow no-wake speed.

Regulation No. 25, Genesee County.

R 281.725.13. Lake Ponemah channels and canals; slow no-wake speed.

Rule 13. On the waters of the canals and channels connected to Lake Ponemah, including the channel connecting Lake Ponemah to Squaw Lake, sections 15, 21, 22, 27, and 28, T5N, R6E, Fenton Township, Genesee County, it is unlawful for the operator of a vessel to exceed a slow no-wake speed.

SECTION 3. Repeal.

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

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 5. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

SECTION 6. Effective date.

This ordinance shall take effect 30 days after its publication in the Fenton newspaper.

**WATERCRAFT CONTROL; DOLLAR LAKE
Ordinance No. 265
Adopted: April 18, 1977**

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Fenton Township, Genesee County; enacted under the authority of Act 303, Public Acts of 1967, as amended MSA 18.1287(17) being identical to state administrative rules filed in the office of the Secretary of State.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions.

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

SECTION 2. Slow no-wake speed.

Regulation No. 25, Genesee County.

R 281.725.12. Dollar Lake; slow no-wake speed.

Rule 12. On the waters of Dollar (Hibbard) Lake and the connected canals and channels, sections 11 and 12, T5N, R6E, Fenton Township, Genesee County, it is unlawful for the operator of a vessel to exceed a slow no-wake speed.

SECTION 3. Repeal.

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

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 5. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

SECTION 6. Effective date.

This ordinance shall take effect 30 days after its publication in the Fenton newspaper.

WATERCRAFT CONTROL; LAKE FENTON, RULE 14
Ordinance No. 276
Adopted: September 6, 1977

An ordinance to regulate and control waters in the Township of Fenton, County of Genesee, State of Michigan.

THE TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the public health, safety, morals, general welfare to protect the public by regulating and controlling certain waters in the Township of Fenton, County of Genesee, State of Michigan. No operator of any motorboat shall:

SECTION 2. Slow no-wake speed.

Regulation No. 25 Genesee County.

R 281.725.14 Lake Fenton: Slow no-wake speed zone.

Rule 14. Within, and for a distance of 200 feet either side of, the following described waters of Lake Fenton and the canals and channels connecting thereto, it is unlawful for the operator of a vessel to exceed a slow no-wake speed; southerly from a line drawn from a point where Enid Street, as extended, intersects the water's edge; thence northeasterly to the nearest opposite shore; thence northerly from a point where Haddon Street, as extended, intersects the water's edge; thence easterly to the nearest opposite shore. Section 13, T5N, R6E, Fenton Township, Genesee County.

SECTION 3. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 4. Enforcement.

This ordinance shall be enforced as provided by the laws of the statutes of the State of Michigan and by any law enforcement agencies of the State of Michigan that may be so designated by said laws or statutes of the State of Michigan or laws of Genesee County, State of Michigan, or the laws of the Township of Fenton, County of Genesee, State of Michigan.

SECTION 5. Validity.

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

SECTION 6. Effective date.

This ordinance shall take effect thirty days after passage and publication thereof.

**WATERCRAFT CONTROL; LAKE FENTON, RULE 15
Ordinance No. 333
Adopted: October 4, 1984**

An ordinance to regulate the speed of vessels and to provide for the safe use of the water in Fenton Township, Genesee County; enacted under the authority of Act 303, Public Acts of 1967, as amended MSA 18.1287(17)), being identical to State Administrative Rules filed in the Office of the Secretary of State.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Definitions.

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

SECTION 2. Slow no-wake speed.

R. 281.725.15 Lake Fenton: Speed restrictions.

Rule 15. On the waters of Lake Fenton, sections 2, 11, 13, 14, and 23, T5N, R6E, Fenton Township, and the City of Fenton, Genesee County except those portions already regulated by a slow no-wake rule, it is unlawful, at any time, to operate a vessel at a speed in excess of 45 miles per hour (72 kilometers per hour).

SECTION 3. Repeal.

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

SECTION 4. Penalty for Violation.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

SECTION 5. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

SECTION 6. Effective date.

This ordinance shall take effect 30 days after its publication in the Fenton Independent newspaper.

NO ANCHORING ZONE; LAKE FENTON

Ordinance No. 376

Adopted: August 15, 1988

An ordinance to establish a no anchoring zone on a certain portion of Lake Fenton, in Fenton Township.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Zone defined.

On the waters of Lake Fenton, Sections 12 and 14, T5N-R6E, Fenton Township, Genesee County, on that portion of Lake Fenton Located within the boundaries of a line from the northernmost portion of Cases Island northeast to the northernmost point of Lot 22, Woodhull Landing, and the southernmost portion of Cases Island southeast to the southernmost portion of Log Cabin Point, it is unlawful to anchor except for emergency purposes.

SECTION 2. Publication; effective date.

This ordinance shall be published as required by law and shall take effect 30 days after the date of publication.

**WETLAND PROTECTION
Ordinance No. 403
Adopted April 1, 1991**

An ordinance to repeal Ordinance Number #377 and to provide for the preservation management, protections and use of wetlands in the Charter Township of Fenton; to require permits to alter certain wetlands; to provide for a plan for the preservation, management, protection and use of wetlands; to provide for enforcement by the Department of Environmental Quality; and to provide remedies and penalties for violation thereof.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Short Title.

This act shall be known and may be cited as the "Fenton Township Wetland Protection Ordinance".

SECTION 2. Purpose.

The purpose of the Ordinance:

- A. To provide for the protection and use of Township wetlands in order to minimize disturbance to them;
- B. To provide for the coordination of this Ordinance with appropriate county and State Agencies; and
- C. To develop and agreement as a municipality with the Michigan Department of Natural Resources, said agreement concerning the wetland permit process as described in Michigan Public Act 203 1979. Section 4

SECTION 3 Definition Of Terms

Activity shall mean any use, operation, development or action involving a change in, on or to uplands or bottom lands caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water; pumping or discharge of surface water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

Buffer Area shall mean all upland and bottom land areas within a 25 foot zone located on the site and adjacent to protected wetlands.

Contiguous shall mean any of the following:

- A. A permanent surface water connection or other direct physical contact;
- B. A seasonal or intermittent direct surface water connection; and/or
- C. A ground water connection.

Development shall mean any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Drainageway shall mean any drainage course, watercourse, drain, pipe, natural stream, creek, or swale which serves to transport storm water runoff.

Fill material shall mean soil, rocks, sand, waste of any kind, or any other material which displaces soil or water or reduces water retention potential. (Amended: Ord. No. 489, 3-18-96)

Minor Drainage includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering. (Added: Ord. No. 489, 3-18-96)

Mitigation of wetlands shall mean any or all of the following: (1) methods for eliminating or reducing potential damage or destruction to wetlands; or (2) creation of wetlands from uplands to offset the loss. Mitigation shall not be considered when it is feasible and prudent to avoid wetland impacts or when the impacts would be otherwise prohibited under federal, state and local wetlands protection regulations.

Ordinary high water mark shall mean the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Person shall mean an individual, sole proprietorship, partnership, corporation, association, company, municipality, this state, an instrumentality or agency of this state, the federal government, or other legal entity. (Amended: Ord. No. 489, 3-18-96)

Planning Commission shall mean the Charter Township of Fenton Planning Commission.

Pond shall mean a natural or permanent artificial water body that has permanent open water with a surface area that is more than 1 acre but less than 5 acres.

Protected wetlands shall mean any of the following:

- A. Any wetland, regardless of size, contiguous to a river, canal, creek, stream, lake, or pond including:
- B. Wetlands which are one acre or more in size; or
- C. Specially designated wetlands not included in subsection A or B above which are determined by the Township Board to be essential to the preservation of the natural resources from pollution, impairment or destruction. In making this determination, the Township Board must find one or more of the following functions applies to the particular site:
 1. It supports state or federal endangered or threatened plants, fish or wildlife;
 2. It meets the township's criteria for a unique ecosystem;
 3. It serves as an important water storage or groundwater recharge area.

Special wetlands shall be listed and/or mapped on the Wetlands Maps following designation by the Township Board.

Seasonal shall mean any intermittent or temporary activity which occurs annually and is subject to interruption from changes in weather, water level, or time of year, and may involve annual removal and replacement of any operation, obstruction or structure.

Stream shall mean a waterway which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Structure shall mean any assembly of materials above or below the surface of the land or water, including, but not limited to, houses, buildings, bulkheads, piers, docks, rafts, landings, dams, sheds or waterway obstructions.

Upland shall mean the land area which lies above the ordinary high water mark, or well-drained land which supports upland vegetation.

Use approval shall mean the township approval required for alteration of protected wetlands, areas within 25 feet of protected wetlands, and natural drainageways.

Watercourse shall mean any waterway, drainageway, drain, canal, river, stream, lake, or detention basin, or any body of surface water having well-defined banks, either continually or intermittently flowing.

Wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream.

2. Not contiguous to an inland lake or pond, or a river or stream; and 5 acres or less in size if the Township determines that protection of the area is essential to the preservation of the natural resources of the Township from pollution, impairment, or destruction and the Township has so notified the owner. (Amended: Ord. No. 489, 3-18-96)

Wetland district shall mean all protected wetlands and buffer areas located on the site.

Wetlands Map shall mean the Township wetlands map as included within the Master Plan. The map shall be updated from time to time, delineating the general location of wetlands and drainageways which may be subject to regulation under this ordinance. Delineation of wetland boundaries on individual parcels or sites shall be the responsibility of persons applying for a wetland or drainageway use approval.

Wetland vegetation shall mean plants, such as trees, shrubs, and grasses, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil. Wetland vegetation is the macrophytic plant life that occurs in areas where permanently or periodically saturated conditions of sufficient duration to exert a controlling influence on the plant species present.

SECTION 4. Administration Of Ordinance Criteria.

A. The Township finds that:

1. Wetland conservation is a matter of Township concern since a wetland of one township may be affected by acts on a river, lake, stream or wetland of other townships.
2. A loss of a wetland may deprive the people of the Township of some or all of the following benefits to be derived from the wetland:
 - a. Flood and storm control by the hydrologic absorption and storage capacity of the wetland.
 - b. Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
 - c. Protection of subsurface water resources and provision of valuable watersheds and recharging ground water supplies.
 - d. Pollution treatment by serving as a biological and chemical oxidation basin.
 - e. Erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 - f. Sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
3. Wetlands are valuable as an agricultural resource for the production of food and fiber, including certain crops which may only be grown on sites developed from wetland.
4. That the extraction and processing of non-fuel minerals may necessitate the use of wetland, if it is determined that the proposed activity is dependent upon being located in the wetland, and that a prudent and feasible alternative does not exist.

B. In the administration of this ordinance, the department shall consider the criteria provided in subsection (A.).

SECTION 5. Studies, Agreements.

The Township may enter into an agreement to make contracts with the federal government, other state agencies, municipalities, private agencies or persons for the purposes of making studies for the efficient preservation, management, protection and use of wetland resources. Such a study shall be available as a public record for distribution at cost.

SECTION 6. Continuance Of Non-Conforming Uses.

A regulated activity that was lawful before the enactment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued provided that it is not:

- A. Changed to another non-conforming location or operation;
- B. Reestablished after having been discontinued for one (1) year;
- C. Expanded, except in conformity with this chapter; nor
- D. Rebuilt or repaired after complete or partial destruction, when the destruction exceeds fifty (50) percent of the fair market value immediately prior to damage.

SECTION 7. Notice To The Michigan Department Of Environmental Quality.

The Township shall notify the Michigan Department of Environmental quality of the adoption of this amendatory ordinance. The Township may enter into an agreement with the Michigan Department of Environmental Quality for the purpose of making studies for the efficient preservation, management, protection and use of wetland resources. Applications shall be on an application form supplied by the Department. The Township shall forward a copy of each completed application to the Department. The Township shall notify the Department in each case of its decision, which shall be made within 90 days after receipt. Denials shall be in writing, accompanied by a written reason for denial.

(Amended: Ord. No. 489, 3-18-96)

SECTION 8. Prohibited Activities.

It shall be unlawful for any person to do any of the following unless and until written approval is obtained from the township pursuant to this ordinance.

- A. Deposit or permit to be deposited any material or structures, into, within or upon any protected wetlands; onto buffer areas adjacent to protected wetlands; or into any drainageway.
- B. Remove or permit to be removed any material (including soils or tree stumps) from any protected wetland; from buffer areas adjacent to protected wetlands; or into any drainageway.
- C. Remove or permit to be removed any vegetation, including trees, which would adversely affect the nutrient cycling or sediment trapping functions of the wetland.
- D. Dredge, fill, grade, or land balance bottom lands or protected wetlands.
- E. Create, enlarge, diminish or alter a lake, creek, stream, canal, river or any other naturally or artificially occurring water body or drainageway.
- F. Construct, place, enlarge, extend or remove a temporary, seasonal or permanent operation or structure upon bottom lands or protected wetlands.
- G. Construct, extend, or enlarge any pipe, culvert, or open or closed drainage facility which discharges silt, sediment, organic or inorganic materials, chemicals, fertilizers, flammable liquids or any other pollutants to any protected wetland or drainageway except through a retention area, settling filter, or treatment facility designed to control and eliminate the pollutant.
- H. Construct, enlarge, extend or connect any private or public sewage or waste treatment plant discharge to any lake, stream, drainageway or watercourse, or wetland except in accordance with the requirements of Genesee County, State of Michigan and/or the United States, to the extent that such entities have jurisdiction.
- I. Drain, or cause to be drained, any water from a protected wetland.
- J. Alter the flow of surface water or groundwater which is essential for sustaining wetland hydrology, wetland vegetation, or aquatic life.

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- K. A permit for an activity listed herein shall not be approved unless the Township determines that the issuance of a permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.
1. In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national and state concern for the protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:
 - a. The relative extent of the public and private need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetland provides.
 - d. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f. The size of the wetland being considered.
 - g. The amount of remaining wetland in the general area.
 - h. Proximity to any waterway.
 - i. Economic value, both public and private, of the proposed land change to the general area.
 2. In considering a permit application, the Township shall give serious consideration to findings of necessity for the proposed activity which have been made by state agencies.
 3. A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources. A permit shall not be issued unless the applicant also shows either of the following:
 - a. The proposed activity is primarily dependent upon being located in the wetland.
 - b. A feasible and prudent alternative does not exist.

(Amended: Ord. No. 489, 3-18-96)

SECTION 9. Activities Not Requiring Permit.

- A. Activities which require a permit under Act No. 247 of the Public Acts of 1955, as amended, being Sections 322.701 to 322-715 of the Michigan Compiled Laws, or Act No. 346 of the Public Acts of 1972, being Sections 281.951 to 281.965 of the Michigan Compiled Laws, shall not require a permit under this ordinance.
- B. The following uses shall be allowed in a wetland without a permit subject to other laws of this state and the owner's regulation:
 1. Fishing, trapping, or hunting.
 2. Swimming or boating.
 3. Placement of seasonal docks, rafts or boat hoists as governed by other state and federal regulations.
 4. Hiking.

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5. Grazing of animals.
 6. Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soils and water conservation practices.
 7. Maintenance or operation of serviceable structures in existence on the effective date of this ordinance or constructed pursuant to this Ordinance.
 8. Construction or maintenance of farm or stock ponds.
 9. Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - a. An existing private agricultural drain.
 - b. That portion of a drain legally established, which has been constructed or improved for drainage purposes.
 - c. A drain constructed pursuant to other provisions of this ordinance.
 10. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 11. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this ordinance, land improved under this subdivision after the effective date of this ordinance shall not be used for non-farming purposes without a permit from the Township. This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the department has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.
 12. Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the street, highway or road.
 13. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 14. Maintenance, repair or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 15. Operation or maintenance, including reconstruction of recently damaged parts, or serviceable dikes and levees in existence on the effective date of this ordinance or constructed pursuant to this ordinance.
- C. After the effective date of this ordinance but immediately prior to the approval of a state program under Section 404 of Title 4 of the Clean Water Act of 1977, 33 USC 1344, where a project solely involves the discharge of fill material subject to the individual permit requirements of Section 404 of Title 4 of the Clean Water Act of 1977, 33 USC 1344, an additional permit shall not be required by this ordinance.

SECTION 10. Wetlands Map Preparation.

Pursuant to the requirements of the Michigan Natural Resources and Environmental Protection Act, MSA 13A 30308; MCL 324.30308, the Township shall complete and make available to the public at reasonable cost an inventory of all wetlands within the Township. A draft of the inventory map shall be made available to the public and the Township shall provide for public notice and comment opportunity prior to finalizing the inventory map. The Township shall respond in writing to written comments received by the Township regarding the contents of the wetlands inventory. Upon completion of an inventory map or upon a subsequent amendment of an inventory map, the Township shall notify each record owner of property on the property tax roll that the inventory maps exist or have been amended, where the maps may be reviewed, that the owners' property may be designated as a wetland on the inventory map and that the Township has a wetlands regulation ordinance. The notice shall also inform the property owner that the inventory map does not necessarily include all of the wetlands within the Township that may be subject to the wetland ordinance. The notice may be given by including the required information with the annual notice of the property owner's property tax assessment. A wetland inventory map does not create any legally enforceable presumptions regarding whether property that is or is not included on the inventory map is or is not a wetland.

(Amended: Ord. No. 489, 3-18-96)

SECTION 11. Responsibility For Site Surveys.

The Wetlands Map shall not be considered a substitute for on-site field inspection. The applicant for a use approval shall be responsible for identifying boundaries of protected wetlands, buffer areas, and drainageways located on the project site.

SECTION 12. Use Of Wetlands Map By Building Department.

The Building Department shall use the Wetlands Map to identify areas which may be subject to federal, state and local regulation. Upon receipt of an application for a preliminary subdivision plat, site plan, lot split, grading approval, building permit, or other township approval, the Building Department shall review the site location in relationship to the Wetlands Map. Applicants shall be notified in writing if it is found that protected wetlands, buffer areas or drainageways may be located on the site, and if an application for wetland and drainageway use approval has not been submitted to the Building Department. All township review and approval procedures shall be suspended until such time as a complete wetlands and drainageways use application has been received, or until satisfactory evidence has been presented to show that protected wetlands or drainageways are not located on the site.

SECTION 13. Application For Use Of Wetlands Or Drainageways.

Applications for approval to use wetlands or drainageways shall consist of the following:

- A. One (1) copy of either of the following:
 - 1. Fenton Township application form for wetland and drainageway use approval; or
 - 2. Wetlands use permit application form of the US Army Corps of Engineers and the Michigan Department of Natural Resources.
- B. One (1) copy of a drawing of the proposed activity, including at least the following:
 - 1. Title block, including the applicant's name, name of body of water, section of township, description of activity, scale of drawing, and date drawing was prepared. The title block shall indicate the name and professional credentials of the engineer, architect, planner, or other person preparing the site drawing

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- and the name and professional credentials of the wetlands scientist or environmental specialist who has delineated wetlands boundaries and types.
2. Location and extent of protected wetlands, buffer areas and drainageways on the site, as identified through field survey and presented on a topographic map of suitable scale. For projects five (5) acres or smaller, a scale of at least one (1) inch equals fifty (50) feet is required; for projects larger than five (5) acres, a scale of at least one (1) inches equals one hundred (100) feet is acceptable.
 3. Types of wetlands on the site, i.e., forested, shrub, emergent marsh, wet meadow, and aquatic bed, identified by using methods approved by the Michigan Department of Natural Resources as set forth in the Michigan "Wetland Determination Manual Draft for Field Testing" or other official publications.
 4. A site plan, subdivision plat, or planning map which overlays the proposed development or project onto the wetland district and drainageways. Existing and proposed structures shall be clearly identified in relation to existing shore features (length of frontage, water depth and bottom configuration). If existing structures were previously authorized by township, state or federal permit show corresponding permit numbers.
 5. Typical cross sections of existing and proposed shoreline, waterline, structures, dredge cuts and fills, including dimensions and elevations, and location of wetlands.
 6. Type, volume and area for proposed shoreline construction materials, dredge material, and fill materials.
 7. Type and location of soil erosion control measures, such as silt fences, straw bale berms, and sediment basins to be used during construction, including measures which will be used to trap sediment which might otherwise run off into wetlands.
 8. If the proposed activity involves bulkhead construction, show the distance along both property lines from the face of the bulkhead to the center line of a street or other definable reference point (e.g. northeast corner of concrete patio, twelve-inch maple on west property line).
 9. If the proposed activity involves dredging, furnish the following:
 - a. If the dredging material is to be placed on-site, outline the disposal areas of the drawing. If the dredge material is to be hauled away, provide a vicinity map showing the disposal area.
 - b. Show method of containing dredge material to prevent reentry of the material into any drainageway or wetlands. Describe all procedures which the applicant will use to minimize adverse effects of construction.
- C. Use applications shall be submitted to the Building Department on or before the date that application is made for township approvals including, but not limited to preliminary subdivision plats, site plans, lot splits, grading approvals, or building permits. Township approvals for preliminary subdivision plats, site plans, lot splits, grading approvals, or building permits shall not be granted until approval for the use of protected wetlands, buffer areas, or drainageways has been obtained.
- D. Upon receipt, the Building Department shall review the use application for completeness. Applicants shall be notified of any missing items. Following a determination that a use application is complete, the Zoning Department shall specify the number of copies to be submitted by the applicant.
- E. Wetland use applications shall be processed in a manner that ensures that the same entity makes decisions on site plans, plats and related matters and on wetland determinations and that the applicant is not required to submit to a hearing on the

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application before more than one (1) township decision making body. This requirement does not apply to either of the following:

1. A preliminary review by the planning commission or a planning consultant prior to submission to the decision making body if required by local ordinance;
 2. An appeal process provided for appeals to the body designated to hear appeals.
- F. Upon application for a wetland use permit in a wetland that is less than two acres in size, the Township shall approve the permit unless it determines that the wetland is essential to the preservation of the natural resources of the Township and provides these findings in writing to the permit applicant stating the reasons for this determination. In making this determination, the Township must find one (1) or more of the following exist at the particular site:
1. The site supports state or federal endangered or threatened plants, fish, or wildlife.
 2. The site represents what is identified as a locally rare or unique ecosystem.
 3. The site supports plants or animals of an identified local importance.
 4. The site provides groundwater recharge documented by a public agency.
 5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
 6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened or endangered wildlife species.
 7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
 8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
 9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 10. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(Amended: Ord. No. 489, 3-18-96)

SECTION 14. Application Review.

- A. General review procedure.
1. At the request of the applicant or the township, an administrative meeting may be held to review the proposed activity in light of the purposes of this ordinance.
 2. Upon receipt of a complete application, the Building Department shall examine the Wetlands Map and may conduct or authorize the completion of a field inspection to verify the accuracy of information received. The receipt of a use application shall comprise permission from the owner to complete a wetlands and drainageways inspection.
 3. If a proposed project does not require Planning Commission review and approval, approval or disapproval of use applications shall be the responsibility of the township administrative official designated by the Township Supervisor. The Township review shall be completed within thirty (30) days from the time of submittal of a complete application applicants shall be notified in writing of the township decision, including reasons for denial of the use application, if applicable.
 4. If a proposed project requires Planning Commission review and approval in accordance with the Zoning Ordinance, Subdivision Control Ordinance, or other Township Ordinances, the Planning Commission shall be responsible for

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reviewing the use application and recommending approval, approval with conditions, or disapproval to the township board.

5. Upon the receipt of a recommendation from the Planning Commission, the Township Board shall be responsible for the final approval, approval with conditions, or disapproval of applications to use wetlands or drainageways. Applicants shall be notified in writing of the township decision, including reasons for denial of the use application, if applicable.
6. Approvals to use wetlands or drainageways granted by the designated Township administrative official or the Township Board in accordance with this ordinance shall not take effect until seven (7) days following the granting of the approval.
7. If a proposed project requires a permit from the Michigan Department of Natural Resources or the US Army Corps of Engineers, Township Officials may delay consideration and use approval until after state and/or federal permits have been obtained.
8. If a proposed project affects protected wetlands which are not subject to state and/or federal permit review, Township review and approval procedures shall be initiated upon receipt of a complete use application.
9. If the Township chooses to complete its review of a proposed use application prior to state and/or federal permit issuance, township administrative officials shall coordinate field inspections and assessments with state and federal agencies to the maximum feasible extent.

SECTION 15. Review Standards And Criteria.

In arriving at a determination with respect to a proposed wetlands and drainageways use application, township officials shall take into consideration at least the following standards and criteria:

- A. A permit shall be issued only if the proposed project or activity is clearly in the public interest, and is otherwise lawful in all respects.
- B. In determining whether the activity is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources from pollution, impairment and/or destruction. The following general criteria shall be applied in undertaking this balancing test:
 1. The relative extent of the public and private need for the proposed activity.
 2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
 3. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
 4. The probable impact on the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 6. The size and quality of the wetland being considered.
 7. The amount and quality of remaining wetland in the area.
 8. Proximity to any waterway.
 9. Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.

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10. Economic value, both public and private, of the proposed land change to the general area.
 11. Findings of necessity for the proposed project which have been made by other state or local agencies.
- C. An approval shall not be granted unless it is shown that an unacceptable disruption will not result to the aquatic resources. An approval shall not be granted unless the applicant also shows either of the following:
1. The proposed activity is primarily dependent upon being located in the wetland, or
 2. A feasible and prudent alternative does not exist.
- D. A request for the approval of uses in the buffer area of the wetland district shall be considered favorably for erosion control structures, storm water management facilities, and water-dependent structures, provided that the flow of water is not diverted from wetlands. The use of the buffer area for permanent structures and earth-moving activities shall be discouraged.

SECTION 16. Wetland Mitigation.

- A. Prior to considering a proposal for wetland mitigation, the applicant shall submit evidence that all of the following requirements have been satisfied:
1. That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.
 2. That all practical means have been considered to minimize impacts.
 3. That it is practical to replace the wetland resource values which will be unavoidably eliminated.
- B. If the reviewing authority determines that it is practical to replace the wetland resource values which will be unavoidably impacted, the following criteria shall be considered when reviewing an applicant's mitigation proposal:
1. Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, mitigation in the immediate vicinity of the permitted activity may be considered. In all cases, mitigation shall be provided within the jurisdiction of Fenton Township.
 2. Any proposal shall assure that, upon completion, there shall be no net loss to the wetland resources.
 3. The proposal shall give consideration to replacement of the predominant functional values lost within the impacted wetland.
 4. Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the township and the applicant.
 5. Monitoring to establish documentation of the functional performance of the mitigation may be required as permit conditions, as well as necessary corrective actions required, to deliver the wetland resource values identified.
- C. Wetland impact mitigation and monitoring plans shall become conditions of use approval.
- D. All costs for preparing and carrying out mitigation and monitoring plans shall be the responsibility of the applicant.

SECTION 17. Appeal Procedures.

- A. An applicant who is aggrieved by a decision of the designated township administrative official concerning the use of wetlands and drainageways may appeal the decision to the Planning Commission. In reviewing the appeal, the Planning Commission shall determine whether the review criteria and standards set forth in

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this ordinance have been met. The Planning Commission, based upon its appellate review, may reverse, affirm or modify the approval granted by the Township Administrative Official.

- B. An applicant who is aggrieved by a decision of the Planning Commission concerning the use of wetlands and drainageways may make an appeal to the township board.
- C. All appeals must be filed, in writing, within seven (7) days following the decision. The issuance of a use approval shall be suspended pending the outcome of the appeal.
- D. The township board, based upon its appellate review, may reverse, affirm or modify the approval granted by the Planning Commission. In reviewing the appeal, the township board shall determine whether the review criteria and standards set forth in this ordinance have been met.
- E. A landowner may request a revaluation of the affected property for assessment purposes to determine its fair market value under the use restriction if a permit is denied by the Township for a proposed wetland use. A landowner who is aggrieved by a determination, action, or inaction under this subsection may protest and appeal that determination, action, or inaction pursuant to the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.
- F. If a permit applicant is aggrieved by a determination, action, or inaction by the Township regarding the issuance of a permit, that person may seek judicial review in the same manner as provided in the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.
- G. This section does not limit the right of a wetland owner to institute proceedings in any circuit of the circuit court of the state against any person when necessary to protect the wetland owner's rights.

(Amended: Ord. No. 489, 3-18-96)

SECTION 18. Fees.

A. With the filing of an application, a non-refundable application fee shall be paid to the Township, in an amount specified by resolution of the Township Board, to cover Township Administration and inspection costs related to the use application.

SECTION 19. Maintenance Of Erosion Control Measures.

Maintenance of erosion control structures and measures, including but not limited to silt fences, straw bale berms, and sediment traps shall be the responsibility of the landowner.

SECTION 20. On-Site Demarcation Of Protected Wetlands And Drainageways.

Through staking or other means, the landowner shall identify the location of protected wetlands, buffer areas, and drainageways on the project site.

SECTION 21. Encroachment Onto Buffer Area Or Into Wetlands.

Encroachment of equipment or earth-moving activities onto the buffer area or wetlands shall be prohibited.

SECTION 22. Display Of Use Approval Certification; Inspections.

A certificate or authorization for activities in protected wetlands, buffer areas and drainageways shall be predominantly displayed at the project site. The owner shall display the certificate or authorization continuously while authorized activities are conducted and for ten (10) days following completion. The owner shall allow township

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representatives to enter and inspect the premises at any reasonable time, and failure to allow inspections shall constitute a violation of this ordinance.

SECTION 23. Penalties For Violation.

Unless a use approval has been granted by the Township, any of the activities listed in Section 3.1 of this ordinance shall be considered a violation. Any person convicted of a violation of any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days. (Amended: Ord. No. 651, 10-17-05)

SECTION 24. Separate Offenses Defined.

Each act of violation, and every day upon which any violation shall occur, shall constitute a separate offense.

SECTION 25. Injunction.

Any activity conducted in violation of this ordinance is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.

SECTION 26. Restoration Requirements For Illegal Wetlands Alteration.

In the event of a violation involving illegal alteration of wetlands protected under this ordinance, the Township Building Department shall have the power to order complete restoration of the wetland area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the Township shall have the authority to restore the affected wetlands to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the Township for the cost of restoration. Requirements and specifications for wetland restorations ordered by the Township shall be coordinated with state and/or federal agency requirements and specifications for wetland restoration, if any.

SECTION 27. Stop-Work Order.

The Township Building Department may issue a stop-work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this ordinance, including any conditions attached to a use approval, have been fully met.

SECTION 28. Other Remedies Available To The Township.

The penalties provided for in this article shall not be exclusive and the Township shall be entitled to seek any and all other remedies available at law or in equity in connection with the violation of this Ordinance.

SECTION 29. Severability.

Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, and the remaining portions of this ordinance shall be enforceable unless the court determines that the sections held to be unconstitutional or invalid require the invalidation of the balance of the ordinance.

SECTION 30. Enactment And Effective Date.

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This Ordinance is hereby declared to have been adopted by the Fenton Township Board at a regular meeting thereof, held on the 1st day of April 1991, and is ordered to be given publication in the manner prescribed by law.

LAKE ACTIVITY REGULATION

Ord. No. 418

Adopted June 1, 1992

An ordinance to promote the health, safety and welfare of the residents of the Charter Township of Fenton by regulating and limiting watercraft activity and access on lakes and navigable streams in Fenton Township, to provide certain definitions of terms, to require Planning Commission approval for certain expansion of existing facilities, to require Planning Commission approval for new facilities, to provide a right of appeal to the Fenton Township Board of Trustees and to provide for the enforcement of and penalties for the violation thereof.

(Amended by Ord. No. 429 5-17-93)

THE CHARTER TOWNSHIP OF FENTON ORDAINS:

SECTION 1. Short Title.

This Ordinance shall be known as the Lake Activity Regulation Ordinance.

SECTION 2. Purpose.

To promote the health, safety and welfare of Fenton Township residents by regulating and limiting watercraft activity and access in an effort to avoid over crowding on lakes in Fenton Township.

SECTION 3. Definitions.

As used in this ordinance:

Watercraft means every vessel, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Marina means a privately owned commercial facility which extends into or over an inland lake or navigable stream and offers service to the general public or members of the marina for launching, docking, loading or other servicing of recreational watercraft.

Public Access Launch Site means a publicly owned facility which extends into or over an inland lake or navigable stream and offers to the general public a site for launching, docking, loading or other servicing of recreational watercraft or parking of watercraft trailers.

(Amended by Ord. No. 429 5-17-93)

SECTION 4. Standards To Be Applied.

The Planning commission shall analyze both the environmental carrying capacity and the recreational carrying capacity of the body of water on which the facility for which a requested permit is situated. It shall make every effort to insure a balance between recreational objectives and environmental objectives as well as to protect the community character.

(Amended by Ord. No. 429 5-17-93)

SECTION 5. Expansion of Existing Facilities.

- A. Approval of the Fenton Township Planning Commission shall be required for any increase in the number of watercraft allowed to be docked or moored at an existing marina over and above that allowed by the Department of Natural Resources of the State of Michigan at time of adoption of this ordinance.
- B. Approval of the Fenton Township Planning Commission shall be required for any increase in the size, capacity or utilization of an existing public access launch site, including the number of watercraft allowed to be launched from the site and the

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number of watercraft trailers allowed to be parked at the facility over and above the size, capacity and utilization of any such site allowed by the Department of Natural Resources of the State of Michigan at time of adoption of this ordinance.

(Amended by Ord. No. 429 5-17-93)

SECTION 6. Approval Required For New Facilities.

Approval of the Fenton Township Planning Commission shall be required for the development and construction of all new marinas and public access launch sites on lakes and navigable streams in Fenton Township. The Planning Commission in giving such approval shall specify the maximum number of watercraft that can be docked or moored at and launched from such facility and the maximum number of watercraft trailers that can be parked or stored on the site.

(Amended by Ord. No. 429 5-17-93)

SECTION 7. Right of Appeal.

Appeal may be taken to the Fenton Township Board of Trustees by any person, firm entity or corporation or by any officer, department, board or bureau affected by a decision of the Fenton Township Planning Commission with respect to the subject matter of this ordinance. Such appeals shall be filed within thirty (30) days from the date of the adverse decision being appealed from by filing with the Fenton Township Clerk a Notice of Appeal specifying the grounds thereof.

SECTION 8. Enforcement.

- A. All persons who violate any of the regulations or provisions of this ordinance whether as owner, lessee, licensee, agent servant, or employee shall be liable as principals.
- B. The violation of any of the regulations or provision of this ordinance is hereby deemed a nuisance, and such violation in addition to the other means of enforcement of this ordinance as set forth herein, shall constitute a basis for injunctive relief, and, at the option of the Township Board, said Board may proceed to obtain an injunction requiring any person to cease and desist from the activity claimed to be in violation of the regulations and provision hereof.
- C. Any persons who shall violate any provision or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the Court, and provided further that each day's violation of this ordinance shall constitute a separate offense.

SECTION 9. Validity.

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 10. Repeal.

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

SECTION 11. Publication and Effective Date.

This ordinance shall be published as required by law and shall be effective thirty days after the date of publication.

**WATER COURSE LICENSING
Ordinance No. 522
Adopted: December 1, 1997**

An ordinance to regulate the damming and diversion of natural water courses and drains and provide for penalties for the violation thereof.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN
ORDAINS:

SECTION 1. Purpose.

It shall be unlawful for any person, firm or corporation to dam, block, fill in, divert or in any other way interfere or affect the flow of water through a natural water course or drain without first obtaining a permit therefor in compliance with the provisions of this ordinance.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. **Natural Water Course.** A channel, defined bed or other topographical feature formed or determined by the general conformation of the surrounding land in which a flow of water occurs, either continuously or intermittently.
- B. **Drain.** A channel, ditch, ravine, storm drain, catch basin, or any other man-made structure designed to direct and control the flow of water.
- C. **Township Building Inspector.** The person appointed by the Township Board to enforce the Zoning Ordinances of the Township
- D. **Township Ordinance Enforcement Officer.** The person appointed by the Township Board to enforce all ordinances of the Township.
- E. **Township.** The Charter Township of Fenton.

SECTION 3. Application.

Applicants for a permit under this Ordinance, whether a person, firm or corporation, shall file a written, sworn application signed by the applicant, if an individual, and by an authorized officer if a firm or corporation, with the Township Building Inspector, showing:

- A. The name and address of the applicant
- B. The name and address of the record owner of the land upon which the flow of water is proposed to be affected or interfered with.
- C. The reason for the permit to interfere with or affect the flow of water.
- D. A detailed description of what the applicant proposes to do which will affect or interfere with the flow of water.

SECTION 4. Required Documentation.

The following must accompany the application when it is filed with the Township Building Inspector, to-wit:

- A. A drawing prepared by a registered engineer showing the location of:
 - 1. The natural water course or drain upon the particular parcel of land for which the permit is requested.
 - 2. The location of the land adjacent upstream and the location of the land adjacent downstream to the land for which the permit is requested.
 - 3. The location of any lands which are contiguous to the land for which the permit is requested that are:

SECTION 7 – ENVIRONMENTAL PROTECTION

- a. under the jurisdiction of the Board of County Road Commissioners of Genesee County.
 - b. within a right-of way or easement which is under the jurisdiction of the Genesee County Drain Commissioner.
- B. An opinion of a registered engineer as to the effect of the proposal on the:
- 1. Land upon which the request is requested.
 - 2. Land adjacent upstream.
 - 3. Land adjacent downstream.
 - 4. Land under the jurisdiction of the Board of County Road Commissioners of Genesee County.
 - 5. Land within a right-of-way or easement which is under the jurisdiction of the Genesee County Drain Commissioner.
- C. The written consent of the record owner of the premises for which the permit is requested, (if the applicant is not the record owner).

SECTION 5. Building Inspector Review.

Upon receipt of the application, the Township Building Inspector shall review the application and the accompanying drawings. The Township Building Inspector may also, at his discretion, require written opinions and/or approvals from the Genesee County Drain Commissioner, the Board of County Road Commissioners of Genesee County and/or the Township Engineer.

SECTION 6. Approval.

If the Township Building Inspector finds that the proposal will not substantially adversely affect the adjacent land upstream and downstream and will not create any unsafe or hazardous health or safety conditions or create a nuisance condition to the detriment of adjoining land users or the general public, the application shall be approved and the appropriate permit issued.

SECTION 7. Fees.

A filing fee of fifty dollars (\$50.00) shall be paid to the Township at the time of filing the application. If the Building Inspector determines that it is necessary for the Township Engineer to review the application and drawings, any resulting fees shall be passed on to the applicant.

SECTION 8. Nuisance.

Any damming, blocking, filling in, diverting or in any other way interfering with or affecting the flow of water through a natural water course or drain in violation of this Ordinance is hereby declared to be a nuisance per se. The Court shall order such nuisance abated.

SECTION 9. Enforcement and Penalty for Violation.

This ordinance shall be enforced by the Township Building Inspector and/or the Township Ordinance Enforcement Officer.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 528, 5-18-98; Ord. No. 570, 2-5-01)

SECTION 10. Effective Date.

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 1st day of December, 1997.

**WATERCRAFT CONTROL; McCULLY LAKE
Ordinance No. 676
Adopted November 20, 2006**

An ordinance to regulate and control waters in the Township of Fenton, County of Genesee, State of Michigan.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN,
ORDAINS:

SECTION 1. Purpose.

The purpose of this ordinance is to promote the public health, safety and welfare, and to protect the public by regulating and controlling certain waters in the Township of Fenton, County of Genesee, State of Michigan, namely McCully Lake.

SECTION 2. General regulations.

On the waters of McCully Lake, Section 13, Town 5 North, Range 6 East, Charter Township of Fenton, County of Genesee, State of Michigan, it is unlawful for the operator of a vessel to:

- (a) Operate a vessel powered by a motor except an electric motor.
- (b) Operate a vessel at a speed greater than slow – no wake speed.

The boundaries of the area described immediately above shall be marked with signs and buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System. For the purpose of this Ordinance, a slow – no wake speed is a very slow speed whereby the wake or wash created from a motorized watercraft would be minimal.

SECTION 3. Violations.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 4. Enforcement.

This Ordinance shall be enforced as provided by the laws and the statutes of the State of Michigan and by any law enforcement agencies of the State of Michigan that may be so designated by said laws or statutes of the State of Michigan or laws of Genesee County, State of Michigan or the laws of the Charter Township of Fenton, County of Genesee, State of Michigan.

SECTION 5. Validity.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected thereby.

SECTION 6. Effective Date.

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 20th day of November 2006.

**FLOODPLAIN MANAGEMENT
Ordinance No. 713
Adopted: August 3, 2009**

An ordinance to affirm an enforcing agency to discharge the responsibility of the Charter Township of Fenton, located in Genesee County, and to designate regulated flood hazard area under the provisions of the State Construction Code Act, Act No. 230 of the public Acts of 1972, as amended.

THE CHARTER TOWNSHIP OF FENTON ORDAINS:

SECTION 1. Agency Designated

Pursuant to the provisions of the state constructions code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, the Building Official of the Charter Township of Fenton is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Fenton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Charter Township of Fenton assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

SECTION 2. Code Appendix Enforced

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Charter Township of Fenton.

SECTION 3. Designation of Regulated Flood Prone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Genesee County, Michigan (All Jurisdictions) and dated September 25, 2009 and the Flood Insurance Rate Maps (FIRMS) panel numbers of 26049C, 0406D, 0407D, 0408D, 0409D, 0416D, 0417D, 0426D, 0427D, 0428D, 0429D and 0436D, dated September 25, 2009, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be part of Section 1612.3 of the Michigan Building Code and to provide the content of the "Flood Hazards" section of Table R301.2 (1) of the Michigan Residential Code.

SECTION 4. Repeal

All ordinances inconsistent with the provisions of this ordinance, including Fenton Township Ordinance No. 263 and Ordinance No. 312, are hereby repealed.

SECTION 5. Effective Date

This ordinance shall be published as required by law and shall take effect immediately after its enactment and publication.

Enacted at a regular meeting of the Board of Trustees of the Charter Township of Fenton, held on the 3rd day of August 2009.