

Midland Charter Township  
Regular Board Meeting  
October 9, 2019  
7:00pm  
1030 S Poseyville Rd  
Midland, MI 48640

Present: All members except Matt Clarey and Shelly Armstrong-Miller

Also Present: 2 guest

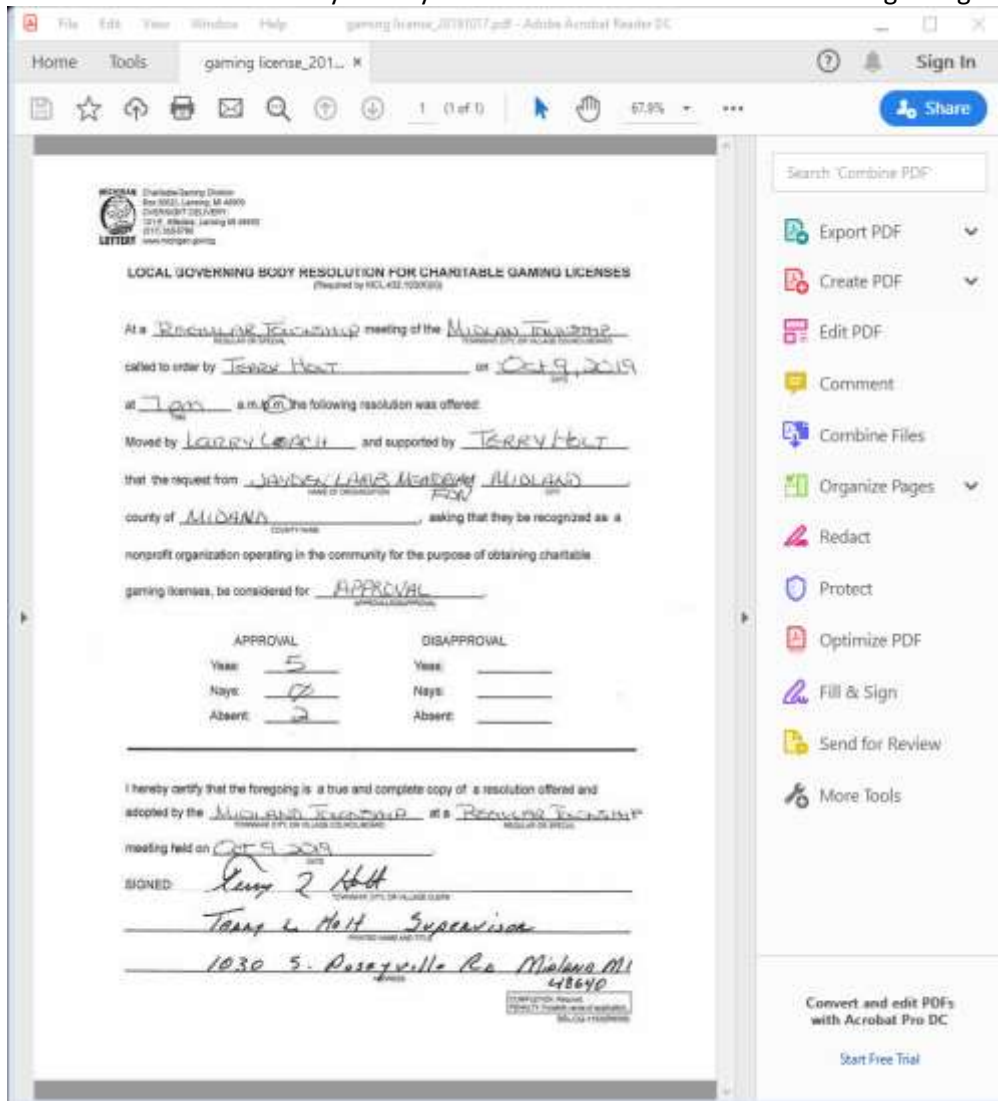
Pledge of Allegiance

Meeting Minutes: September 11, 2019

**Public Comment:**

Was heard by the board

A resolution was offered by the Jayden Lamb Memorial Foundation for a gaming license:



**Building report:**

324.00 in permits collected

**Fire Report:**

30 runs  
New paks in use  
Leak in floor fixed

**Enforcement Report:**

No report

**Planning Commission:**

Grey Rd site approved- waiting for DEQ before permit is issued  
Master Plan approved/voted on

**Financial Report:**

Radosa motions to pay the bills, Leach supports  
Yeas: Radosa, Leach, Avery, Northup, Holt

**Unfinished Business:**

Update on Rec Plan  
H2O letter revised: new billing list to Marcia Northup then to Heidi Tryban

**New Business:**

Drain commission to meet at the township hall 10/16 @ 7pm

Asset Management DEQ EGLE missing information

Proposed Budget to review before next meeting

**Adoption of Ordinance #105 public hearing November 13, 2019**

CHARTER TOWNSHIP OF MIDLAND  
MIDLAND COUNTY, MICHIGAN

ORDINANCE \_\_105\_\_\_\_

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CHARTER TOWNSHIP OF MIDLAND, COUNTY OF MIDLAND, STATE OF MICHIGAN; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

The Charter Township of Midland ordains:

ARTICLE I  
Adoption of Code

§ 1-1. Adoption of Code.

The ordinances of the Charter Township of Midland of a general and permanent nature adopted by the Township Board of the Charter Township of Midland, as revised, codified and consolidated into chapters and sections by General Code, LLC, and consisting of Chapters 1 through 300, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Charter Township of Midland" hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall become effective upon publication after adoption.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Charter Township of Midland by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Township Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Charter Township of Midland" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Charter Township of Midland, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by the Township Board, or may be furnished electronically. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Charter Township of Midland to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$500 or imprisonment for not more than 90 days, or both, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

This Code and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Code shall not be affected thereby and shall remain in effect and valid.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repeal of inconsistent ordinances.

A. All ordinances and parts thereof not included in the Code adopted by this ordinance, which are in conflict in whole or in part with any of the provisions of this Code, are repealed as of the effective date of this Code, but only to the extent of any such conflict.

B. Repeal of specific provisions. The Township Board of the Charter Township of Midland has determined that the following provisions are no longer in effect and hereby specifically repeals the following ordinances:  
Ord. No. 25, Public Entertainment, adopted September 6, 1979.

§ 1-13. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinances previously adopted by the Township relating to the same subject matter, shall be construed as restatements and continuations thereof and not as entirely new enactments.

§ 1-14. Effect on prior offenses or rights.

- A. Nothing in this Code (or the ordinance adopting this Code) affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- B. The adoption of this Code does not authorize any use or the continuation of any use of a structure, building, or premises in violation of any Township ordinance on the effective date of this Code.

§ 1-15. Ordinances saved from repeal; certain ordinances not affected by this Code.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the validity of following ordinances, rights and obligations, which are hereby expressly saved from repeal. The ordinances or portions of ordinances designated below continue in full force and effect to the same extent as if published at length in this Code.

- A. Any ordinance adopted subsequent to July 10, 2019.
- B. Any ordinance or portion of any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- C. Any ordinance or portion of any ordinance authorizing or approving any contract, deed, or agreement.
- D. Any ordinance or portion of any ordinance granting any right or franchise.
- E. Any ordinance or portion of any ordinance making or approving any appropriation or budget.
- F. Any ordinance or portion of any ordinance providing for salaries or other employee benefits or personnel policies not codified in this Code.
- G. Any ordinance or portion of any ordinance levying, imposing, or otherwise relating to taxes not codified in this Code.
- H. Any ordinance or portion of any ordinance adopting or amending the Township Master Plan.
- I. Any ordinance or portion of any ordinance dedicating, accepting, or vacating any plat or subdivision.
- J. Any ordinance or portion of any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street, sidewalk, or alley.
- K. Any ordinance or portion of any ordinance establishing the grade of any street or sidewalk.
- L. Any ordinance or portion of any ordinance levying or imposing any special assessment.
- M. Any ordinance rezoning property.
- N. The Township's Zoning Map or any amendment thereto.
- O. Any ordinance regarding special districts.
- P. Any ordinance or portion of any ordinance that is temporary although general in effect.
- Q. Any ordinance or portion of any ordinance that is special although permanent in effect.
- R. Any ordinance or portion of any ordinance the purpose of which has been accomplished.
- S. Any Township ordinance (or portions thereof) not fully incorporated or restated within this Code.
- T. Ordinance No. 103, adopted March 13, 2019, Prohibition of Marijuana Establishments.

§ 1-16. References to Michigan Compiled Laws.

- A. Throughout the Code, a reference to "Michigan Compiled Laws" shall include all sections of law, as last amended, which are assigned a compilation number by the legislative service bureau and are not subsequently repealed.
- B. Unless otherwise specifically provided, a reference to all or part of a statute, regardless of whether the words "as amended" are used in the reference, shall include the latest amendments to the statute or part.

§ 1-17. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Board that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Throughout Chapter 65, Animals, Article I, Dogs, the term "Dog Warden" is amended to read "Animal Control Deputy."
- C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-18. Adoption and effective date.

This ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this ordinance shall be effective on the day after final publication.

This Ordinance shall become effective eight (8) days after publication thereof.

Adopted by the Township Board, Township of Midland, County of Midland, Michigan.

No Hunting signs for hall property... call Ken Lind to see what the liability is now that we have a trail

**Correspondence:**

**Other Business:**

**Public comment:**

Was heard by board

**Adjourned 8:40pm**

**\*\*minutes taken by Marcia Northup, trustee\*\***

Terry Holt, Supervisor\_\_\_\_\_

Shelly Armstrong-Miller, Clerk\_\_\_\_\_