

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, April 18, 2012.

Chairman Forell called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Eakin gave the invocation.

Roll call. Commissioners present; Michael Hosey, Blake Mulder, Susan Hoffman, Larry Brunette, James Osieczonek, John Boles, Glenn Freeman, Joseph Brehler, Roger Eakin, Wayne Ridge, L. Daryl Baker, Dale Barr, Jeremy Whittum, Ben Colestock, John Forell. Commissioners absent; None.

Chairman Forell asked for additions or corrections to the agenda.

Commissioner Barr moved the agenda be approved as presented. Seconded by Commissioner Hosey. Carried.

Commissioner Baker moved the minutes of March 21, 2012 be approved as presented. Seconded by Commissioner Ridge. Carried.

Communications. Controller Fuentes reported the Drain Commissioner's annual report was emailed to all.

Honorable District Court Judge Harvey Hoffman presented four graduates from the District Court Specialty Court Graduation program with a plaque commemorating their graduation from the fast track program. Each graduate spoke about their journey leading up to participation in the program and how their lives have changed while involved with the program.

Commissioner Hoffman moved the approval of Resolution #12-4-29 to Recognize April 2012 as National Alcohol Awareness Month.

WHEREAS, excessive alcohol use, including binge and underage drinking, is the third leading cause of preventable death in the United States; and

WHEREAS, this dangerous behavior is responsible for more than 79,000 deaths annually and a wide range of health and social problems; and

WHEREAS, excessive alcohol use costs the U.S. approximately \$185 billion each year in health care and criminal justice expenses, as well as lost worker productivity; and

WHEREAS, excessive alcohol use takes an enormous toll on individuals, families, and communities; and

WHEREAS, the stigma attached to excessive alcohol use has kept a significant number of residents from seeking treatment; and

WHEREAS, resources exist online and in our community, willing, ready and able to provide education, prevention, treatment and recovery supports to help change and redirect lives; and

WHEREAS, to help achieve this goal of reducing binge and excessive alcohol consumption, The U.S. Department of Human Services, the Substance Abuse and Mental Health Administration, Recovery Network Inc. Eaton Behavioral Health and the Eaton County Substance Abuse Advisory Group invite all residents of Eaton County to participate in National Alcohol Awareness Month (April 2012)

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners does hereby proclaim the month of April 2012 *National Alcohol Awareness Month*; and

BE IT FURTHER RESOLVED that the Eaton County Board of Commissioners calls upon the citizens of Eaton County to observe this month with appropriate prevention programs and recovery activities.

Seconded by Commissioner Mulder. Carried.

Public Comment. Chief Judge Thomas Byerley spoke about courthouse security. He urged the Board to restore a Sheriff Deputy in the courthouse for security purposes and spoke against the purchase of security cameras because of their lack of cost effectiveness, as presented in a resolution to be voted on later tonight.

Commissioner Baker moved to approve the appointment of Jerry Roe to the Parks and Recreation Commissioner for the remainder of an unexpired term, expiring December 31, 2013. Seconded by Commissioner Whittum. Carried.

Commissioner Baker moved the approval of Resolution #12-4-30 to Approve DCA 3-12-1. WHEREAS, Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2); and WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on March 6, 2012; and WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A-G) contained in Section 13.6 of the Eaton County Land Development Code; and WHEREAS, the Eaton County Planning Commission has taken action on March 6, 2012 to recommend the approval of the request for a comprehensive amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2). NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby: APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2). Seconded by Commissioner Whittum. Carried.

Commissioner Baker moved the approval of an Ordinance to Amend the 2008 Michigan Electric Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2008 Michigan Electric Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause; to provide an effective date and to add a new article 80.27 municipal civil infraction. Seconded by Commissioner Eakin. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 Michigan Building Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 Michigan Building Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause; to provide an effective date and to add a new subsection 114.3 violation penalties. Seconded by Commissioner Hosey. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 Michigan Mechanical Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 Michigan Mechanical Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause, to provide an effective date and to add a new subsection 108.8 violation penalties. Seconded by Commissioner Brunette. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 Michigan Plumbing Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to

designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 Michigan Plumbing Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause, to provide an effective date and to add a new subsection 108.8 violation penalties. Seconded by Commissioner Hosey. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 Michigan Residential Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 Michigan Residential Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause, to provide an effective date and to add a new subsection R113.5 violation penalties. Seconded by Commissioner Eakin. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 Michigan Rehabilitation Code for Existing Buildings, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 Michigan Rehabilitation Code for Existing Buildings; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause, to provide an effective date and to add a new subsection 113.5 violation penalties. Seconded by Commissioner Ridge. Carried. (copy on file)

Commissioner Baker moved the approval of an Ordinance to Amend the 2009 International Property Maintenance Code, as amended, to provide for violations of said ordinance to be municipal civil infractions; to designate authorized local officials responsible to enforce municipal civil infraction violations of the 2009 International Property Maintenance Code; to place the Violations Bureau at the Department of Construction Codes; to adopt a savings clause, to provide an effective date and to add a new subsection 106.6 violation penalties. Seconded by Commissioner Whittum. Carried. (copy on file)

Commissioner Mulder moved the approval of Resolution #12-4-31 to Adopt the 2012 Equalized Valuations for Eaton County. Equalization Director Tim Vandermark spoke about the report. Seconded by Commissioner Hosey. Carried. (Copy of file)

Commissioner Mulder moved the approval of Resolution #12-4-32 to submit to a vote of the electorate to renew the millage for Comprehensive Emergency Telephone Services (911 Services) WHEREAS, Eaton County desires to continue to operate and maintain county-wide emergency telephone and dispatch services for the benefit of the citizens of the County; and WHEREAS, 911 emergency telephone and dispatch services are of substantial benefit to the citizens of the County.
NOW, THEREFORE BE IT RESOLVED that the following question be submitted to a vote of the electorate of Eaton County at the primary election to be held August 7, 2012.

9-1-1 AND CENTRAL DISPATCH
MILLAGE RENEWAL QUESTION

For the purpose of continuing funding for a comprehensive, Countywide Enhanced 9-1-1 Emergency Telephone and Central Dispatch System, shall the constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all taxable real and tangible personal property within the County of Eaton, Michigan, be increased in an amount not to exceed 0.95 mill (\$0.95 on each \$1,000 of taxable value) for a period of five (5) years (2014-2018) inclusive and shall the County levy such millage for said purposes? If approved and levied in its entirety, this millage would raise an estimated \$3,154,049 in 2014 to be distributed to the countywide 9-1-1 and Central Dispatch System as provided in the Eaton County 9-1-1 Service Plan. A small portion of the revenue collected (approximately \$47,311 in 2014) may be required to be distributed to Downtown Development Authorities, Tax Increment Financing Authorities, Local Development Financing Authorities and Brownfield Redevelopment Financing Authorities established in the cities of Charlotte, Eaton Rapids, Grand Ledge, Potterville and Olivet.

BE IT FURTHER RESOLVED, that this question is hereby certified to the County Clerk; and BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to cause this proposed question to be stated on the August 7, 2012 ballot and to be prepared and distributed in the manner required by law. Seconded by Commissioner Hosey. Carried.

Commissioner Mulder moved the approval of Resolution #12-4-33 to submit to a vote of the electorate to renew the Juvenile Millage.

WHEREAS, the Board of Commissioners desires to continue funding to detain and house delinquent juveniles and protective services for abused and neglected children and to continue and improve prevention and treatment programs for such juveniles and children; and

WHEREAS, the Board of Commissioners wants to provide financial stability necessary for sound planning through a continuation millage.

NOW, THEREFORE BE IT RESOLVED that the following question be submitted to a vote of the electorate of Eaton County in the primary election to be held August 7, 2012.

JUVENILE MILLAGE AUTHORIZATION QUESTION

Shall the previously voted increase in the tax limitation and levy imposed under the Michigan Constitution by the County of Eaton be renewed in an amount not to exceed 0.35 mill (\$0.35 on each \$1,000 dollars of taxable value) against all taxable real and tangible personal property within the County of Eaton for a period of (5) five years, 2014 to 2018, inclusive, for the purposes of continued funding of detaining and housing Eaton County juveniles who are delinquent, to provide protective services for abused and neglected children, and to operate new and existing prevention and treatment programs for such juveniles and children? If approved and levied in full, this millage will raise an estimated \$1,162,018 for juvenile housing and programs during the first calendar year of the levy based on taxable value. A small portion of the revenue collected (approximately \$18,011 in 2014) may be required to be distributed to Downtown Development Authorities, Tax Increment Financing Authorities, Local Development Financing Authorities and Brownfield Redevelopment Financing Authorities established in the cities of Charlotte, Eaton Rapids, Grand Ledge, Potterville and Olivet.

BE IT FURTHER RESOLVED, that this question is hereby certified to the County Clerk; and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to cause this proposed question to be stated on the August 7, 2012 ballot and to be prepared and distributed in the manner required by law. Seconded by Commissioner Baker. Carried.

Commissioner Mulder moved the approval of Resolution #12-4-34 to authorize application for United Way Grant Application.

WHEREAS, the Eaton County United Way has grant funds available through an inter-agency agreement with the United Way; and

WHEREAS, the Day Treatment Program is requesting approval to apply for a grant to develop the Literacy Improves Future Earnings (L.I.F.E) Program; and

WHEREAS, the grant would provide funding to hire contractual Literacy Teachers who will focus on improving student reading and comprehension skills through securing literacy materials, determining deficiencies and program eligibility, meeting with students bi-weekly and working with Youth Facility Workers to support literacy efforts of the program; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners authorize the Circuit Court - Day Treatment Program to submit a grant application in an amount not to exceed \$20,000 for the period of October 1, 2012 to September 30, 2013 requiring no matching funds; and

BE IT FURTHER RESOLVED, that if the County's participation in the grant is discontinued or requires a County General Fund contribution, the continuation of the grant funded positions will be reviewed by the appropriate committees to determine the necessity of General Fund commitment; and

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by Eaton County United Way; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign any necessary documents. Seconded by Commissioner Baker. Carried.

Commissioner Mulder moved the approval of Resolution #12-4-35 to Approve Title IV-D Cooperative Reimbursement Grant Applications.

WHEREAS, the Friend of the Court and Prosecuting Attorney have participated in the Title IV-D Cooperative Reimbursement Program with the State of Michigan Department of Human Services in previous years; and,

WHEREAS, the grant applications for the 2012/2013 fiscal year are being prepared in an amount not to exceed \$1,600,000 for the Friend of the Court and \$150,000 for the Prosecuting Attorney.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Department of Human Services Title IV-D Cooperative Reimbursement grant applications are authorized; and
2. The Chairperson of the County Board of Commissioners is hereby authorized to execute said agreements on behalf of the County Board of Commissioners upon approval by the State. Seconded by Commissioner Barr. Carried.

Commissioner Mulder moved the approval of Resolution #12-4-36 to approve 2011/2012 Budget Amendments.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

GENERAL FUND

COUNTY CLERK - 215

Increase	Wage and Fringe	\$ 9,500
Decrease	Contingency	\$ 9,500

Seconded by Commissioner Ridge. Carried.

Commissioner Mulder moved to approve 2011/2012 General Fund Budget Amendments.

SHERIFF - 301

Increase	Wage and Fringe	\$ 27,780
Decrease	Contingency	\$ 27,780

To increase budget for the cost of an entry level deputy for courthouse security as recommended by the Public Safety Committee.

Commissioners Brehler, Mulder, Boles and Hosey spoke about the addition of a deputy for courthouse security.

Seconded by Commissioner Boles. Carried. Nays: Commissioners Brehler and Eakin.

SPECIAL REVENUE FUND

Commissioner Mulder moved to approve 2011/2012 Special Revenue Fund Budget Amendments.

CONSTRUCTION CODE - 240

Increase	Wage and Fringe	\$ 5,900
Increase	Fund Balance Carryover	\$ 5,900

To increase budget for the electrical inspector to increase from 32 to 40 hours per week as recommended by the Public Works and Planning Committee. Seconded by Commissioner Ridge. Carried.

Commissioner Mulder moved to approve 2011/2012 Special Revenue Fund Budget Amendments.

PUBLIC IMPROVEMENT - 245

Increase	Capital Equipment	\$ 15,000
Increase	Fund Balance Carryover	\$ 15,000

To increase budget for additional security cameras in the courthouse building. Seconded by Commissioner Boles.

Commissioners Boles, Whittum, Baker, Brehler, Hoffman, Brunette, Mulder and Freeman spoke about the addition of security cameras in the courthouse.

Commissioner Boles moved to amend the original motion and to refer the request for security cameras back to the Public Safety Committee for further review and remove the Special Revenue Budget Amendment request. Seconded by Commissioner Osieczonek. Carried. Nays; Hosey, Brehler.

Vote on original motion as amended. Carried. Nays; Hosey, Brehler.

Commissioner Mulder moved to approve 2011/2012 Special Revenue Fund Budget Amendments.

COMPUTER FUND - 298

Increase	Wage and Fringe	\$ 11,100
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Increase Computer Services Revenue \$ 11,100
To increase budget for use of interns in Information Systems. Seconded by Commissioner Baker.
Carried.

Commissioner Mulder moved the approval of claims as audited by the Ways and Means Committee in the amount of \$500,634.39 and to accept the report of previously authorized payments. Seconded by Commissioner Ridge. Carried.

There was no Public Comment.

Commissioner Comment. Commissioner Osieczonek thanked the Drain Commissioner for his continued efforts in limiting new drain petitions this year. The Burrell Drain is an Intercounty Drain with severe problems and he was pleased that the Drain Commissioner corrected those issues.

Commissioner Freeman announced a rubberized baseball field is being built in Dewitt called Miracle Field and is for children with disabilities. The Union is helping to build it and Commissioner Freeman invited anyone interested to Dewitt to see the field.

Commissioner Hosey announced that the last week in April is the Vermontville Maple Syrup Festival.

There was no Unfinished Business or Old Business.

New Business.

County Clerk and Register of Deeds Fran Fuller announced she would be retiring at the end of this year.

Commissioners were reminded of the Strategic Workshop meeting tomorrow beginning at 8:30 AM at Delta Township LCC West campus.

Commissioner Hosey moved the meeting adjourn to Wednesday, May 16, 2012 at 7:00 PM. Seconded by Commissioner Eakin. Carried.

John B. Jorell
Chairman of the Board of Commissioners

M. Franco Fuller
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

April 18, 2012

RESOLUTION TO RECOGNIZE APRIL 2012

as NATIONAL ALCOHOL AWARENESS MONTH

Commissioner Hoffman moved the approval of the following resolution. Seconded by Commissioner Mulder.

WHEREAS, excessive alcohol use, including binge and underage drinking, is the third leading cause of preventable death in the United States; and

WHEREAS, this dangerous behavior is responsible for more than 79,000 deaths annually and a wide range of health and social problems; and

WHEREAS, excessive alcohol use costs the U.S. approximately \$185 billion each year in health care and criminal justice expenses, as well as lost worker productivity; and

WHEREAS, excessive alcohol use takes an enormous toll on individuals, families, and communities; and

WHEREAS, the stigma attached to excessive alcohol use has kept a significant number of residents from seeking treatment; and

WHEREAS, resources exist online and in our community, willing, ready and able to provide education, prevention, treatment and recovery supports to help change and redirect lives; and

WHEREAS, to help achieve this goal of reducing binge and excessive alcohol consumption, The U.S. Department of Human Services, the Substance Abuse and Mental Health Administration, Recovery Network Inc. Eaton Behavioral Health and the Eaton County Substance Abuse Advisory Group invite all residents of Eaton County to participate in National Alcohol Awareness Month (April 2012)

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners does hereby proclaim the month of April 2012 *National Alcohol Awareness Month*; and

BE IT FURTHER RESOLVED, that the Eaton County Board of Commissioners calls upon the citizens of Eaton County to observe this month with appropriate prevention programs and recovery activities. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

April 18, 2012

RESOLUTION TO APPROVE DCA-3-12-1

Introduced by the Public Works and Planning Committee

Commissioner Baker moved the approval of the following resolution. Seconded by Commissioner Whittum.

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2); and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **March 6, 2012**; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A-G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on **March 6, 2012** to recommend the approval of the request for a comprehensive amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2).

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2).

At the regular meeting of the Eaton County Board of Commissioners on April 18, 2012 the Resolution regarding the approval of said request was adopted.

Those voting Aye: Hosey, Mulder, Hoffman, Brunette, Osieczonek, Boles, Freeman, Brehler, Eakin, Ridge, Baker, Barr, Whittum, Colestock, Forell.

Those voting Nay: None

Abstention: None

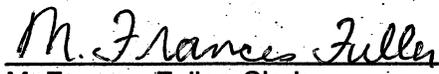
Absent: None

Motion carried.



John Forell, Chairman
Eaton County Board of Commissioners

I hereby certify that the above Ordinance amending the Eaton County Land Development Code, which was approved, is a true and correct copy of that recorded in the official minutes of April 18, 2012 of the Eaton County Board of Commissioners.



M. Frances Fuller, Clerk
Eaton County Board of Commissioners

EATON COUNTY LAND DEVELOPMENT CODE

ZONING ORDINANCE AMENDMENT DCA-3-12-1

District Change Amendment DCA-3-12-1 to amend the Land Development Code (Zoning Ordinance) of Eaton County, as enacted in 1981 pursuant to the provisions of Public Act 110 of 2006, as amended.

An application for a District Change Amendment for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 6 General Provisions (amend Section 6.5.4), Article 7 Land Development Districts (amend Section 7.5A.3) & Article 14 Specific Provisions and Requirements (amend Sections 14.25.5 A, 14.28.2 I & 14.37.2).

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **March 6, 2012**; and

WHEREAS, the Eaton County Planning Commission has taken action on **March 6, 2012** to recommend approval of the text amendment:

WHEREAS, after careful consideration of the amendment, the Eaton County Board of Commissioners approved the aforementioned text amendment as follows:

Yeas	15
Nays	0
Abstaining	0
Absent	0

I, M. Frances Fuller, Clerk for the County of Eaton, do hereby certify that the above and foregoing is a true copy of the amendment to the Eaton County Land Development Code (Zoning Ordinance), as amended and passed by the Eaton County Board of Commissioners on **April 18, 2012**, and now on record in the office of the Clerk of said County.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said County at the City of Charlotte, Michigan, the

18 day of April, 2012

M. Frances Fuller
M. Frances Fuller, Clerk
Eaton County Board of Commissioners

John Forell
John Forell, Chairman
Eaton County Board of Commissioners

**DCA-3-12-1 PROPOSED TEXT AMENDMENT
TO THE EATON COUNTY LAND DEVELOPMENT CODE**

Additions shown in *bold italic print* and deletions are shown by ~~strikeout print~~.

The following District Change Amendment, DCA-3-12-1, is proposed to the Eaton County Land Development Code (Zoning Ordinance) to clarify its intent and to improve its comprehension. The proposed amendments are as follows:

Article 6, General Provisions, Section 6.5 Temporary Housing Permits:

1. Add language for storage containers in Subsection 6.5.4 Temporary Buildings to ensure they are removed from the property in a timely manner.

SECTION 6.5 TEMPORARY HOUSING PERMITS

No building or structure hereafter erected or moved upon a lot, and which does not meet the requirements of this Ordinance, shall be used or occupied as a dwelling. No garage, barn, or accessory buildings, travel trailer, motor home, or cellar, whether fixed or portable, shall be used or occupied as a dwelling for a period of time greater than thirty (30) consecutive days within a one (1) year period. The Land Development Code Official may issue temporary housing permits subject to the following procedures and limitations:

- 6.5.4 **Temporary Buildings & Storage Containers:** Mobile offices, tool sheds, storage trailers, ***and storage containers*** shall be permitted during the time of actual construction, provided they are located pursuant to *Section 6.2.10* of this Ordinance, and are in compliance with the Barry-Eaton District Health Department Sanitary Code. Said structures ***and storage containers*** shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.

Article 7, Land Development Districts & Article 14, Section 14.37 Light Automotive, Small Engine Repair & Automotive Body Shop:

1. Article 7 Land Development Districts: Add Light Automotive, Small Engine Repair & Automotive Body Shop as a use allowed with Site Plan Approval in a Local Business District (C-1).
2. Article 14.37 Light Automotive, Small Engine Repair & Automotive Body Shop: Add language to 14.37 exempting businesses operating in a Local Business District (C-1) from items A., B., F. & I.

Section 7.5A.3 Local Business District, Uses Permitted by Site Plan Approval Pursuant to Article 8 of this Ordinance:

- A. Commercial Recreation Facility as defined in *Article 5* of this Ordinance.
- B. Educational Institutional, including public and private schools, as provided in *Section 14.10* of this Ordinance.
- C. Financial Institution as defined in *Article 5* of this Ordinance, with drive through service.
- D. Funeral Home and Mortuary as defined in *Article 5* of this Ordinance.
- E. Office Building as defined in *Article 5* of this Ordinance.
- F. Radio, Television and Communication Towers as provided in *Subsection 14.27.4* of this Ordinance.
- G. Restaurants as defined in *Article 5* of this Ordinance, excluding those with drive through service.

- H. Foster Care Facility as provided in *Section 14.4* of this Ordinance.
- I. Veterinary Hospital, Clinic, and Kennel as provided in *Section 14.1* of this Ordinance.
- J. ***Light Automotive, Small Engine Repair & Automotive Body Shop as provided in Section 14.37 of this Ordinance.***
- J- K. Uses similar to the uses herein permitted by Site Plan Approval.

SECTION 14.37 LIGHT AUTOMOTIVE, SMALL ENGINE REPAIR & AUTOMOTIVE BODY SHOP:

14.37.1 Definition: An establishment primarily engaged in the repair or maintenance of passenger automobiles, motorcycles, light duty trucks and small engines.

- A. Light Automotive: Includes passenger Automobiles, Motorcycles and Light Duty Trucks: Vehicles which do not exceed 9,000 pounds gross weight. Work performed is limited to the replacement of any part that does not require removal of the engine, engine transmission or differential. May include repairs and replacement of cooling, electrical, fuel, oil and-exhaust systems, brake adjustments, relining and repairs; wheel alignment and balancing and repair and replacement of shock absorbers.
- B. Small Engines: Lawnmowers, tractors, all terrain vehicles (ATV), off road vehicles (ORV), boats, jet skis, dirt bikes, mopeds and snowmobiles.
- C. Automotive Body Shop: A facility which provides collision repair services, including body frame straightening, replacement of damaged parts and painting or undercoating of vehicles which do not exceed 9,000 pounds gross weight

14.37.2 Regulations and Conditions:

- A. The business shall conform to the requirements of Section 14.13 Home Business. Any requirements in this section which are more restrictive than 14.13 shall be followed.
- B. The licensed mechanic shall be the property owner and reside in the home located on the property.
- C. Facility where work is being performed must be licensed by the State of Michigan. The license shall be submitted to the Community Development Department annually.
- D. The Mechanic performing work shall be licensed by the State of Michigan. The license shall be submitted to the Community Development Department prior to submitting a Conditional Use Permit Application and annually if approved.
- E. The business shall have a contract with a licensed waste hauler to remove all fuel, oils, solvents and coolant from the property. Personal disposal is prohibited. A copy of the signed contract from the hauler shall be submitted to the Community Development Department annually.
- F. Only the property owner which is licensed by the State of Michigan and one (1) employee shall perform work.
- G. There shall be no outdoor storage of vehicles or materials associated with operation of the business outside of business hours. All work performed on vehicles shall be done inside the licensed facility.
- H. Hours of operation are limited to Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m.

- I. There shall be no sale of parts or fuels which are not associated with the repair or body work of a vehicle or small engine.
- J. Small engine repair businesses are exempt from items C and D and the licensing requirement of item F.
- K. All paints used for the business shall be water compliant.
- L. Automotive body shops shall be setback a one-hundred (100) feet from all property lines and the road right-of-way.
- M. Automotive body shops shall be in compliance with all applicable regulations of the United States Environmental Protection Agency and Michigan Department of Environmental Quality and shall submit documentation of compliance to the Community Development Department annually.
- N. Automotive body shops shall have a safety inspection done by the local fire department or county building official on an annual basis. A copy of their findings shall be submitted to the Community Development Department on an annual basis.
- O. *Businesses operated in the Local Business Zoning District (C-1) are exempt from the requirements of items A., B., F. & I.***

Article 14, Specific Provisions and Requirements:

- 1. 14.25 Surface Mines: Include language for excavation setbacks from existing structures in subsection 14.25.5 A.
- 2. 14.28 Private Roads: Subsection 14.28.2 I Preexisting Roads: Change the date for the extension of preexisting private roads to February 4, 2008. Significant changes were made to the Private Road requirements that became effective on February 4, 2008. Therefore any road created before that date should be upgraded if it is extended. Also changes are being recommended to clarify the intent of a new lot to be the creation of an additional parcel in order to allow for lot line adjustments without having to upgrade the private road.

SECTION 14.25 SURFACE MINING

- 14.25.1 Definition: A surface mine is a parcel of land utilized for the removal or extraction of natural mineral deposits, soil, and organic soils by open pit-mining methods.
- 14.25.2 Excavation of Soils and Minerals: The excavation of peat, mulch, sand, gravel, clay, limestone, shale, or other natural mineral deposits shall be permitted only upon the issuance of a Conditional Use Permit.
- 14.25.3 General Site Plan Requirements: In addition to the regular application for a Conditional Use Permit and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:
 - A. Name and address of owner(s) of land which removal will take place.
 - B. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - C. Location, size and legal description of the total site area to be mined.
 - D. A plan for extraction and reclamation for the total project which shall include:

1. Surface overburden and topsoil stripping and stockpiling plans.
 2. Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
- E. Surface water drainage provisions and outlets.
- F. The location and size of any structures.
- 14.25.4 Rehabilitation: All extraction areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of five (5) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration.
- 14.25.5 Site Development Requirements:
- A. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
1. ***Excavation shall not take place within fifty (50) feet from any structure.***
 - ~~1.~~ 2. Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
 - ~~2.~~ 3. No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
- B. Fencing: If fencing is deemed a necessary requirement of the Conditional Use Permit, the Planning Commission shall specify the type and location of the required fencing.
- C. Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind blown dust.
- D. Hours of operation shall be Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to 12:00 p.m.
- No hours of operation on Sundays or the following holidays:
- (1) New Year's Day - January 1st
 - (2) Memorial Day - Last Monday of May
 - (3) Independence Day - July 4th
 - (4) Labor Day - First Monday in September
 - (5) Thanksgiving Day - Fourth Thursday in November
 - (6) Christmas Day - December 25th
- E. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the conditional use permit may result in the immediate revocation of said conditional use permit and any and all other sanctions and/or penalties available to the County.

SECTION 14.28 PRIVATE ROADS

14.28.1 **Definition:** A road servicing two (2) or more lots or parcels which provides access to a public road.

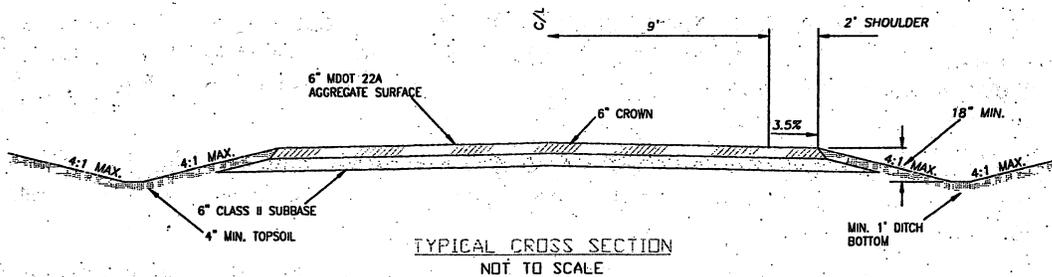
14.28.2 **Regulations and Conditions:** To obtain a permit, the applicant shall provide documented proof of the following:

- A. **Plans:** All plans for Private Roads which are extended or laid out for access to two (2) or more lots, parcels, or principal buildings, must be reviewed and approved by the Community Development Official. Following review, a permit must be issued by the Community Development Official before construction may begin.
1. Plans shall give dimensions and bearings of the road right-of-way prepared by a licensed surveyor.
 2. The road way shall be shown within the right-of-way with road alignment and profile grades. A Licensed Professional Engineer shall design and seal the plans.
- B. **Maintenance Agreements:** A Maintenance Agreement must bind the owners of all affected lots and parcels whose primary access is provided by the Private Road, including their successors and assigns. It must be recorded with the Eaton County Register of Deeds. It must be submitted to the Community Development Official prior to issuance of a Private Road Permit. The Maintenance Agreement must include the following minimum information.
1. **Co-Owner Association:** A provision for an incorporated association of co-owners along the proposed Private Road, which shall be responsible to collect fees and to build and maintain the Private Road or Roads.
 2. **Restrictive Covenant:** A restrictive covenant shall be included in the Maintenance Agreement establishing the responsibility for maintaining the Private Road on all lots and parcels to be serviced by the Private Road.
 3. **Financing:** Feasible and practical method for financing the repair and maintenance of the Private Road in compliance with this ordinance.
- C. **Prohibited:** Neither the respective Township nor the Eaton County Road Commission shall be obligated to perform regular inspections of the easement area or provide necessary repairs or maintenance to the Private Road. The Eaton County Community Development Department is not responsible for the legality or enforcement of the maintenance agreement.
- D. **Minimum Road Standards:** All private roads shall comply with the following construction standards and applicants for private road approval shall obtain all required permits prior to construction.
1. **Easement:** Shall be dedicated in an amount between sixty-six (66) and one hundred (100) feet wide.
 2. **Driving surface:** Shall be a minimum of eighteen (18) feet wide with two (2) foot shoulders on both sides.
 3. **Materials:** The driving surface shall have a minimum of six (6) inches of **22A** Aggregate Surface over a minimum six (6) inch CL II sand subbase over a compacted base. Surface must be crowned six (6) inches (see figure 10). Sand subbase and 22A aggregate must be compacted to 95% maximum dry density. Certifications must be provided that the materials meet applicable MDOT specification or test results provided by an approved soils laboratory.
 4. **Drainage:** A drainage plan shall be submitted on a topographic map showing how surface drainage is being dispersed. Drainage and drainage calculations shall be approved by the Eaton County Drain Commissioner. If the Drain Commissioner determines ditching is required, the road shall be ditched on both sides to prevent the accumulation of water upon the driving surface and

shoulders. Ditches shall be a minimum of eighteen (18) inches below the edge of shoulder with 1 on 4 slopes and a one (1) foot bottom width. Cross culverts shall have a minimum of twelve (12) inch cover. Drainage in relationship to its impact on a County Road shall also be approved by the Eaton County Road Commission.

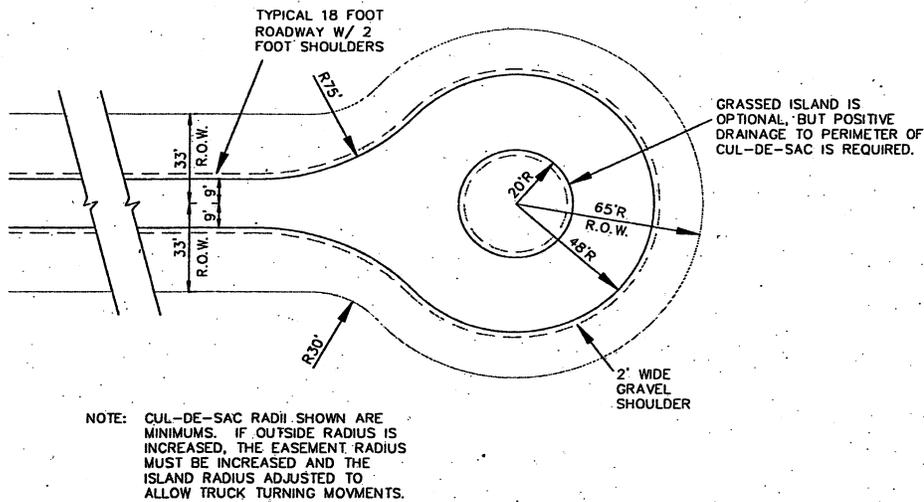
5. **Ingress and Egress:** The end of the road shall have a cul-de-sac with a forty-eight (48) foot minimum outside radius (fifty (50) foot radius to edge of shoulder). An optional island shall have a twenty (20) foot radius (larger if outside radius is increased). The cul-de-sac shall have a sixty-five (65) foot minimum radius circular easement (see figure 11).
6. **Notification:** A copy of this ordinance, signed by the lot owner, must be presented to the Community Development Official before a Zoning Referral Permit will be issued for any lot along a Private Road.
7. **Inspection:** The private road construction shall be inspected under the direction of a Licensed Professional Engineer. A letter from the Licensed Professional Engineer stating the completed project complies with approved plans and this ordinance shall be provided to the Community Development Department.
8. **Access to public roads:** The access to public roads shall be approved by the Eaton County Road Commission or the Michigan Department of Transportation (MDOT) depending on the roads jurisdiction. The intersection shall be designed in accordance with the jurisdictional agency requirements.

Figure 10



- E. **Road Name:** Road name shall be approved by the Eaton County Road Commission, the Tri-County Regional Planning Commission, 911 Central Dispatch, and the Eaton County Community Development Department.

Figure 11



- F. **Signage:** The following signage must be provided to receive a Private Road permit:
1. **Road Name Sign:** A type approved by the County Road Commission placed at the intersections of the Private Road and Public or Private Roads. The bottom of the sign face shall be placed a minimum of six (6) feet above the adjacent road surface.
 2. **"Private Road" Sign:** Shall face the intersection along the Private Road one (1) foot outside the public road right-of-way. The bottom of the sign face shall be placed a minimum of five (5) feet above the adjacent road surface. The sign face size shall be twelve (12) to eighteen (18) inches in width and eighteen (18) to twenty-four (24) inches in height.
- G. **Duration of Permit:** Any permit granted under this ordinance shall expire two (2) years after it is granted, unless road construction is completed within that time. Prior to its expiration, a permit may be renewed for additional terms of one (1) year by application to the Eaton County Community Development Department.
- H. **Amendments:** Any additions, deletions, or alterations from the original recorded agreement or plans shall be recorded as amendments to the original at the Register of Deeds office and submitted to the Community Development Official to determine compliance with this ordinance.
- I. **Preexisting Roads:** Prior to the extension of existing private roads (those roads created prior to 4/22/96 2/4/08) or the **addition of one or more lots or a site condominium development** ~~development of new or subdivided lot(s)~~, with access provided by the Private Road, **all portions of the road (existing and/or new) shall be improved to meet the standards of this Ordinance** ~~all requirements of this ordinance must be met.~~

Commissioner Baker moved the approval of the following resolution. Seconded by Commissioner Whittum.

Michigan Department of Treasury STC
608 (Rev. 3-02)

Equalized Valuations - REAL

L-4024

Eaton County

Statement of acreage and valuation in the year 2012 made in accordance with Sections 209.1 - 209.8 of the Michigan Compiled Laws.

Township or City	Real Property Equalized by County Board of Commissioners							Total Real Property
	(Col. 1) Agricultural	(Col. 2) Commercial	(Col. 3) Industrial	(Col. 4) Residential	(Col. 5) Timber-Cutover	(Col. 6) Developmental	(Col. 7)	
Belleveue	22,949,534	4,628,404	0	58,666,337	0	0	86,244,275	
Benton	25,483,431	2,963,082	0	70,713,379	0	1,023,837	100,183,729	
Brookfield	27,796,200	84,700	204,500	35,321,690	0	0	63,407,090	
Carmel	21,861,091	1,004,196	106,894	75,314,632	0	0	98,286,813	
Chester	32,281,439	214,400	0	42,843,877	0	0	75,339,716	
Delta	3,454,400	378,121,200	66,623,700	697,892,000	0	8,094,900	1,154,186,200	
Eaton	18,095,550	6,211,950	871,300	109,394,250	0	477,550	135,050,600	
Eaton Rapids	21,281,800	2,885,700	93,300	109,873,100	0	0	134,133,900	
Hamilij	23,209,868	1,290,598	1,219,985	93,880,408	0	0	119,600,859	
Kalamo	27,379,300	285,700	0	35,776,300	0	0	63,441,300	
Oneida	31,213,382	11,133,300	2,703,800	109,087,543	0	0	154,138,025	
Roxand	33,687,900	1,768,900	264,400	37,320,900	0	0	73,042,100	
Sunfield	28,648,200	2,996,300	3,565,050	44,315,100	0	0	79,524,650	
Vermontville	26,037,000	1,842,400	122,200	44,204,600	0	0	72,206,200	
Walton	24,464,005	541,980	1,013,353	52,289,628	0	0	78,308,966	
Windsor	10,764,700	26,260,800	3,641,600	194,146,150	0	3,524,600	238,337,850	
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Lansing	0	9,823,400	12,525,000	30,910,500	0	0	53,258,900	
Olivet	0	3,858,278	340,486	12,065,949	0	0	16,264,713	
Pottenville	0	7,022,100	5,057,100	30,669,592	0	0	42,748,792	

Real Property Equalized by County Board of Commissioners							
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Total for County	378,607,800	597,796,701	130,865,883	2,238,231,789	0	13,120,887	3,358,623,060

OFFICE OF THE COUNTY BOARD OF COMMISSIONERS OF EATON COUNTY

WE HEREBY CERTIFY that the foregoing is a true statement of the number of acres of land, the value of the real property and of the personal property, the aggregate valuation of the real property and personal property, the equalized and assessed valuations of real property classifications in each township and city in said county as equalized by the Board of Commissioners in April of the reporting year, at a meeting of said board held in pursuant to the provisions of sections 209.1 – 209.8, MCL. I further certify that said statement does not embrace any property taxed under P.A. 77 of 1951; P.A. 68 of 1963; P.A. 198 of 1974; P.A. 225 of 1978; P.A. 385 of 1984; P.A. 224 of 1985; P.A. 147 of 1992 or Section 5 of Article IX of the Constitution of the State.

Dated 4-18, 2012


Equalization Director


 Clerk of the Board of Commissioners

Clerk of the Board of Commissioners


 Chairperson of Board of Commissioners

Chairperson of Board of Commissioners

Assessed Valuations - REAL

L-4024

Eaton County

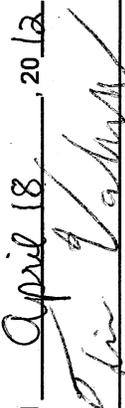
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Real Property Assessed Valuations Approved by Boards of Review							
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Dated April 18, 2012


Equalization Director



Clerk of the Board of Commissioners



Chairperson of Board of Commissioners

Commissioner Baker moved the approval of the following resolution. Seconded by Commissioner Whittum.

Michigan Department of Treasury STC
608 (Rev. 3-02)

Equalized Valuations - REAL

L-4024

Eaton County

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Dated 4-18, 2012

Tom Vahrh

Equalization Director

M. James Zeller

Clerk of the Board of Commissioners

J. B. Bell

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Assessed Valuations - REAL

L-4024

Eaton County

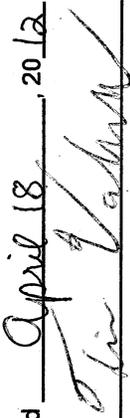
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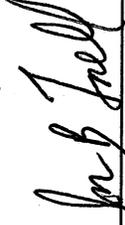
Real Property Assessed Valuations Approved by Boards of Review							
Township or City	(Col. 1) Agricultural	(Col. 2) Commercial	(Col. 3) Industrial	(Col. 4) Residential	(Col. 5) Timber-Cutover	(Col. 6) Developmental	(Col. 7) Total Real Property
Total for County	378,607,800	597,796,701	130,865,883	2,238,231,789	0	13,120,887	3,358,623,060

OFFICE OF THE COUNTY BOARD OF COMMISSIONERS OF EATON COUNTY

WE HEREBY CERTIFY that the foregoing is a true statement of the number of acres of land, the value of the real property and of the personal property, the aggregate valuation of the real property and personal property, the equalized and assessed valuations of real property classifications in each township and city in said county as equalized by the Board of Commissioners in April of the reporting year, at a meeting of said board held in pursuant to the provisions of sections 209.1 - 209.8, MCL. I further certify that said statement does not embrace any property taxed under P.A. 77 of 1951; P.A. 68 of 1963; P.A. 198 of 1974; P.A. 225 of 1978; P.A. 385 of 1984; P.A. 224 of 1985; P.A. 147 of 1992 or Section 5 of Article IX of the Constitution of the State.

Dated April 18, 2012


Equalization Director



Chairperson of Board of Commissioners



Clerk of the Board of Commissioners

Personal and Real Property - TOTALS

L-4024

Eaton County

Statement of acreage and valuation in the year 2012 made in accordance with Sections 209.1 - 209.8 of the Michigan Compiled Laws.

Township or City	Number of Acres Assessed		Total Real Property Valuations		Personal Property Valuations		Total Real Plus Personal Property	
	(Col. 1) Acres	(Col. 2) Hundredths	(Col. 3) Assessed Valuations	(Col. 4) Equalized Valuations	(Col. 5) Assessed Valuations	(Col. 6) Equalized Valuations	(Col. 7) Assessed Valuations	(Col. 8) Equalized Valuations
Belleveue	0.00	0.00	86,244,275	86,244,275	3,884,286	3,884,286	90,128,561	90,128,561
Benton	0.00	0.00	100,183,729	100,183,729	7,778,798	7,778,798	107,962,527	107,962,527
Brookfield	0.00	0.00	63,407,090	63,407,090	1,505,954	1,505,954	64,913,044	64,913,044
Carmel	0.00	0.00	98,286,813	98,286,813	3,052,778	3,052,778	101,339,591	101,339,591
Chester	0.00	0.00	75,339,716	75,339,716	6,158,446	6,158,446	81,498,162	81,498,162
Delta	0.00	0.00	1,154,186,200	1,154,186,200	111,653,600	111,653,600	1,265,839,800	1,265,839,800
Eaton	0.00	0.00	135,050,600	135,050,600	7,590,250	7,590,250	142,640,850	142,640,850
Eaton Rapids	0.00	0.00	134,133,900	134,133,900	5,055,000	5,055,000	139,188,900	139,188,900
Hamlin	0.00	0.00	119,600,859	119,600,859	3,332,246	3,332,246	122,933,105	122,933,105
Kalamo	0.00	0.00	63,441,300	63,441,300	1,288,300	1,288,300	64,729,600	64,729,600
Oneida	0.00	0.00	154,138,025	154,138,025	7,314,100	7,314,100	161,452,125	161,452,125
Roxand	0.00	0.00	73,042,100	73,042,100	1,764,300	1,764,300	74,806,400	74,806,400
Sunfield	0.00	0.00	79,524,650	79,524,650	3,480,150	3,480,150	83,004,800	83,004,800
Vermontville	0.00	0.00	72,206,200	72,206,200	2,509,700	2,509,700	74,715,900	74,715,900
Walton	0.00	0.00	78,308,966	78,308,966	3,303,746	3,303,746	81,612,712	81,612,712
Windsor	0.00	0.00	238,337,850	238,337,850	13,759,200	13,759,200	252,097,050	252,097,050
Charlottesville	0.00	0.00	207,714,432	207,714,432	29,126,234	29,126,234	236,840,666	236,840,666
Eaton Rapids	0.00	0.00	111,810,850	111,810,850	15,061,200	15,061,200	126,872,050	126,872,050
Grand Ledge	0.00	0.00	201,393,100	201,393,100	10,924,200	10,924,200	212,317,300	212,317,300
Lansing	0.00	0.00	53,258,900	53,258,900	2,726,800	2,726,800	55,985,700	55,985,700
Olivet	0.00	0.00	16,264,713	16,264,713	1,659,748	1,659,748	17,924,461	17,924,461
Pottersville	0.00	0.00	42,748,792	42,748,792	9,705,100	9,705,100	52,453,892	52,453,892

Township or City	Number of Acres Assessed (Col. 1) Acres Hundredths	Total Real Property Valuations		Personal Property Valuations		Total Real Plus Personal Property	
		(Col. 2) Assessed Valuations	(Col. 3) Equalized Valuations	(Col. 4) Assessed Valuations	(Col. 5) Equalized Valuations	(Col. 6) Assessed Valuations	(Col. 7) Equalized Valuations
Totals for County	0.00	3,358,623,060	3,358,623,060	252,634,136	252,634,136	3,611,257,196	3,611,257,196

OFFICE OF THE COUNTY BOARD OF COMMISSIONERS OF EATON COUNTY

WE HEREBY CERTIFY that the foregoing is a true statement of the number of acres of land, the value of the real property and of the personal property, the aggregate valuation of the real property and personal property, the equalized and assessed valuations of real property classifications in each township and city in said county as equalized by the Board of Commissioners in April of the reporting year, at a meeting of said board held in pursuant to the provisions of sections 209.1 - 209.8, MCL. I further certify that said statement does not embrace any property taxed under P.A. 77 of 1951; P.A. 68 of 1963; P.A. 198 of 1974; P.A. 225 of 1978; P.A. 385 of 1984; P.A. 224 of 1985; P.A. 147 of 1992 or Section 5 of Article IX of the Constitution of the State.

Dated 4-18, 2012


 Clerk of the Board of Commissioners


 Chairperson of Board of Commissioners

CARRIED.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO SUBMIT TO A VOTE OF THE ELECTORATE
TO RENEW THE MILLAGE FOR
COMPREHENSIVE EMERGENCY TELEPHONE SERVICES (911 SERVICES)
Introduced by the Ways & Means Committee**

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Hosey.

WHEREAS, Eaton County desires to continue to operate and maintain county-wide emergency telephone and dispatch services for the benefit of the citizens of the County; and

WHEREAS, 911 emergency telephone and dispatch services are of substantial benefit to the citizens of the County.

NOW, THEREFORE BE IT RESOLVED, that the following question be submitted to a vote of the electorate of Eaton County at the primary election to be held August 7, 2012.

**9-1-1 AND CENTRAL DISPATCH MILLAGE
RENEWAL QUESTION**

For the purpose of continuing funding for a comprehensive, Countywide Enhanced 9-1-1 Emergency Telephone and Central Dispatch System, shall the constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all taxable real and tangible personal property within the County of Eaton, Michigan, be increased in an amount not to exceed 0.95 mill (\$0.95 on each \$1,000 of taxable value) for a period of five (5) years (2014-2018) inclusive and shall the County levy such millage for said purposes? If approved and levied in its entirety, this millage would raise an estimated \$3,154,049 in 2014 to be distributed to the countywide 9-1-1 and Central Dispatch System as provided in the Eaton County 9-1-1 Service Plan. A small portion of the revenue collected (approximately \$47,311 in 2014) may be required to be distributed to Downtown Development Authorities, Tax Increment Financing Authorities, Local Development Financing Authorities and Brownfield Redevelopment Financing Authorities established in the cities of Charlotte, Eaton Rapids, Grand Ledge, Potterville and Olivet.

YES

NO ; and

BE IT FURTHER RESOLVED, that this question is hereby certified to the County Clerk; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to cause this proposed question to be stated on the August 7, 2012 ballot and to be prepared and distributed in the manner required by law.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO SUBMIT TO A VOTE OF THE ELECTORATE
TO RENEW THE JUVENILE MILLAGE**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Baker.

WHEREAS, the Board of Commissioners desires to continue funding to detain and house delinquent juveniles and protective services for abused and neglected children and to continue and improve prevention and treatment programs for such juveniles and children; and

WHEREAS, the Board of Commissioners wants to provide financial stability necessary for sound planning through a continuation millage.

NOW, THEREFORE BE IT RESOLVED, that the following question be submitted to a vote of the electorate of Eaton County in the primary election to be held August 7, 2012.

JUVENILE MILLAGE AUTHORIZATION QUESTION

Shall the previously voted increase in the tax limitation and levy imposed under the Michigan Constitution by the County of Eaton be renewed in an amount not to exceed 0.35 mill (\$0.35 on each \$1,000 dollars of taxable value) against all taxable real and tangible personal property within the County of Eaton for a period of (5) five years, 2014 to 2018, inclusive, for the purposes of continued funding of detaining and housing Eaton County juveniles who are delinquent, to provide protective services for abused and neglected children, and to operate new and existing prevention and treatment programs for such juveniles and children? If approved and levied in full, this millage will raise an estimated \$1,162,018 for juvenile housing and programs during the first calendar year of the levy based on taxable value. A small portion of the revenue collected (approximately \$18,011 in 2014) may be required to be distributed to Downtown Development Authorities, Tax Increment Financing Authorities, Local Development Financing Authorities and Brownfield Redevelopment Financing Authorities established in the cities of Charlotte, Eaton Rapids, Grand Ledge, Potterville and Olivet.

YES [] NO []

BE IT FURTHER RESOLVED, that this question is hereby certified to the County Clerk; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to cause this proposed question to be stated on the August 7, 2012 ballot and to be prepared and distributed in the manner required by law. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO AUTHORIZE APPLICATION FOR EATON COUNTY
UNITED WAY GRANT**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Baker.

WHEREAS, the Eaton County United Way has grant funds available through an inter-agency agreement with the United Way; and

WHEREAS, the Day Treatment Program is requesting approval to apply for a grant to develop the Literacy Improves Future Earnings (L.I.F.E) Program; and

WHEREAS, the grant would provide funding to hire contractual Literacy Teachers who will focus on improving student reading and comprehension skills through securing literacy materials, determining deficiencies and program eligibility, meeting with students bi-weekly and working with Youth Facility Workers to support literacy efforts of the program; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners authorize the Circuit Court – Day Treatment Program to submit a grant application in an amount not to exceed \$20,000 for the period of October 1, 2012 to September 30, 2013 requiring no matching funds; and

BE IT FURTHER RESOLVED, that if the County's participation in the grant is discontinued or requires a County General Fund contribution, the continuation of the grant funded positions will be reviewed by the appropriate committees to determine the necessity of General Fund commitment; and

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by Eaton County United Way; and

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners be authorized to sign any necessary documents. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE TITLE IV-D COOPERATIVE
REIMBURSEMENT APPLICATIONS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Barr.

WHEREAS, the Friend of the Court and Prosecuting Attorney have participated in the Title IV-D Cooperative Reimbursement Program with the State of Michigan Department of Human Services in previous years; and,

WHEREAS, the grant applications for the 2012/2013 fiscal year are being prepared in an amount not to exceed \$1,600,000 for the Friend of the Court and \$150,000 for the Prosecuting Attorney.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Department of Human Services Title IV-D Cooperative Reimbursement grant applications are authorized; and
2. The Chairperson of the County Board of Commissioners is hereby authorized to execute said agreements on behalf of the County Board of Commissioners upon approval by the State.

Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE
2011/2012 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Ridge.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

GENERAL FUND

COUNTY CLERK - 215

Increase	Wage and Fringe	\$ 9,500
Decrease	Contingency	\$ 9,500

To increase budget for temporary employee to assist office for four months during election process. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE
2011/2012 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Boles.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

GENERAL FUND

SHERIFF - 301

Increase	Wage and Fringe	\$ 27,780
Decrease	Contingency	\$ 27,780

To increase budget for the cost of an entry level deputy for courthouse security as recommended by the Public Safety Committee.

Carried. Nays, Commissioners Brehler and Eakin.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE
2011/2012 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Ridge.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

SPECIAL REVENUE FUND

CONSTRUCTION CODE - 240

Increase	Wage and Fringe	\$ 5,900
Increase	Fund Balance Carryover	\$ 5,900

To increase budget for the electrical inspector to increase from 32 to 40 hours per week as recommended by the Public Works and Planning Committee. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE
2011/2012 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Baker.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

SPECIAL REVENUE FUND

COMPUTER FUND – 298

Increase	Wage and Fringe	\$ 11,100
Increase	Computer Services Revenue	\$ 11,100

To increase budget for use of interns in Information Systems. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2012

**RESOLUTION TO APPROVE
2011/2012 BUDGET AMENDMENTS**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Boles.

WHEREAS, the Eaton County 2011/2012 Appropriations Act of September 21, 2011 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

WHEREAS, such amendments are needed in order to comply with the Uniform Budgeting and Accounting Act of 1978, P.A. 621.

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2011/2012 Eaton County Budget:

SPECIAL REVENUE

PUBLIC IMPROVEMENT - 245

Increase	Capital Equipment	\$ 15,000
Increase	Fund Balance Carryover	\$ 15,000

To increase budget for additional security cameras in the courthouse building.
Seconded by Commissioner Boles.

Commissioners Boles, Whittum, Baker, Brehler, Hoffman, Brunette, Mulder and Freeman spoke about the addition of security cameras in the courthouse.

Commissioner Boles moved to refer the request for security cameras back to the Public Safety Committee for further review. Seconded by Commissioner Osieczonek. Carried. Nays; Hosey, Brehler.

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 106.6 OF THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 International Property Maintenance Code is amended to add a new subsection 106.6 to read as follows:

Section 106.6 Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 International Property Maintenance Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 International Property Maintenance Code.
- B. The sanction for any violation of any subsection of the 2009 International Property Maintenance Code which are municipal civil infractions shall be a civil fine as provided in subsection 106.7 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Building, Electrical, Mechanical and Plumbing Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2009 International Property Maintenance Code.

- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 International Property Maintenance Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2009 International Property Maintenance Code shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 106.7 TO THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 International Property Maintenance Code is amended to add a new subsection 106.7 to read as follows:

Section 106.7 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provision of any subsection of the 2009 International Property Maintenance Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 International Property Maintenance Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.

(iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 International Property Maintenance Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 106.8 TO THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 International Property Maintenance Code is amended to add a new subsection 106.8 to read as follows:

Section 106.8 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 International Property Maintenance Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, MI 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.

Fran Fuller

Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2008 MICHIGAN ELECTRIC CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2008 MICHIGAN ELECTRIC CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF ARTICLE 80.27 OF THE 2008 MICHIGAN ELECTRICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2008 Michigan Electrical Code is amended to add a new article 80.27 to read as follows:

Article 80.27 Municipal Civil Infraction:

- A. Any violation of any provision of any article of the 2008 Michigan Electric Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2008 Michigan Electrical Code.
- B. The sanction for any violation of any article of the 2008 Michigan Electrical Code which are municipal civil infractions shall be a civil fine as provided in article 80.28, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Electrical Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any article of the 2009 Michigan Electrical Code.
- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any article of the 2008 Michigan Electrical Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the

Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any article of the 2008 Michigan Electrical Code shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF ARTICLE 80.28 TO THE 2008 MICHIGAN ELECTRICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2008 Michigan Electrical Code is amended to add a new article 80.28 to read as follows:

Article 80.28 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provision of any article of the 2008 Michigan Electrical Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this article, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of any article of the 2008 Michigan Electrical Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any article shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of any article of the 2008 Michigan Electrical Code that receives a municipal civil infraction

violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF ARTICLE 80.29 TO THE 2008 MICHIGAN ELECTRICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2008 Michigan Electrical Code is amended to add a new article 80.29 to read as follows:

Article 80.29 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2008 Michigan Electrical Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, articles and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.



Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 MICHIGAN BUILDING CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 MICHIGAN BUILDING CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 114.3 OF THE 2009 MICHIGAN BUILDING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Building Code is amended to add a new subsection 114.3 to read as follows:

Section 114.3 Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 Michigan Building Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 Michigan Building Code.
- B. The sanction for any violation of any subsection of the 2009 Michigan Building Code which are municipal civil infractions shall be a civil fine as provided in subsection 114.5 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Building Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2009 Michigan Building Code.

- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 Michigan Building Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2009 Michigan Building Code shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 114.5 TO THE 2009 MICHIGAN BUILDING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Building code is amended to add a new subsection 114.5 to read as follows:

Section 114.5 Schedule of Fines

A. General: Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provision of any subsection of the 2009 Michigan Building Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 Michigan Building Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 Michigan Building Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 114.6 TO THE 2009 MICHIGAN BUILDING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Building code is amended to add a new subsection 114.6 to read as follows:

Section 114.6 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 Michigan Building Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, MI 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.

Fran Fuller
Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 MICHIGAN MECHANICAL CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 MICHIGAN MECHANICAL CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 108.8 OF THE 2009 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Mechanical Code is amended to add a new subsection 108.8 to read as follows:

Section 108.8 Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 Michigan Mechanical Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 Michigan Mechanical Code.
- B. The sanction for any violation of any subsection of the 2009 Michigan Mechanical Code which are municipal civil infractions shall be a civil fine as provided in subsection 108.9 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Mechanical Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2009 Michigan Mechanical Code.

D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 Michigan Mechanical Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2009 Michigan Mechanical Code shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 108.9 TO THE 2009 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Mechanical code is amended to add a new subsection 108.9 to read as follows:

Section 108.9 Schedule of Fines

A. General: Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2009 Michigan Mechanical Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 Michigan Mechanical Code committed by a corporation, person or firm within any 36 months period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 Michigan Mechanical Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 108.10 TO THE 2009 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Mechanical Code is amended to add a new subsection 108.10 to read as follows:

Section 108.10 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 Michigan Mechanical Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.

Fran Fuller

Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 MICHIGAN PLUMBING CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 MICHIGAN PLUMBING CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 108.8 OF THE 2009 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Plumbing Code is amended to add a new subsection 108.8 to read as follows:

Section 108.8 Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 Michigan Plumbing Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 Michigan Plumbing Code.
- B. The sanction for any violation of any subsection of the 2009 Michigan Plumbing Code which are municipal civil infractions shall be a civil fine as provided in subsection 108.9 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Plumbing Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2009 Michigan Plumbing Code.

D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 Michigan Plumbing Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsection of the 2009 Michigan Plumbing Code listed above shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 108.9 TO THE 2009 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Plumbing Code is amended to add a new subsection 108.9 to read as follows:

Section 108.9 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2009 Michigan Plumbing Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 Michigan Plumbing Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 Michigan Plumbing Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 108.10 TO THE 2009 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Plumbing Code is amended to add a new subsection 108.10 to read as follows:

Section 108.10 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 Michigan Plumbing Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.

Fran Fuller

Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 MICHIGAN RESIDENTIAL CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 MICHIGAN RESIDENTIAL CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION R113.5 OF THE 2009 MICHIGAN RESIDENTIAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Residential Code is amended to add a new subsection R113.5 to read as follows:

Section R113.5. Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 Michigan Residential Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 Michigan Residential Code.
- B. The sanction for any violation of any subsection of the 2009 Michigan Residential Code which are municipal civil infractions shall be a civil fine as provided in subsection R113.6 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Building, Electrical, Mechanical and Plumbing Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2009 Michigan Residential Code.

D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 Michigan Residential Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2009 Michigan Residential Code shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION R113.6 TO THE 2009 MICHIGAN RESIDENTIAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Residential code is amended to add a new subsection R113.6 to read as follows:

Sections R113.6 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2009 Michigan Residential Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 Michigan Residential Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 Michigan Residential Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 4. ADDITION OF SUBSECTION R113.7 TO THE 2009 MICHIGAN RESIDENTIAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Residential code is amended to add a new subsection R113.7 to read as follows:

Sections R113.7 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 Michigan Residential Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, MI 48813.

SECTION 5. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 6. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 7. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 8. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.



Fran Fuller, Eaton County Clerk

EATON COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE 2009 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2009 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 113.5 OF THE 2009 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Rehabilitation Code for Existing Buildings is amended to add a new subsection 113.5 to read as follows:

Section 113.5. Violation penalties:

- A. Any violation of any provision of any subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2009 Michigan Rehabilitation Code for Existing Buildings.
- B. The sanction for any violation of any subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings which are municipal civil infractions shall be a civil fine as provided in subsection 113.6 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Building Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices

for violations of any subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings.

D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2009 Michigan Rehabilitation Code for Existing Buildings shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 113.6 TO THE 2009 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Rehabilitation Code for Existing Buildings is amended to add a new subsection 113.6 to read as follows:

Section R113.6 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.

(ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.

(iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2009 Michigan Rehabilitation Code for Existing Buildings that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

(i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).

(ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).

(iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 113.7 TO THE 2009 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH, BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2009 Michigan Rehabilitation Code for Existing Buildings is amended to add a new subsection 113.7 to read as follows:

Section 113.7 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2009 Michigan Rehabilitation Code for Existing Buildings, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, MI 48813.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on _____.

Fran Fuller

Fran Fuller, Eaton County Clerk