

Lovells Township

Non-Zoning Ordinances

Update – October 2025

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Land Division Ordinance

AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, ENACTED PURSUANT BUT NOT LIMITED TO MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, AND ACT 246 OF 1945, AS AMENDED, BEING THE TOWNSHIP GENERAL ORDINANCE STATUTE; TO PROVIDE A PROCEDURE THEREFORE; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT HERewith; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE .

Township of Lovells, County of Crawford, State of Michigan ,
ORDAINS

SECTION 1

TITLE

This ordinance shall be known and cited as the Lovells Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION 111

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A."Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this ordinance, and other applicable ordinances.

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

D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

E. "Governing Body" - the Lovells Township Board.

SECTION IV

PRIOR APPROVAL REQUIREMENT OF LAND DIVISIONS

Land in the Township shall not be divided Without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the state act.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

A. A completed application form on such form as may be approved by the Township Board.

B. Proof of fee ownership of the land proposed to be divided.

C. A survey including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities.

D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

F. The fee as may from time to time be established by resolution of the governing body of the Township for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

A. The assessor or other designee shall approve, or disapprove the land division applied for within forty five (45) days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the assessor or designee may, within thirty (30) days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designated at the next regular meeting or session affording sufficient time for a twenty (20) day written notice to the applicant (appellant where other than the than the applicant) of the time and date of said meeting and appellate hearing.

C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect

SECTION VII

STANDARD FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

A. All the parcels to be created by the proposed land division(s) fully_ comply with the applicable lot (parcel), yard and area requirements of pertinent Ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum set-backs for existing building/structures or have received a variance from such requirement(s) from the Lovells Township Board and the Lovells Township Zoning Board of Appeals.

B. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable ordinances.

C. The proposed land division(s) comply with all requirements of this Ordinance and the State Land Division Act

D. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.

SECTION VIII

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT3 PENALTIES AND ENFORCEMENT

Any division of land in violation of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition, any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than Five Hundred (\$500.00) Dollars along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act, an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part of portion thereof.

SECTION X

REPEAL

All pervious Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however this Ordinance shall not be construed to repeal any provision in the applicable Zoning Ordinance or Building Codes or other Ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

SECTION XI

EFFECTIVE DATE

This Ordinance shall become effective 30 days following its publication after adoption as required by law.

ADDITIONAL INFORMATION: [MICHIGAN LAND DIVISION ACT 288 OF 1967](#)

Great Lakes Energy Cooperative Franchise

ORDINANCE NO. 7-11-06

A FRANCHISE, granting to GREAT LAKES ENERGY COOPERATIVE, its successors and assigns, the right, power and authority to lay, maintain and operate electric lines, poles and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local electric public utility business in the Township of Lovells, Crawford County, Michigan for a period of thirty years.

The Township of Lovells ORDAINS:

Section 1.

Grant of Electric Franchise and Consent to Laying of Pipes, Etc.

Subject to all the terms and conditions mentioned in this Franchise, consent, permission, right and authority is hereby given to Great Lakes Energy Cooperative, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns to lay, maintain, operate and use electric lines, poles, cables, conduits, appliances, buildings and other necessary works, in the highways, streets, alleys and other public places in the Township of Lovells,

Crawford County, Michigan, (the "Township") and a non-exclusive franchise is hereby granted to the Company, its successors and assigns, to transact local business in the Township for the purposes of producing, storing, transmitting, selling and distributing electricity into and through the Township and all other matters incidental thereto.

Section 2.

Use of Streets and Other Public Places.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Township and shall within a reasonable time after making an opening or excavations, repair the same and leave it in as good condition as before the opening or excavation was made.

The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to the Township and to every owner of property abutting the Company's electrical lines or other facilities, for all damages and costs arising from the default, carelessness, or negligence of the Company or its officers, agents and servants.

No road, street, alley, or highway shall be opened for the laying of electrical lines except upon application to the Crawford County Road Commission or the Township or other authority having jurisdiction in the premises (whichever is applicable), stating the nature

of the proposed work and the route. Upon receipt of such application by the Crawford County Road Commission, it shall be the duty of the Crawford County Road Commission to issue a permit to the Company to do the work proposed.

Section 3.

Force Majeure.

The Company shall not be under any liability for failure to furnish electric service as herein provided, or for any breach of the Company's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Company.

Section 4.

Indemnity.

As part of the consideration for the granting of this Franchise, the Company (indemnitor) shall, at its sole cost and expense, fully indemnify and hold the Township (indemnitee), its officers, boards, commissions, agents and employees, harmless against any and all claims, demands, lawsuits, actions, liability and judgments for damages arising out of the granting or operation of this Franchise, including but not limited to liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this Franchise. In further consideration for the granting of this Franchise, the Company shall pay actual attorney's fees, costs and expenses which may be incurred by the Township in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this Franchise or the revocation of prior franchises, whether or not judgment is entered against the Township.

Section 5.

Effective Date

Term of Franchise; Acceptance by the Company. This Franchise shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter; provided, however, that when this Franchise shall become effective the Township Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication thereof as required by law, and the Company shall, within sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 6.

Franchise Not Exclusive.

The rights, power and authority granted by this Franchise are not exclusive, and nothing contained herein shall prevent the Township from granting other non-exclusive electric franchises.

Section 7.

Franchise Revocable.

This Franchise shall be revocable upon sixty (60) days notice during its term at the will of the Township.

Section 8.

Effect and Interpretation of Franchise.

All other franchises, ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Franchise are hereby rescinded, to the extent of such conflict. The catch line headings which precede each section of this Franchise are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Franchise.

Section 9.

Successors and Assigns.

The words "Great Lakes Energy Cooperative" and the "Company," wherever used herein, are intended and shall be held and construed to mean and include both Great Lakes Energy Cooperative and its successors and assigns, whether So expressed or not.

Lovells Township Cemetery Ordinance

Ordinance Number 2011-01

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of the Lovells Township Cemetery, to provide for penalties for the violation of this ordinance, and to repeal all ordinances or parts of ordinances in conflict with this ordinance.

Title. This ordinance shall be known and cited as "The Lovells Township Cemetery Ordinance", a cemetery owned and operated by the Township of Lovells.

Purpose and Intent. The Lovells Township Board recognizes and concludes that the proper maintenance, appearance and use of the Lovells Township Cemetery is an important function of the government of the Township. It is also important that burials, disinterments and other matters associated with the cemetery be handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this ordinance is in the best interests of the property owners and residents of the Township.

Definitions.

- (a) A "cemetery plot" shall consist of an area in the Lovells Township Cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least thirty-eight (38) inches wide by ninety-six (96) inches long. Exceptions may be made, with the Townships permission, to accommodate infant burials or the burial of cremains
- (b) "Township" means the Township of Lovells in Crawford County, Michigan.
- (c) "Township cemetery" or "cemetery" means the cemetery owned and operated by the Township of Lovells.

Sale of Cemetery Plots.

- (a) Effective the date of this ordinance, cemetery plots shall be sold by the Township for the purpose of burial for the purchaser of a cemetery plot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales and transfers of cemetery plots shall be made via a Certificate approved by the Township Board and signed by a Township official that has been authorized and designated by the Township Board to do so. This Certificate, when properly signed, grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space. Once signed, it constitutes a permit.
- (c) Cemetery plots may be sold to residents or taxpayers of the Township. All Township officials authorized to sign cemetery plot Certificates are also authorized to vary this resident or taxpayer" restriction provided the purchaser discloses sufficient personal

reason(s) for burial in the Township cemetery through (1) previous residence in the Township or (2) relationship(s) to persons interred in the Township cemetery.

(d) At the time of purchase, each cemetery plot(s) will be assigned the family name of the person(s) who will be interred in that plot(s). Such person must be either a resident or taxpayer of the Township, or disclose sufficient personal reason(s) for burial in the Township cemetery.

(e) Cemetery plots may be sold back to the Township for the original purchase price, and the Township will then resell the purchased plot(s) at the current selling price. Transfer of a cemetery plot(s) between a current plot(s) owner and a (1) resident or taxpayer of the Township or (2) a person who discloses sufficient personal reason(s) for burial in the Township cemetery is allowed, provided such transfer is accomplished with the complete administrative involvement of the Township.

(f) The Township Board has the authority to place a limit on the number of plots sold to an individual, as well as to that individual's family and relatives. The Township retains the absolute right to determine whether a particular cemetery plot(s) will be sold to a specific individual and where, within the Township cemetery, the plot(s) are located. Such a decision will be based on the number of vacant plot(s) available and whether family or relatives of the person desiring to purchase the plot(s) are buried adjacent or nearby the requested plot(s).

(g) The Township has the authority to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot(s). This may be accomplished by (1) canceling the permit for a particular vacant plot(s) and substituting in its place another vacant plot(s) in a generally similar location or (2) by refunding the money paid for the plot(s) to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of an individual, the Township has the right, at its expense, to relocate the remains of that individual to another plot, in a similar location, within the Township cemetery.

(h) All Township cemetery plot owners are personally responsible for notifying the Township of any change to their mailing address.

Cemetery Plot Cost and Indigent Burials.

(a) The charge for each plot in the Township cemetery is \$50.00 for residents or taxpayers of the Township of Lovells, with a limit of four (4) plots per person. The per plot charge for individuals who are neither a resident or a taxpayer is \$200.00, and is also the charge for residents or taxpayers who wish to purchase more than four (4) plots. Each plot in the Township cemetery is capable of holding the remains of one (1) individual traditionally interred in a casket or a casket with vault or two (2) infants traditionally interred in an infant's casket or infant's casket with vault or four (4) cremains of individuals, regardless of age.

(b) All cemetery charges and plot costs are payable to Lovells Township via the Township Clerk.

- (c) The Township Board may wave some or all fees associated with the burial of indigent individuals. In addition, the Township Board may set aside a portion of the Township cemetery for the burial of indigent individuals.
- (d) The Township Board may periodically adjust the fees and costs charged to offset increased expenses incurred in the maintenance or management of the Township cemetery or to replenish depleted reserve funds of the cemetery.

Grave and Cremain Opening and Closing Charges.

- (a) The grave opening/closing fee for an individual traditionally interred in a casket or casket/vault is \$400.00. The cremain opening/closing fee for typically sized cremain urns is \$75.00. The personnel who perform grave and cremain openings and closings will have the opening completed a minimum of one hour prior to the commencement of the burial service. Those personnel will then depart the Township cemetery and remain out of sight until the burial service is complete and all those that attended the service have departed the cemetery. Only at that time will personnel return to the cemetery and close the grave/cremain excavation.
- (b) No Township cemetery plot will be opened or closed except under the control and direction of the Township Sexton, or substitute individual(s) who have been so designated by the Township Board. This requirement does not apply to a grave opening, closing, disinterment or other similar matter which is done pursuant to a valid court order or under the control and supervision of county or state health department authorities. However, without regard to the entity that will exercise control and supervision, the Township Sexton must be given thirty six (36) hours notice of any grave opening or closing in the Township cemetery.

Markers Memorials and Monuments.

- (a) Markers, memorials and monuments must be constructed of highly durable materials, such as granite, marble, concrete, bronze or similar material. When installed at the head of the burial plot they must be aligned with and face the same direction as the markers and memorials that are adjacent to them.
- (b) Only one (1) marker, memorial or monument is permitted per cemetery plot, and the size must not exceed thirty (30) inches wide by thirty (30) inches above grade, and be installed on a foundation. In cases where two adjoining plots share the same marker, memorial or monument, the size must not exceed fifty (50) inches wide by forty five (45) inches above grade, also installed on a foundation. Markers and memorials may also be installed slightly above grade, also set on a foundation, and should not exceed sixteen (16) inches by twenty eight (28) inches in size.
- (c) Effective the date of this ordinance no markers, memorials or monuments are allowed in the Township cemetery that exceed forty five (45) inches in height above grade, and all must also be installed on a foundation.
- (d) The foundation supporting all cemetery markers, memorials and monuments will be constructed by the Cemetery Sexton, or other individual(s) as may be designated by the

Township Board. The fee for all foundations is calculated by the square inch of surface area, and that fee is \$. 14 per square inch. This fee is payable to Lovells Township via the Township Clerk.

- (e) Enclosure (1) is a work order which will act as the coordinating document for the Township staff (Cemetery Sexton, Township Clerk and Supervisor) for every burial that occurs in the Township cemetery. It is an all-inclusive document, containing the details of every burial from initial contact by a surviving family member or funeral home to the closing of the grave. It will also include (1) the approximate size of cremain urns (when applicable) so that the proper size opening can be dug and (2) sizing data for the foundations of all markers, memorials and monuments, to ensure that the foundation is appropriate for the size of the marker, memorial or monument that it supports.
- (f) Should any monument or memorial, including any that were in place before the effective date of this ordinance, become dislodged/moved, badly broken or a safety hazard the Township Board has the right to correct the condition or remove monument/memorial. Any expense incurred will be borne by the owner of the plot, and the Township will make a concerted effort to contact the owner of the plot prior to the commencement of any such work.
- (g) During the first full week of May (Monday through Sunday) each year a thorough clean up of the Cemetery will be held. During this week long period multiple trash receptacles will be placed in the Cemetery, Township staff will be assigned various maintenance and management tasks, and assistance will be provided plot owners as necessary and to those plot owners who are not available to participate.
- (h) Cemetery plot owners are encouraged, during or prior to this clean up period, to remove from the cemetery for safekeeping any object, decoration, urn/pot or similar item that has significant emotional or intrinsic value to them, particularly items that a Township employee might not view as having such value. This is suggested because, during the week following the cemetery clean up, township employees will be disposing of the decorations, urns/pots and similar items that were not previously removed for safekeeping by plot owners.

Internment Regulations.

- (a) The Township requires a minimum of thirty six (36) hours advance notice of a burial to allow for essential coordination and the opening of the cemetery plot.
- (b) The correct plot Certificate form, accurate and matching identification of the remains to be buried in that plot, and the Burial-Transit Permit from the health department must be presented to the Township Sexton or Clerk before any internment can take place.
- (c) Once internment has taken place the surface area of all graves must be kept in a neat and orderly manner and be confined to the cemetery plot involved.

Disinterments.

- (a) No disinterment (digging up) of an occupied grave will occur until all required permits, licenses and authorizations required by law have been obtained from the applicable state and/or county agencies and copies of these permits, licenses and authorizations have been filed with the Township Sexton or Clerk.
- (b) The Township Board has the authority to refuse a disinterment request that (1) does not have a reasonable basis in fact and/or (2) is not pursuant to a court order issued by a court of competent jurisdiction.

Winter Burials.

- (a) As a general rule, burials are not allowed in the Lovells Township Cemetery between December 1st and May 1st due to the likelihood that the ground will be frozen solid.
- (b) While an exceptionally late fall or early spring may create unfrozen ground conditions between the above dates, other situations, such as a heavy snow cover, may severely limit burials as well. The Township does not remove snow from the Cemetery, and should that be a requirement for conducting a "winter" burial such snow plowing costs would be the responsibility of the deceased's estate or next of kin.

Cremains.

- (a) Cremains, in an appropriate container, may be buried in the Township cemetery. Each cemetery plot is capable of holding the cremains of four (4) individuals, regardless of their age.
- (b) Cremains may not be scattered or dispersed within the Township cemetery.

Non-Human Remains.

- (c) The internment of non-human remains, such as pets or livestock, is not allowed in the Township cemetery.

Cemetery Maintenance.

- (a) Flower pots/urns and grave blankets may be placed on graves no earlier than the second weekend of May. These pots/urns and blankets must be removed by December 1st of each year. Grave decorations are permitted for holidays that fall outside of these dates, but only for one (1) week prior and one (1) week following the holiday. Regulations involving veteran's flags and flag holders are issued by the Veterans Administration.
- (b) Grading, leveling or excavating within the cemetery is not allowed without the prior permission of the Cemetery Sexton. No flowers, shrubs, trees or vegetation of any type will be planted in the cemetery unless it is contained in an urn or pot.

- (c) The Cemetery Sexton and Township Board have the authority to trim or remove any existing trees, plants or shrubs within the cemetery as deemed essential.
- (d) Mounds, bricks, blocks or borders of any material that hinder the use of lawn mowers or other gardening tool(s) are prohibited.
- (e) The Township Sexton is authorized to remove any emblems, displays, containers and similar items that, through decay, deterioration or damage have become unsightly, a maintenance problem or a source of litter within the cemetery.
- (f) Surfaces other than bare earth or sod are prohibited.
- (g) Within fourteen (14) days after a burial the dried flowers, dried wreaths, paper and plastic flower containers and similar items must be removed from the cemetery
- (h) No glass containers are allowed in the cemetery.
- (i) Except for markers, memorials, monuments, flowers, grave blankets, urns and pots that are expressly allowed by this ordinance, and veteran flags/flag holders as permitted by federal regulation, no other items are permitted in the cemetery.

"Other items" includes, but is not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border material(s) of any type or any type of structure.

Disclaimer of Township Liability and Responsibility.

- (a) Every person who enters the Lovells Township Cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to a person while in the Township cemetery. The Township is not responsible for any damage or vandalism to, theft of, or deterioration of any burial marker, memorial or monument, urn/pot or other item(s) placed on or near any cemetery plot.
- (b) The purchaser or transferee of any cemetery plot hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs, and expenses associated with, relating to and/or involving the cemetery plot and any other matter(s) related to the Township cemetery. These waiver, release and hold harmless provisions shall apply not only to the Township of Lovells but also to the Township Sexton and any Township employee, officer, official or agent.

Record Keeping.

- (a) The Township Clerk will maintain all records applicable to the Lovells Township Cemetery, to include but not limited to (1) all plots sold/Certificates issued and (2) all burials conducted with the applicable Burial-Transit Permit and Township Work Order.

- (b) All of the above records are public in nature and may be inspected during normal Township business hours.

Vaults.

- (a) The use of a concrete vault to contain the casket in traditional interments is encouraged, as it will preclude the possibility of a ground depression developing over time.
- (b) Cremains will be interred in an appropriate container (vessel, urn, etc.).

Cemetery Hours.

- (a) The Lovells Township Cemetery will be open year round, from sunrise to sunset, for pedestrians. During the winter months, vehicular traffic within the cemetery is prohibited.
- (b) Between the hours of sunset and sunrise the cemetery is closed to all visitors except the Township Sexton or other township officials and law enforcement or firefighting personnel, all of whom must be engaged in the duties of their office or position.

Activities Which Are Strictly Prohibited Within the Lovells Township Cemetery.

- (a) To annoy, harass or disturb any other person who is lawfully visiting the cemetery.
- (b) To interfere with or disrupt a funeral or funeral procession.
- (c) To disturb the peace in any way.
- (d) To possess or consume any type of alcoholic beverage.
- (e) To picnic, consume food or party within the cemetery.
- (f) To solicit the sale of goods or services, which includes signs or placards advertizing any goods or services.
- (g) To operate a bicycle, motorcycle, snowmobile, four wheeler, go-cart or similar recreational type vehicle.
- (h) To operate an automobile, truck or any other vehicle on any portion of the cemetery except upon the designated access road within it.
- (i) To destroy, deface or injure any cemetery property. (j) To litter the cemetery or dump trash within it.
- (k) To start or maintain any open fire.

(l) To possess, discharge or release any firearm, bow, cross bow or similar item, with the exception of a rifle salute that is incident to a military funeral.

(m) Children under the age of twelve (12) years unless they are accompanied by an adult.

(n) While "rubblings" (with pencil and paper) of information etched into markers, memorials and monuments is authorized, extreme caution must be exercised so that there is no damage to the marker/memorial/monument.

Duties of the Township Sexton.

- (a) The Township Board appoints the Township Sexton, and he/she serves at the discretion of the Board.
- (b) The Township Sexton may be a township employee, an independent contractor, or some combination of the two.
- (c) The Township Sexton is responsible for the placement and construction of the foundations which support markers, memorials and monuments. He is also responsible for the setting/attachment of the marker, memorial or monument onto the foundation.
- (d) If available, the Township Sexton is responsible for opening and closing the excavation for the interment of cremains. If requested, he will assist the family and/or next of kin of the deceased with the placement of the cremains into the opening.
- (e) Fees associated with the above responsibilities will be paid to Lovells Township via the Township Clerk. The Clerk, in turn, will pass those fees on to the Township Sexton via a Township check payment.

Fees and Charges.

(a) From time to time the Township Board will set fees and charges pursuant to this ordinance. These fees and charges can include, but are not limited to, grave opening and closing fees, cremains opening and closing fees, foundation charges, burial plot charges and any other matter(s) that may come to their attention.

Applicability of this Ordinance.

- (a) This Ordinance only applies to the Lovells Township Cemetery, located on Bald Hill Road, Crawford County, Michigan.
- (b) The provisions of this Ordinance do not apply to Township officials, their agents or designees when they are involved with the administration or maintenance of the Township cemetery.
- (c) The provisions of this Ordinance do not apply to police officers or firefighters when they are carrying out their official duties at or within the cemetery.

Appeals to the Township Board.

- (a) The Township Board has the authority to render binding interpretations of any of the clauses, provisions, regulations or rules contained in this Ordinance, as well as their applicability.
- (b) The Township Board is also authorized to waive the application of any clause, provision, regulation or rule contained herein when practical difficulties in carrying out the strict letter of this ordinance results in hardship to a particular person(s) or to the public. Any such waiver, however, must be of such character that it does not impair the purpose and intent of this Ordinance.
- (c) Any person(s) aggrieved by an interpretation or decision made by any Township official, agent or employee pursuant to this Ordinance has the right to appeal that interpretation/decision to the Township Board. Such an appeal must be in writing and it must be filed with the Township within thirty (30) days of the date of the interpretation/decision. The Township will then respond to the appeal by providing, in writing, at least ten (ten) days' advance notice of the meeting at which the Township Board will address the matter. The decision of the Township Board, with regards to all appeals, is final.

Authority of the Township to Remove Unauthorized Items from the Cemetery.

- (a) Any item(s) that has been placed, left or installed in the Cemetery in violation of this Ordinance may be removed by the Township at any time.
- (b) When removing such item(s) the Township has no obligation to provide prior notice, to gain permission, or to store or provide safe keeping of such item(s).
- (c) The Township may, at its discretion, dispose of or destroy such item(s) without liability or obligation to the individual(s) who placed, left or installed the item in the Cemetery.

Penalties.

- (a) A violation of this Ordinance constitutes a civil infraction.
- (b) The fine for a civil infraction shall be \$100.00 for the first offense, \$250.00 for a second offence, and \$500.00 for subsequent offenses, in addition to any other costs, damages and expenses that are provided for by law.
- (c) A "subsequent offense" is the violation of a provision of this Ordinance committed by the same person(s) within twelve (12) months of a previous violation of the same provision.
- (d) A "separate offense" occurs each day that a violation continues after an individual(s) admits responsibility or was adjudged responsible for the violation.

Enforcement of this Ordinance.

(a) The following officials and officers have the authority to enforce this Ordinance and to issue civil infraction citations pursuant to this Ordinance: the Township Supervisor, Clerk, Sexton, Zoning Administrator, and Ordinance Enforcement Officer plus the County Sheriff (or Deputy) and any State Police Officer.

Severability.

- (a) The provisions of this Ordinance are hereby declared to be severable.
- (b) Should any section or part be declared invalid or unconstitutional by any court of competent jurisdiction, such a decision will only affect that particular section or part and the decision will not affect or invalidate the remainder of this Ordinance, which will continue in full force and effect.

Effective Date and Conflicts.

- (a) This Ordinance becomes effective thirty (30) days after a summary copy of it appears in the Crawford County Avalanche.
- (b) All Lovells Township Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

FLOODPLAIN MANAGEMENT PROVISIONS

Ordinance number 12-13-11

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Lovells located in Crawford County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Lovells ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Director of Building and Zoning of the County of Crawford is hereby designated as the enforcing agency to discharge the responsibility of the Township of Lovells under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Crawford assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Township of Lovells.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Crawford County, Michigan" and dated April 17, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers) of 0075, 0100, 0210, 0215, 0220 and 0250 and dated April 17, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same

Township Anti-Noise and Public Nuisance Ordinance

Ordinance Number 6/11 of 2013

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the creation of noise and disturbances within Lovells Township or the creation or maintenance of any public nuisance within Lovells Township.

THE TOWNSHIP OF LOVELLS, COUNTY OF CRAWFORD, MI ORDAINS:

Section 1. Title This ordinance shall be known and cited as "The Lovells Township Anti-Noise and Public Nuisance Ordinance".

Section 2.A Purpose No person, firm or corporation shall cause any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of Lovells Township.

Section 2.B

Intent

The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

- 1 The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle or watercraft for any purpose other than to avoid an accident or
- 2 The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- 3 Yelling, shouting, hooting or singing on the public streets between the hours of midnight and 8:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort or repose of other persons.
- 4 The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any person in the vicinity.
- 5 The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noises disturbing to the quiet, comfort or repose of other
- 6 The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefore from the Township Board.
- 7 The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting there from.

- 8 The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 AM and sundown on weekdays except in the case of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the Crawford County Building Inspector or the Township Zoning Administrator, as applicable, and such permit shall limit the period that the activity may continue.
- 9 The emission or creation of any excessive noise on any street that unreasonably interferes with the operation of a school, church, hospital or court.
- 10 The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale, or display of merchandise which, by creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- 11 The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township not specifically zoned for such an operation and/or where the noise emanating there from would be unreasonably disturbing and annoying to other persons in the vicinity.
- 12 The ignition, discharge, and use of consumer fireworks will be allowed only within the Michigan Fireworks Safety Act, Public Act 256 Of 2011, MCL28.451, et seq. The days allowed will be the Holidays the State of Michigan allows including the day before and the day after, but they are not allowed between the hours of 1:00 AM and 8:00 AM on those days. In addition, all other days will be allowed except for the period midnight to 8:00 AM. Consumer fireworks are also prohibited during "burning bans" and "high fire danger" periods as posted by the Michigan DNR. All shrapnel or other materials created from the use of consumer fireworks, other than on your own property, will be considered litter if not properly discarded and give cause to issue a ticket for littering.

Section 2.C

Exemptions

None of the prohibitions hereinbefore enumerated shall apply to any of the following:

- 1 Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- 2 Excavation or repair of bridges, streets or highways by or on behalf of Lovells Township, the State of Michigan, or the County of Crawford between the hours of 6:00 PM and 7:00 AM when the public welfare, safety and convenience render it impossible to perform such work during other hours.

Section 2.D

Determination

The determination of whether any noise or disturbance is a violation of the provisions of this ordinance shall be the absolute discretion of local law enforcement.

Section 3.A

Public Nuisance Regulations

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township of Lovells by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.

Section 3.B

Determination

The determination of whether any activity enumerated in Section 3 is a public nuisance and a violation of this ordinance shall be in the absolute discretion of local law enforcement.

Section 4.

Validity

The several provisions of this ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

Section 5.

Penalties

Any person, firm, or corporation found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$100.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit or injunction, damages or other appropriate legal action.

Section 6.

Effective Date

This ordinance shall take effect after adoption and 30 days after publication. All Lovells Township ordinances or parts of ordinances that are in conflict herewith are hereby repealed.

REVOCABLE ELECTRIC SERVICE FRANCHISE ORDINANCE

ORDINANCE #10/8/13

AN ORDINANCE granting to Wolverine Power Supply Cooperative, Inc., (Wolverine) its successors and assigns, the right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate, and maintain in Lovells Township, Crawford County, the necessary facilities for the production, transmission, and sale of electric energy at wholesale to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to use and occupy the highways, streets, alleys, and other public places in which the Township has a public interest upon which the parties may agree to in the future, to set poles, string wires, lay pipes or conduits, and to transact an electric business.

BE IT ORDAINED:

Wolverine Power Supply Cooperative, Inc., its successors and assigns, is hereby granted and vested with the non-exclusive right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain, or operate in the Township of Lovells the necessary facilities for the production, transmission, and sale of electric energy at wholesale rates to its member-distribution cooperatives and between Wolverine and other parties pursuant to wholesale power agreements, and to construct and maintain along, upon, across, or under the highways, streets, alleys, and other public places in which the Township has a public interest upon which the parties may agree to in the future, to set poles, wires, pipes or conduit and other necessary fixtures and equipment for such purposes within Lovells Township.

1) Revocation. The franchise granted herein is revocable by the Township Board as provided by law.

2) No Injury to Street or Rights of Way. The Franchisee shall not injure any street, highway and alley, or in any manner disturb or interfere with any water, sewer or other utility line, now or hereafter laid or constructed by any authorized person within the public streets or rights of way.

3) Notification & Approval before Commencing Work. The Franchisee, before entering upon any street, highway and alley for the purpose of constructing or installing electric transmission lines or other apparatus, within the public right of way, shall in writing notify the Board of County Road Commissioners of Crawford County, or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if said Board so file with it a sufficient plan and specification of the proposed erection and construction. Upon completion of any construction project, the franchisee shall, to the extent reasonably practical, restore the site to its condition prior to commencement of construction. Furthermore, Franchisee shall notify the Township Board,

or its designee, of any new or different transmission lines or other facilities that are to be built in the Lovells Township.

4) Construction. The Franchisee shall not allow any street, highway or alley to remain encumbered by the construction work of the said franchisee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners of Crawford County shall determine the question of such necessity.

5) Insurance and Indemnification. The Franchisee shall furnish the Township proof of insurance and indemnify and hold the Township harmless from any and all costs, including reasonable attorney fees incurred by the Township by reason of the Franchisee's acts and omissions in the installation and maintenance of the electric transmission system and other related apparatus or equipment used in the operating of its electric utility business within the Township.

6) Compliance with Laws. The Franchisee shall comply with all applicable safety standards and requirements of the National Electric Safety Code, MI-OSHA and any other appropriate entity, and shall also comply with all applicable federal, state and local laws and regulations.

7) Compliance with Zoning. At all times, Franchisee shall comply with the requirements of the Lovells Township or Crawford County Zoning Ordinance, if applicable, with respect to any of its installations, operations, and non-power line structures, including, but not limited to meter houses, storage sheds, and other similar roofed buildings within electric distribution and transmission substations.

8) Assignment. The Franchise granted by this Ordinance may be assigned by the Franchisee upon written consent of the Township, which shall not be unreasonably withheld. It shall be reasonable for the Township to withhold consent if the proposed assignee does not have an equal or superior financial condition as that of the Franchisee.

9) Effective Date. This Ordinance will take effect upon publication of the Ordinance pursuant to applicable law.

ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS WITHIN THE TOWNSHIP

Ordinance Number 5-14 of 2019

AN ORDINANCE PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 INITIATED LAW 1, 6.1, MCL 333.27956, SUBSECTION 1, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF LOVELLS TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

LOVELLS TOWNSHIP HEREBY ORDAINS:

Section 1. Marihuana Establishments Prohibited.

Pursuant to the authority granted under Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, ss 6.1, MCL 333.27956, Subsection 1, Lovells Township hereby completely prohibits any marihuana establishment, as that term is defined in Section 3(h) of the Michigan

Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, ss 3(h), MCL

333.27953(h), within its boundaries.

Section 2. Violation; Penalty.

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 3. Enforcement Officials.

The Township Supervisor and any other person appointed by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 4. Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 5. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance perse or any other violation of this Ordinance.

Section 6. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 7. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Short- term Rental Licensing Ordinance

Ordinance No. 6-19-2025-002 of 2025

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN LOVELLS TOWNSHIP BY THE LICENSING AND REGULATION OF SHORT-TERM RENTALS, TO PROVIDE PROCEDURES FOR THE SUSPENSION AND REVOCATION OF SHORT-TERM RENTAL LICENSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

LOVELLS TOWNSHIP HEREBY ORDAINS:

Section 1.

Purpose.

This Ordinance is intended to protect and promote the health, safety and welfare of all the citizens of Lovells Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the Township, while at the same time recognizing that some short-term rentals have previously been granted special use permits to operate under the Lovells Township Zoning Ordinance. It is also the intent of this Ordinance to allow for the purchase and continued

ownership, rental, and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment, while protecting the integrity of those residential neighborhoods which were developed with the intent of single-family occupancy.

Section 2.

Applicability.

Except as provided in Section 4(b), this Ordinance applies to residential dwelling units located in Lovells Township and to all persons owning or exercising control over such buildings or property which in total or in part, are rented for less than 30 days at a time, during the calendar year.

Section 3.

Definitions. As used in this Ordinance,

"Bedroom" means a room which is intended, arranged, and designed to be occupied by one or more individuals primarily for sleeping purposes, as determined by the STR Administrator.

"Dwelling Unit" means a building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

"Immediate Neighbor" means an owner of property within 300 feet of all lot lines of the property being used as a short-term rental.

"Local agent" means the individual designated by the license holder to oversee the short-term rental of a dwelling unit in accordance with this Ordinance. The local agent shall live or maintain a place of business within thirty (30) miles of the dwelling unit, be available twenty-four (24) hours a day, and respond within thirty (30) minutes to any issues that may arise. A property owner who meets these criteria may be the local agent.

"Maximum occupancy" means the maximum number of allowable occupants and the guests of those occupants for a short-term rental, as established in Section 9(a) of this Ordinance

"Occupant" means an individual living in, sleeping in, or otherwise having possession of a short-term rental.

"Owner" means any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee, as recorded in the Crawford County Register of Deeds Office.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Preschool-aged children" means children five (5) years of age and under.

"Property" means land, firmly attached structures, and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.

"Short-term rental" or "STR" means a dwelling unit, or portions thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time when the owner of the dwelling does not reside at the dwelling during the rental period.

"Short-term rental administrator" or "STR administrator" means the township ordinance enforcement officer or such other person designated by the Lovells Township Board to administer and enforce this Ordinance.

"Violation notice" means a written notice issued by the STR Administrator advising the license holder and/or the local agent of a violation of this Ordinance.

Section 4.

License required.

- (a) Except as provided in subsection (b) below, an owner of any dwelling unit located within Lovells Township shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 days at a time, unless the owner has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this Ordinance.
- (b) The owner of any short-term rental that was granted a special use permit to operate a short-term rental under the Lovells Township Zoning Ordinance shall not be required to

obtain any license under this Ordinance, provided that the short-term rental fully and continually complies with all terms and conditions of the special use permit. Any short-term rental that is operated under a special use permit shall not be amended or expanded unless the owner of the short-term rental obtains all necessary licenses under this Ordinance. In the event a court of competent jurisdiction finds that the short-term rental was operated in violation of any of the terms and conditions of the special use permit, then the short-term rental shall forfeit the exception granted under this subsection. Thereafter, the owner of the short-term rental shall be required to obtain all necessary licenses under this Ordinance.

Section 5.

Limitation on Number of Short-term Rentals.

The total number of short-term rentals allowed within Lovells Township, including those granted a license under this Ordinance and those previously granted a special use permit, shall be no more than thirty (30).

Section 6.

Time for Filing Application; Posting Application Information on Website.

Due to the limited number of short-term rentals permitted under this Ordinance, when a short-term rental license(s) becomes available and the Township desires to accept applications for the short-term rental license(s), the STR Administrator shall publish a notice in a newspaper of general circulation within the Township specifying a 45-day period during which the Township will accept applications for a short-term rental license(s) under this Ordinance. The Township shall open the application period no less than annually at the time or times designated by the Township Board. Following the 45-day application period, the Township shall post on the Township's website the names of each applicant and addresses of each STR for which a STR license is sought. Members of the public who desire to obtain a copy of any STR application and accompanying information may request that information from the STR Administrator, pay any fee as determined by the Township Board, and may provide

comments on any STR application to the STR Administrator within fourteen (14) days of the information being posted on the website.

Section 7.

Application for short-term rental license.

- (a) Responsibility. It shall be the responsibility of the owner of a short-term rental to apply for a license through the submission of a short-term rental license application. The application shall be on a form provided by the STR Administrator.
- (b) Application form. A person seeking a license under this Ordinance shall submit a complete application, certified as being true, to the STR Administrator. The application shall include all of the information specified on the short-term rental application form and any other information deemed reasonably necessary by the STR Administrator to determine whether the short-term rental standards and regulations have been met.
- (c) Application fee. The application shall be accompanied by an application fee as established and set forth in the Township fee schedule. This fee schedule shall also establish an "after the fact" fee that must be paid when an otherwise lawful short-term rental is operated but without first complying with the procedural requirements of this Ordinance. This "after the fact" fee is not intended to be a penalty, but shall consist of

the normal application fee plus an amount equal to the legal and administrative costs incurred by the Township as the result of the applicant's failure to initially comply with the requirements of this Ordinance.
- (d) Complete application. The STR Administrator shall within fifteen (15) business days after an application is filed review the application and information submitted to determine if all required information was supplied and if the required fee has been paid (i.e., whether the application is administratively complete). The STR Administrator shall note the date and time each application is determined to be administratively complete. Each application that is administratively complete shall be valid for one (1) year from the date the STR Administrator determines it is administratively complete. If the STR Administrator determines that all required information was not supplied, he or she shall send written notification to the applicant specifying the deficiencies. If the deficiencies are not corrected within fourteen (14) days of the notice from the STR Administrator, then the application shall be deemed administratively incomplete and shall be deemed withdrawn and/or may be denied by the STR Administrator on that basis.
- (e) License. Once deemed to be complete, if an application complies with all the standards and regulations of this Ordinance, the STR Administrator shall approve the short-term rental license within ten (10) business days. All short-term rental licenses issued under this Ordinance shall be sequentially numbered annually. Licenses are valid from the date of issuance through March 31 following the date of issuance. Licenses

shall be renewed annually subject to the STR Administrator's confirmations of compliance by the license holder with this Ordinance.

Section 8.

Excess of Administratively Complete Applications; Procedures; Waiting List.

- (a) If the STR Administrator determines that there administratively complete applications in excess of the maximum number of short-term rentals permitted under Section 5 of this Ordinance, then the STR Administrator shall prioritize the applications based on the following (in the order of priority):
 - (1) Whether the principal owner of the short-term rental at the time the application was filed was in full compliance with this Ordinance during any previous license period.
 - (2) The chronological order of when the STR Administrator determines that a filed application was administratively complete.
 - (3) Whether the principal owner of the short-term rental at the time the application was filed had any violations of this Ordinance or rented the STR without the required license.
 - (4) Whether the applicant; any officer, director, and managerial employee of the applicant; and any person who holds any direct or indirect ownership interest in the applicant has ever been delinquent in township real or personal property taxes within the three (3) prior to filing the application.
- (b) After being prioritized as provided in subsection (a) above, those applications remaining there are in excess of the maximum number of short-term rentals permitted under Section 5 of this Ordinance shall be placed on a waiting list in the same order as their priority status. If at the time an applicant on the waiting list is eligible to proceed with consideration of his, her, or its application and chooses not to proceed, then that application shall be removed from the waiting list.
- (c) The STR Administrator shall send a copy of his or her written decision to each excess applicant. Any excess applicant aggrieved by a decision of the STR Administrator under this section may appeal that decision to the Township Board as provided in Section 13 of this Ordinance.
- (d) Any applicant selected under this section shall then have his, her, or its applicant considered pursuant to the remaining requirements of this Ordinance.

Section 9.

Short-term rental standards and regulations.

In recognition of the unique difficulties presented by short-term rentals, the following standards and regulations shall apply to all short-term rentals in Lovells Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments) and shall not supersede any provisions of the master deed and/or bylaws of a condominium development.

- (a) Number of Dwelling Units. There shall be no more than one (1) dwelling unit for rental on the property.
- (b) Occupancy. The maximum occupancy for a short-term rental shall be two (2) persons per bedroom, not including pre-school aged children. In no case may the number of persons occupying a short-term rental, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms. This occupancy limitation shall apply to all events that may occur on the property, including but not limited to lawn parties, bachelor or bachelorette parties, weddings, and graduation parties.
- (c) Designation of a local agent. If the license holder does not qualify as a local agent, then that license holder shall designate a local agent and shall authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this Ordinance. The designated agent must be available to accept telephone calls on a 24-hour basis at all times, shall have a key to the rental unit, and be able to address complaints/issues within 30 minutes. The address of the property and contact information for the local agent must be posted in a prominent first floor door or window of the rental and copies of the contact information must be given to the owners and occupants of a property within 300 feet of the STR.
- (d) Information. All information shall be kept current and up-to-date.
- (e) Parking. Motor vehicles, boats, campers and trailers shall be parked on the short-term rental property and not parked along any public or private roadway. In addition, the parking of these vehicles shall comply with the parking regulations of the Lovells Township Zoning Ordinance
- (f) Occupants shall not leave, or allow others to leave, trash, rubbish, refuse, or garbage within public view, except in proper waste or recycling containers with lids for the purpose of waste or recycling collection.
- (g) Rules and regulations to be provided to occupants. The license holder or local agent shall provide all occupants of a short-term rental with the following information prior to occupancy and shall post such information in a conspicuous place within each short-term rental:

:

- (1) The current STR license, the name of the license holder or local agent responsible to perform obligations related to the short-term rental under this Ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
- (2) A site plan drawn to scale showing the boundaries of the property, with boundary flags placed in the ground demarcating those boundaries.
- (3) Notification of the maximum number of occupants permitted in the short-term rental.
- (4) Copies of this Ordinance, the Township Nuisance Ordinance, and the Township Noise Ordinance, as they may be amended from time to time.
- (5) The following notification concerning the quiet hours for the STR:

Quiet hours for this short-term rental shall be 10 pm to 8 am the next day. This means that no loud noise or sound can be produced on the property that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities on adjacent properties, including but not limited to playing radios, televisions, stereos, and other types of electronic sound; shouting or other forms of verbal communications; using any horn, siren, whistle or bell; and revving up the engine of a motor vehicle.

- (6) Copies of all Special Watercraft Regulations issued by the Michigan Department of Natural Resources (DNR) applicable on the lake on which the short-term rental is located and copies of all DNR watercraft regulations applicable on the river on which the short-term rental is located. Notification that an occupant and/or a guest of an occupant may be cited for a violation of this Ordinance, the Township Nuisance Ordinance, Noise Ordinance, and/or any Special Watercraft Regulations issued by the Michigan Department of Natural Resources in addition to any other remedies available to the Township

(h) Violation of township noise ordinances. Occupants of a short-term rental and the guests of those occupants shall not violate the Township Noise Ordinance.

(i) pets. Pets, if allowed by the license holder, shall be the responsibility of the pet owner and shall comply with all applicable Michigan leash laws. In addition, the occupants shall not allow any pets to trespass onto any adjacent properties.

(j) Ownership Limitation. A person applying for a short-term rental license under this Ordinance shall not hold any form of ownership or leasehold interest in more than one (1) short-term rental within the township. In addition, a person applying for a short-term rental license under this Ordinance, including an individual and any entity

included in the definition of a person, shall not hold any form of ownership interest in any other firm, corporation, association, partnership, limited liability company, or other legal entity when that other firm, corporation, association, partnership, limited liability company, or other legal entity already owns any form of ownership or leasehold interest in a short-term rental within the township.

(k) No delinquent taxes. The applicant shall be current in all township property taxes. In addition, the applicant shall provide a certificate from the township treasurer or county treasurer that all township property taxes have been paid.

(l) Advertisement regulations. No person shall advertise a short-term rental for which a short-term rental license has not been issued under this Ordinance. In addition, no person shall advertise a short-term rental that does not accurately describe the capacity and accommodations of the short-term rental consistent with the requirements of the license issued under this Ordinance. All advertising shall include the current number of the current license issued under this Ordinance.

- (m) No-sign. NO sign shall be erected or displayed on the property advertising the short-term rental.
- (n) Building Code Compliance. For the initial license application the applicant shall provide an inspection report from a licensed building inspector, builder, or engineer documenting that the short-term rental complies with all applicable requirements of the building, electrical, plumbing, and mechanical codes administered and enforced within the Township. For renewal license applications, this inspection and report shall only be required if the prior inspection report was provided five (5) years or more before the current renewal application.
- (o) Sanitary Code Compliance. For the initial license application the applicant shall provide an inspection report from the local health department or a licensed building inspector, or engineer documenting that the short-term rental complies with all applicable requirements of the health department sanitary code administered and enforced within the Township. For renewal license applications, this inspection and report shall only be required if the prior inspection report was provided five (5) years or more before the current renewal application.
- (p) Outdoor Fires. Except as provided herein, outdoor fire are permitted only in designated fire devices and fire rings. The location of these fire devices and fire rings shall be specified in the STR application. Outdoor fires, however, shall not be permitted during Michigan DNR designated "Red Flag" conditions.
- (q) Eire-works. Fireworks of any kind are prohibited at a STR, except as permitted under state law.
- (r) Lighting. All outdoor lighting shall comply with the lighting regulations of the Lovells Township Zoning Ordinance.

Section 10.

Duration of License; Renewal.

- (a) A license issued under this ordinance shall remain in effect from the date of issuance through March 31 following the date of issuance.
- (b) The license holder or local agent may request the renewal of a license upon submitting an application for such renewal to the STR Administrator and the payment of the renewal fee, as determined from time to time by the Township Board in the Township fee schedule.
- (c) All information submitted with the prior application(s) shall be deemed submitted with the application for renewal, except the current-year tax certificate and any required inspection reports. The license holder or local agent shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed.
- (d) A renewal license for a short-term rental shall be issued when all of the standards and regulations then in effect in Section 9 of this Ordinance are met and the STR Administrator has determined that there has not been two (2) or more violations of the standards and regulations of Section 9 of this Ordinance related to the short-term rental for which a renewed license is sought within the past one (1) year license period.
- (e) A current licensee aggrieved by a decision of the STR Administrator under this section may appeal that decision to the Township Board as provided in Section 13 of this Ordinance.

Section 11.

Duty to remedy violations.

The license holder and/or local agent shall have the duty to remedy any violation of this Ordinance and the Township Noise Ordinance by the occupants of a short-term rental and/or guests of such occupants. Any license holder and/or local agent who receives a complaint concerning a violation of this Ordinance shall report the complaint to the STR Administrator during his or her next available regular business hours. The STR Administrator shall then investigate the complaint to determine whether a violation occurred, and if so, the severity of that violation. For any violation of the above ordinances, the Township may (in addition to other remedies) notify the license holder and/or local agent for the short-term rental of such violation by telephone or email. The license holder and/or local agent shall be deemed to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the Township, whichever is soonest. The notice provided by telephone or email to a license holder and/or local agent shall ensure that the violation is remedied within 30 minutes of receipt of such notice. Failure to remedy the violation within 30 minutes after receiving notice of the violations, without good cause, shall constitute a violation of this

Ordinance and may subject the license issued under this Ordinance to suspension or revocation pursuant to Section 12 of this Ordinance and/or may subject the license holder to court enforcement proceedings and the penalties under Section 14 of this Ordinance. Any person may report a violation of this Ordinance to the STR Administrator, but only during regular business hours.

Section 12. Suspension and Revocation of License.

- (a) Violation notice. If the STR Administrator has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short-term rental no longer complies with the standards for approval of a new license; and/or the short-term rental is in violation of the regulations in this Ordinance, the STR Administrator may, but is not required to, prepare or cause to be prepared a written notice specifying the false, incorrect, or misleading information and/or statements in the application material or specifying the approval standards or regulations that are allegedly being violated and the factual basis for this belief.
- (b) Service of notice. The written notice, along with the time, date, and place of the hearing before the Township Board, shall be served on the license holder either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.
- (c) Violation hearing. If such a violation notice is prepared and served, the Township Board shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this Ordinance should not be suspended or revoked. At the hearing before the Township Board the license holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The license holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder.
- (d) Subsequent violations. After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental license holder has committed a total of three (3) or more violations of this Ordinance within five (5) years, the Township Board may permanently revoke the short-term rental license.

(e) Length and timing of suspensions and/or revocations. Suspensions and revocations shall be effective immediately. Suspensions/revocations shall be for the following periods:

- (1) First suspension — three (3) months.
- (2) Second suspension — six (6) months.
- (3) Revocation — permanent.

(f) No new license available during any suspension and within six months after any revocation. During any period of a suspension and within six (6) months of any revocation under this Ordinance, no new license shall be issued for the same property location, regardless of the identity of the license holder.

(g) Existing contracts. Existing short-term rental contracts up to 30 days beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the Township Board. Those existing contracts beyond 30 days shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.

(h) Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this Ordinance and may be subject to court enforcement proceedings and the penalties under Section 14 of this Ordinance.

Section 13.

Appeal.

Any person aggrieved by a decision of the STR Administrator under Section 8 or Section 10 of this Ordinance may appeal that decision to the Township Board following the procedures of the Lovells Township Zoning Ordinance, as amended, for appeals to the Zoning Board of Appeals. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Township Board shall conduct a de novo hearing of the matter and to that end shall have all the powers of the STR Administrator. In rendering its decision, the Township Board shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within a reasonable period of time after receiving all evidence and data in the case. The decision of the Township Board shall then be sent promptly to the applicant, to the person who filed the appeal (if different than the applicant), and to the STR Administrator.

Section 14.

Violations and penalties.

(a) Any person who violates any provision of this Ordinance, including the rental of a short-term rental without first obtaining the required license under this Ordinance and the continued operation of a short-term rental after the license for that short-term rental has been suspended or revoked as provided in this Ordinance, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994,

amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

- (b) The STR Administrator and other persons appointed by the Township Board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 15.

New license required upon transfer of ownership.

A short-term rental license issued under this Ordinance shall become void upon the transfer of ownership of the dwelling unit, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit. A new short-term rental license shall then be obtained from the STR Administrator pursuant to the requirements and regulations set forth in this Ordinance before short-term rentals may be resumed in the dwelling unit.

Section 16.

Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 17.

Effective date.

This Ordinance shall become thirty (30) days after its publication in a newspaper of general circulation within the Township.