

**LENAWEE COUNTY
ORDINANCES and REGULATIONS**

INDEX
(Chronological)

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Unemployment Compensation System

#ORD76-03

Date of Adoption: December 1976 Ordinance #3

Date of Amendments:

Section 1. Unemployment Compensation System

There is hereby established an unemployment compensation system and benefit plan for employees in the County of Lenawee to be administered by the Personnel Department of the County of Lenawee. This plan is established pursuant to Act 170 of the Public Acts of 1958, as amended, of the State of Michigan.

Section 2. Definitions

“Average Weekly Wage” with respect to a base period of employment, shall be the amount determined by dividing total wages for credit weeks earned by the number of such credit weeks chargeable to the County of Lenawee as employer.

“Base Period” means the period of 52 consecutive calendar weeks ending with the day immediately preceding the first day of an individual’s benefit year.

“Benefit Year” with respect to any individual means the period of 52 consecutive calendar weeks beginning with the first calendar week with respect to which the individual, who does not already have a benefit year in effect, files a claim for benefits under this plan provided that the individual has earned wages of at least \$25.01 in each of fourteen (14) or more calendar weeks within the Base Period. Such weeks are called “Credit Weeks”.

“Benefits” means the money payments payable to an eligible and qualified individual as provided in this plan, with respect to unemployment.

“Personnel Director” means the Personnel Director of the County of Lenawee.

“Unemployed” means an individual shall be deemed unemployed with respect to any week during which he performs no services and with respect to which no remuneration is payable to him, or with respect to any week of less than full-time work if the remuneration payable to him is less than his weekly benefit rate.

“Wages” means remuneration paid for employment as defined in the Michigan Employment Security Act.

Section 3. Benefit Rates

Benefit payments to eligible employees shall begin with the date of eligibility and shall be calculated according to the following rules:

- a) The weekly benefit rate and the amount of the weekly benefit payment shall be determined in accordance with the relevant provisions set forth in Section 27 of the Michigan Employment Security Act, as amended, and as set forth in

- the Michigan Employment Security Act Weekly Benefit Rate Table in effect for the week for which benefits are claimed.
- b) The dependency class of an unemployed person shall be determined as stipulated and provided by the relevant provisions of Section 27 of the Michigan Employment Security Act, as amended. A dependent shall be defined by the Michigan Employment Security Act, as amended.
 - c) Eligible employees shall be entitled to three (3) weeks of benefits for each for four (4) credit weeks earned working for the County of Lenawee up to a maximum of twenty-six (26) weeks of benefits for thirty-five (35) weeks preceding the week in which the claimant applied for benefits except that an employee who was employed by the County during his base period shall need only thirty-four (34) credit weeks to qualify for the maximum twenty-six (26) weeks of benefits. The minimum duration shall not be less than ten and one-half (10½) weeks if the claimant worked fourteen (14) weeks and earned at least 25.01 in each week.
 - d) Any change in the rate of regular benefits and their duration, the definition of dependent and the determination of the dependency class of an unemployed person or other related change that would be mandatory to meet the requirements for equivalency with the Michigan Employment Security Act shall become effective the same day as under the Michigan Employment Security Act.

Section 4. Authorization of Payments

Payment of unemployed benefits shall be based on a certification from the Personnel Director to the County Clerk. Such certification shall contain all information necessary for payment. A record of the benefits received by each individual shall be maintained by the Personnel Director.

Section 5. Employees Covered

Except as provided by Section 6, employees covered by this unemployment compensation system shall consist exclusively of the employees employed by the County of Lenawee.

Section 6. Employees and Persons Not Covered

The following employees and officials shall not be covered by this unemployment compensation system:

- a) Elected officials, or their replacements, and persons appointed to a board, commission, council, or other similar organizations.
- b) Persons providing contractual service to the County as specialists, independent contractors, or employees thereof.

- c) Employees who are or were at the time of their employment by the County, students enrolled on a regular basis in high school, college, graduate school, or any other school in which their primary status is clearly that of a student, or any persons hired as students.
- d) Seasonal, temporary and part-time employees of the County of Lenawee.
- e) An individual who performs a service and receives compensation which is derived from federal, state, or other funds received under a specific program for which an application was made, except where such program requires that benefits equal to those provided for qualified county employees be extended to the employees of such special program, and the total cost of such benefits is reimbursed to the County by such program regardless of when such costs are incurred.
- f) A student attending a public or private high school, college, or university whose employment was part-time or within the vacation period of the institution, or a part of the institutions' school curriculum or program.

Section 7. Eligibility for Benefits

A claimant to be eligible for benefits must be unemployed as defined and must make a claim for benefits in the manner prescribed by the Personnel Director and further must:

- a) Be able and available to perform full-time work which he is qualified to perform by past experience or training and of a character generally similar to work for which he has previously earned wages and be seeking such work; and
- b) Be in compliance with registration and reporting requirements.

Section 8. Disqualifications

A claimant is disqualified from receiving benefits if the Personnel Director finds that an individual is unemployed due to an ineligible termination or separation as specified in Section 9, has left his work voluntarily, or has accepted permanent full-time work with another employer, or has failed without just cause to apply for available suitable work, or has failed to report for available suitable work, or has failed to report for a work interview, or has failed to accept suitable work when offered, or has failed when directed to return to his customary work, or any other condition as defined by the Michigan Employment Security Act, as amended.

Section 9. Ineligible Terminations and Separations

An employee shall not be eligible for benefits under the unemployment compensation system established by this plan if the unemployment shall result from:

- a) Retirement under any retirement system or any future retirement system covering County employees.

- b) Discharge or suspension for reasons including but not limited to misconduct connected with one's work, intoxication while at work, absence due to imprisonment, or an act of assault, theft, or sabotage connected with one's work.
- c) Resignations or quits including resignations or quits in lieu of discharge.
- d) Leaves of absence for any reason whether voluntary or involuntary.
- e) Temporary separations made at the request of the employee.
- f) Participation or direct interest in a labor dispute including any strike, any action contrary.

Section 10. Payment of and Restrictions on Benefits

Benefits shall be paid bi-weekly at a time and place fixed by the County Personnel Committee. All beneficiaries must report bi-weekly to the Personnel Office on designated days for bi-weekly benefit checks and determination of continuing eligibility. For continuing eligibility, a beneficiary must be actively seeking work, and must be registered with the Michigan Employment Security Commission. No beneficiary who shall refuse any reasonable "bona fide" offer of employment shall receive any benefits after such refusal.

Section 11. Rules and Procedures

Rules and procedures including any necessary forms may be established by the Personnel Department to administer the unemployment compensation system. The Personnel Director or his designee may bring suit in the name of the County of Lenawee to recover any moneys paid upon a fraudulent or untrue application or claim.

Section 12. Determinations

The Personnel Director or his designee shall promptly make a determination after an application for benefits is filed whether the claimant is a covered individual eligible and qualified to draw benefits based upon the available information. The issuance of each benefit check shall be considered a "prima facie" determination that the claimant receiving the check was a covered individual eligible and qualified for benefits. Where a claimant refuses work or fails to apply for work or in any other way is or becomes disqualified or ineligible for benefits, the Personnel Director or his designee shall promptly make a written determination of such disqualification or ineligibility and shall send the claimant notice thereof, including a notice of right to appeal.

Section 13. Redeterminations

Upon written request of any claimant within 15 days following any determination or decision respecting qualification, eligibility or rate of benefits, the Personnel Director or his designee shall promptly review the prior determination and, if necessary, may order a

hearing thereon. Upon review with or without hearing, the Personnel Director or his designee shall issue a redetermination affirming, modifying or reversing the prior determination and stating the reasons therefore. Such redetermination shall be final unless an appeal is filed as provided in Section 14.

Section 14. Appeals

There is hereby established an unemployment compensation appeal board which functions shall be performed by the Personnel Committee of Lenawee County. It shall be the duty of the board to review redeterminations and decisions of the Personnel Director pertaining to this unemployment compensation system provided that a claim of appeal is filed within 15 days of the time notice is given of such decision or redetermination and his right to appeal thereof. The term notice as used in this section shall mean the mailing thereof by first class mail from Adrian, Michigan in an envelope bearing proper postage and properly addressed to the employee at the last address on the employee's personnel record or furnished in writing to the Personnel Director.

Section 15. Appeal Board Powers and Duties

The appeal board may on its own motion affirm, modify, set aside or reverse any decision or order on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision, or order to initiate further appeals before it. The appeal board shall promptly notify parties of its findings and decisions and its reasons therefore but may omit the giving of any reasons if the previous order, decision or determination is affirmed without any alteration or modification.

**Section 16. Procedure, Reports, Record of Proceedings on Appeal,
Transcripts of Testimony**

The manner in which appeals to the appeal board shall be presented, the reports thereon required from the interested party or parties, and the procedure governing such appeals shall be in accordance with rules prescribed by the appeal board. A full and complete record shall be kept of all proceedings in connection with an appeal. Staff, space and such clerical service as is needed shall be provided by the Personnel Director to the appeal board.

Section 17. Extension of Time

Whenever the last day of the period to apply for redetermination or to appeal any decision, determination or redetermination, falls on a Saturday, Sunday or legal holiday, such period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday.

Section 18. Finances

Financing shall be accomplished through the Contingency Fund which shall account for related revenue and expenditures, including payment of unemployment benefits. The Personnel Director shall recommend to the Ways and Means Committee annual appropriations to be made for this activity.

Section 19. False Statements

No person shall, with intent to deceive about a material matter or point make any false or untrue statements or reports.

Section 20. Catchline Headings

The catchline headings of the sections of this plan shall in no way be considered to be a part of the respective sections or of this ordinance but are inserted herein for purposes of convenience.

Section 21. Severability

Each section and every part of each section is hereby declared to be an independent section and part of section, and a holding of any section or part of section to be void and ineffective for any cause, or the modification of or addition to any section or part of section shall not be deemed to affect any other section or part of section.

Section 22. Effective Date

The effective date of the unemployment compensation system established by this ordinance and of coverage thereunder shall be, July 1, 1976, or the earliest date thereafter permitted by law.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held on the 12th day of December, 1976.

Lenawee County Animal Control Ordinance

#ORD76-04

Date of Adoption: May 12, 1976 Ordinance #4

Date of Amendments: August 1977

WHEREAS, the County of Lenawee in the State of Michigan adopted Ordinance No. 4, Animal Control Ordinance on October 12, 1976, and forwarded same to the Governor of said State for approval, and,

WHEREAS, Pursuant to the Governors request, the Attorney General of the State has recommended certain amendments to the Ordinance, now therefore, to accomplish said amendments,

BE IT RESOLVED, That the said Ordinance adopted May 12, 1976 be rescinded, and,

BE IT RESOLVED, That Ordinance No. 4, First Amended, Animal Control Ordinance be adopted as follows:

SECTION 1. PURPOSE.

There is hereby established a Lenawee County Animal Control Agency which shall employ at least one (1) animal control officer. The Animal Control Agency shall have jurisdiction to enforce this ordinance and the dog licensing statutes of the State of Michigan, and particularly Act 339 of the Public Acts of 1919, as amended (the Dog Law of 1919); and Act 132 of the Public Acts of 1974, as amended in an city, village or township of the County which does not have an animal control ordinance.

SECTION 2. DEFINITIONS.

- (a) Animal Control Officer means any person employed by the County for the purpose of enforcing this ordinance, or State statutes, pertaining to dogs or other animals.
- (b) The term “owner” when applied to the propertiership of an animal means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premise occupied by him.

SECTION 3. DUTIES OF THE ANIMAL CONTROL OFFICER AND APPOINTING AUTHORITY.

The appointment of an Animal Control Officer shall be made by the Board of Commissioners and in addition to the duties listed shall have such other duties relating to the enforcement of this ordinance as the Board of Commissioners may from time to time provide.

The Animal Control Officer shall be authorized to carry out the following duties and responsibilities:

- (a) To investigate complaints concerning dogs and other animals alleged to be dangerous to persons or property and shall have the right to cease, take up and impound or destroy such animals. As to a licensed dog or a dog with evidence of ownership, the animal control officer shall notify the owner of the dog by written notice and sent by certified mail, 7 days prior to disposition of said animal, that said owner would be afforded a hearing prior to the destruction of licensed dog which had been running loose if said owner made and delivered such a demand in writing within 7 days from date of mailing said notice.
- (b) To investigate complaints concerning alleged cruelty to dogs and other animals.
- (c) To dispose of bodies of all animals destroyed in accordance with this ordinance or the statutes of the State of Michigan in a manner approved by the Department of Agriculture or the Board of Commissioners.
- (d) To carry dog licenses and receipts numbered in sequence for accounting purposes and to issue same and to account to the County Treasurer for same on or before the last day of each month.
- (e) To carry and issue violation citations to persons violating the terms of this ordinance or the statutes enforced under this ordinance.

The Animal Control Officer shall be paid a fee or salary established by the Board of Commissioners, in lieu of all fees and other remunerations established by statute.

SECTION 4. VIOLATIONS

- (a) It shall be a violation of this ordinance for any person to permit a dog within his possession, control or supervision to cause a nuisance and disturbance by loud and frequent barking, howling, yelping or the like.
- (b) If any dog, at any time, licensed or unlicensed, destroys property real or trespasses in a damaging way on private property of persons other than the owner, the owner of said dog shall be legally liable.
- (c) Costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock, or poultry, and collected by the court from the person complained against upon a finding of guilty.

SECTION 5. LICENSING

- (a) An application for a license hereunder shall state the dogs breed, sex, age, color, and markings, and the owner's name and address, and shall be accompanied by a valid certification of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture.

- (b) Fees for all dogs, male or female, sexed or unsexed, of the age of six (6) months or older shall be established by the Board of Commissioners. Set fees will apply is said license is obtained on or before March 1 of each year. A higher fee may be assessed thereafter.
- (c) A kennel license shall require inspection and approval of the kennel and dogs by the Animal Control Officer.
- (d) Fees for leader dogs or dogs in training as such are hereby waived, however, same must be licensed.
- (e) Current dog license issued by other Counties within Michigan, and any other governmental agency shall be honored in the County until the following March 1st.

SECTION 6. CONFINEMENT OF ANIMAL.

- (a) Any animal including wild animals which shall bite a human shall, if located, be confined for the required ten (10) days at the animal pound or other suitable location at the discretion of the Animal Control Officer. Confinement costs are to be borne by the owner if known.
- (b) Every dog and other animal shall at all times be confined upon the premises of its owner except when said dog or other animal is otherwise under the reasonable control of the owner.
- (c) An owner may redeem a dog from the animal pound executing a statement of ownership, or a license and tag as required by this ordinance and State statute, and paying the required fees posted at the pound. If the dog is unlicensed a license and tag, as required by this ordinance and State statute, must be purchased by the owner and said license and tag inspected by the Animal Control Officer or other designated officer within ten (10) days of the date the dog is claimed and redeemed from the animal pound or place of confinement.

SECTION 7. DOG CENSUS.

The method and fees for taking the annual dog census shall be established by resolution of the Board of Commissioners.

SECTION 8. FEES AND EXPENSES.

All fees for viewing an area where livestock has been killed or injured by dogs and all other fees and expenses required for the administration and enforcement of this ordinance and the State statutes enforced hereunder shall be from time to time established by the Board of Commissioners.

SECTION 9. PENALTY.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not ninety (90) days or by a fine of not more than One Hundred (\$100.00) Dollars or by both such fine and imprisonment.

SECTION 10. TREASURER'S RECORDS AND DUTIES.

- (a) On March 1 of each year, the County Treasurer shall make a comparison of his records of the dogs actually licensed in each city or township of the County with the report of the annual census to determine and locate all unlicensed dogs.
- (b) On and after April 1 of each year, every unlicensed dog, subject to license provisions of this ordinance or the Statutes of the State, is hereby declared to be a public nuisance and the County Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the results of the annual census, and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being section 287.277 of the Compiled Laws of 1948. (MSA Section 12.527)

SECTION 11. SEVERABILITY.

Every section and every part of each section is hereby declared to be an independent section and part of section, and a holding of any section or part of section to be void and ineffective for any cause, or the modification of or addition to any section or part of section shall not be deemed to affect any other section or part of section.

SECTION 12. EFFECTIVE DATE.

The effective date of the Animal Control Ordinance established by this Ordinance No. 4 First Amended, shall be November 1, 1976, or the earliest date thereafter permitted by law.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 12th day of October, 1976.

Approval by the Governor of the State of Michigan

The forgoing ORDINANCE NO. 4, First Amended, for the County of Lenawee is hereby approved and this approval signed the 17th day of December, 1976.

Articles of Incorporation Ordinance

#ORD77-05

Date of Adoption: August, 1977 Ordinance #5

Date of Amendments:

The following was offered by Commissioner Mackey and supported by Commissioner Rodesiler:

WHEREAS, the County of Lenawee, by and through its Board of Commissioners, has received an application in writing dated June 22, 1977, for authorization to incorporate a non-profit economic development corporation pursuant to Act 338 of the Public Acts of 1974, as amended, said corporation to be known as the Economic Development Corporation of the County of Lenawee; and

WHEREAS, said application included proposed Articles of Incorporation and By-laws for the Economic Development Corporation of the County of Lenawee; and

WHEREAS, public notice of said application has been given in accordance with Act 338 of the Public Acts of 1974, as amended, and, after due notice, public hearing on the merits of said application has been held and competing applications have been invited and the County Board of Commissioners being advised in the premises; and

WHEREAS, an ordinance was adopted by the Lenawee County Board of Commissioners on June 22, 1977, approving and adopting Articles of Incorporation and By-Laws for the Economic Development Corporation for the County of Lenawee; and

WHEREAS, the Office of the Attorney General of the State of Michigan, in a letter to the Honorable William G. Milliken, Governor of the State of Michigan dated August 18, 1977, suggested certain amendments to the Articles of Incorporation before promulgation of the ordinance; and

WHEREAS, these changes have been incorporated in said Articles of Incorporation;

NOW THEREFORE, The County of Lenawee Ordains:

Section 1. That the application dated June 22, 1977, and the amended Articles of Incorporation and By-Laws for the Economic Development Corporation of the County of Lenawee are hereby approved and adopted.

Section 2. That a certified copy of this Ordinance is directed to be filed with the Secretary of State in accordance with Section 5, Subparagraph 1 (1) of Act 338 of the Public Acts of 1974, as amended, and the applicants in said application dated June 22, 1977, are thereafter authorized to incorporate the Economic Development Corporation of the County of Lenawee as a public corporation pursuant to said Act 338 of the Public Acts of 1974, as amended.

Section 3. If incorporation of the Economic Development Corporation of the County of Lenawee is not accomplished within ninety (90) days from and after the effective date of this Ordinance, then in accordance with the act this Ordinance shall be void.

Section 4. This Ordinance shall take effect sixty days after adoption by this Board, its publication and its final approval as provided by law.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 25th day of August, 1977.

Solid Waste Ordinance

#ORD94-05

Date of Adoption: March 1994

Date of Amendments:

An ordinance developed to control disposal of solid waste generated in Lenawee County and protect public health, safety and the environment.

ARTICLE I – SHORT TITLE

This ordinance shall be known and may be cited as the Lenawee County Solid Waste Ordinance.

ARTICLE II – AUTHORITY

Section 30(2) of the Solid Waste Management Act (“Act 641), P.A. 641 of 1978, as amended, requires Michigan counties to regulate the import and export flow of solid waste for disposal. Section 30(1)(f) of Act 641 mandates that a county enact enforcement mechanisms, such as ordinances, to implement such waste flow controls.

ARTICLE III – PURPOSE

The purpose of the Solid Waste Ordinance is to provide Lenawee County with an enforceable mechanism to meet its responsibilities outlined in the Lenawee County Solid Waste Management Plan under Act 641.

The Lenawee County Board of Commissioners find that the regulation of the import and export of waste, the licensing of waste haulers, and sanctions against those who handle waste illegally are necessary in order to protect public health and the environment for the citizens of Lenawee County. Specifically, the Lenawee County Board of Commissioners find that import and export regulations and licensing of waste haulers provide means by which sound data can be collected and waste haulers can be tracked in case of illegal disposal or dumping. The Lenawee County Board of Commissioners also find that a means to penalize violators, and the enforcement of safe solid waste disposal practices, may act as a deterrent, minimizing the potential for pollution and contributing to the safety and welfare of the citizens of Lenawee County.

The Lenawee County Board of Commissioners find that the regulation of waste flow and hauler licensing are necessary for the County to meet its Solid Waste Management Plan’s waste reduction goals and assure proper and safe waste disposal.

ARTICLE IV – DEFINITIONS

- 1) Commercial Waste Hauler
Any person or persons engaged in the business of collection, transportation, or delivery of solid waste into or out of Lenawee County for disposal. Commercial haulers only passing through Lenawee County shall be exempt from licensing requirements.
- 2) Composting
The technique of organic waste reduction.
- 3) Enforcing Authority
The designated agency authorized by the Lenawee County Board of Commissioners to carry out duties specified in this ordinance.

- 4) Garbage
Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.
- 5) Illegal Dumping
The disposal of solid waste, at a disposal facility not licensed by Act 641 and such disposal is not permitted by Act 641 or other applicable law.
- 6) New Facility
A new disposal area that is proposed for construction, or an expansion, enlargement or alteration of an existing disposal area beyond the horizontal or vertical boundaries of that facility prevailing as of the effective date of this Ordinance.
- 7) Lenawee County Solid Waste Coordinating Committee (LCSWCC)
A nine (9) member committee appointed by the Lenawee County Board of Commissioners responsible for the implementation of the Lenawee County Solid Waste Management Plan.
- 8) Recycling
The technique of removing selected materials from the solid waste stream for reprocessing to second-use.
- 9) Resource Recovery Activities
Any task performed that result in the prevention of disease and the control of environmental health hazards through the recouping of material or energy from solid waste, thus reducing the volume of solid waste.
- 10) Responsible Party
The owner, operator, transporter, generator, or any other person involved in illegal dumping or other illegal activities that pertains to this ordinance.
- 11) Rubbish
Non-putrescible solid waste, excluding ashes, consisting of both combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.
- 12) Sanitary Land Fill
A tract of land developed, designed, and operated for the disposal of solid waste. Sanitary landfills shall be classified into one of the following types:
 - a. “Type II” means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish, but excluding hazardous waste.

- b. “Type III” means an on-land disposal facility designed and operated to accommodate large volumes of certain solid waste having minimal potential for groundwater contamination.
- 13) Site Generated Waste
Solid waste generated that is disposed of at a solid waste disposal facility located on or contiguous to the site of generation.
- 14) Solid Waste
“Solid Waste” means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:
- a. Human body waste.
 - b. Medical waste as it is defined in part 138 of the public health code, Act. No. 368 of the Public Acts of 1978, being section 333.13801 to 333.13831 of the Michigan Compiled Laws and regulated under part 138 of Act No. 368 of the Public Acts of 1978 and section 5a of the air pollution act, Act No. 348 of the Public Acts of 1965, being section 336.15a of the Michigan Compiled Laws.
 - c. Organic waste generated in the production of livestock and poultry.
 - d. Liquid waste.
 - e. Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
 - f. Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
 - g. Sludges and ashes managed as recycled or non-detrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the director.
 - h. Materials approved for emergency disposal by the director.
 - i. Source separated materials.
 - j. Site separated material.
 - k. Fly ash or any other ash produced from the combustion of coal.
- 15) Solid Waste Coordinator
A person charged with furthering the goals and objectives of the Lenawee County Solid Waste Management Plan and so designated by Resolution of the Lenawee County Board of Commissioners.
- 16) Solid Waste Department
The Lenawee County Solid Waste Department or the Solid Waste Coordinator or his or her designees.
- 17) Solid Waste Disposal Facility
A solid waste transfer facility, incinerator, sanitary landfill, processing plant or other solid waste handling or disposal facility utilized in the disposal of solid waste.

- 18) Solid Waste Incinerator
A tract of land, building, unit or appurtenance of a building or unit or a combination of land, buildings and units that is used for the combustion of solid waste.

- 19) Solid Waste Transfer Facility
A tract of land, building, unit or appurtenance of a building or unit or a combination of land, buildings and units that is used or intended for use in the re-handling or storage of solid waste incidental to the transportation of the solid waste. A solid waste transfer facility does not include a tract of land or the containers on the land, if the containers have a volume of 10 cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of solid waste generated on or near the site and incidental to the transportation of the solid waste.
 - a. A type A facility designed and operated to receive solid waste primarily from mechanically unloaded vehicles.
 - b. A Type B facility is a facility designed and operated to receive domestic and commercial solid waste from vehicles unloaded by hand.

- 20) Yard Waste
Leaves, grass clippings, vegetable or other garden debris, brush or tree trimmings less than four feet in length and two inches in diameter, or wood chips that can be converted to compost humus. Yard waste does not include stumps, agricultural wastes, animal waste roots, sewage sludge or garbage.

ARTICLE V – ADMINISTRATION

ADMINISTRATION

The provisions of this ordinance shall be administered by the Lenawee County Solid Waste Department or the Lenawee County Solid Waste Coordinator in accordance with Act 641 and the Lenawee County Solid Waste Management Plan.

- 1) Duties of the Lenawee County Board of Commissioners:
 - a. Appoint the LCSWCC and the Solid Waste Coordinator.
 - b. Approve inter-county agreements consistent with the Plan.
 - c. Annually review and approve the operating budget for the implementation of the plan.

- 2) Duties of the LCSWCC:
 - a. Establish and maintain bylaws under which the LCSWCC will conduct its proceedings and carry out its responsibilities.
 - b. Oversee the implementation of the Lenawee County Solid Waste Management Plan and this ordinance.
 - c. Participate in the update of the Lenawee County Solid Waste Management Plan.
 - d. Conduct public hearings.
 - e. Oversee the activities and duties of the Solid Waste Coordinator.
 - f. Approve recycling and resource recovery projects developed by the Solid Waste Coordinator.

- 3) Duties of the Solid Waste Coordinator (SWC):
 - a. Implement and enforce the Lenawee County Solid Waste Management Plan.
 - b. Develop a data base on Lenawee County solid waste flow patterns.
 - c. Develop comprehensive public relations and public education programs and strategies.
 - d. Develop, propose, and implement recycling programs authorized by the LCSWCC.
 - e. Work with local units of government, service organizations and private haulers to expand recycling collection points in the County.
 - f. Inspect and monitor solid waste transportation and disposal facilities within Lenawee County for compliance with the Lenawee County Solid Waste Management Plan.
 - g. Enforcement of this ordinance specified by the Lenawee County Board of Commissioners
 - h. Respond to legitimate complaints involving solid waste.
 - i. Administer the waste hauler licensing program as described herein.

ARTICLE VI – ENFORCEMENT

The Lenawee County Board of Commissioners shall authorize the enforcement of the provisions of this ordinance as provided by the following procedures:

- 1) The Lenawee County Sheriff may authorize restricted enforcement authority, if appropriate, to the SWC to issue appearance tickets as provided;
- 2) The service of criminal warrants issued under provisions of this ordinance shall be served by the Lenawee County Sheriff or other duly authorized law enforcement agency.
- 3) All provision of the Michigan Vehicle Code as it pertains to this ordinance shall be enforced by the Lenawee County Sheriff or other duly authorized law enforcement agency.
- 4) Except as provided in sections 1, 2, 3, above, the SWC, by resolution of the Board of Commissioners may be authorized to enforce the provisions of this ordinance.

- 5) Complaints Registered Against an Organization or Hauling Company
- a. Investigation: Within 10 working days of receipt of a signed, written complaint alleging a violation of this ordinance, the enforcing authority shall begin an investigation.
 - b. Report Notification to Violator: The enforcing authority shall give notice to the alleged violators by certified mail. The notice shall specify the location and the nature of the violation, and shall indicate the owner, operator, or responsible party of the violation. The responsible party is required to abate the problem within 30 days of the notification.
 - c. Pubic Hearing: If the violation is not corrected in that time period the enforcing authority shall notify the violator, in writing, of the time and place of a hearing to be held before the enforcing authority on the conditions causing the notice of violation. At the hearing the person to whom the notice is addressed shall have the opportunity to show cause why the said violation should not be ordered to be corrected.
 - d. Failure to Appear: If the alleged violator fails to appear, or neglects to correct the violation within the time period specified by the enforcing authority, then the enforcing agency shall prepare a report of its findings for the COMPLAINT AGAINST AN INDIVIDUAL ILLEGAL DUMPING INCIDENT OR FINDING OF ILLEGALLY DUMPED TRASH
- 6) Investigation: Within 24 hours of receiving a phoned or written complaint, the enforcing authority or authorized personnel shall investigate the site of a complaint and determine if there is probable cause to believe that a violation exists. Should the enforcing authority determine that there is a violation and can readily identify the violator the enforcing authority shall:
- a. Through certified mail, notify the violator, citing the location and nature of the violation and provide them with 15 days to correct the situation. Failure to correct the violation could result in action under VI.5.a-d; or
 - b. Issue and serve an Appearance Ticket upon the person or entity responsible; or
 - c. Present all evidence to the appropriate legal authority for the purpose of seeking either a criminal warrant or civil action against the person and/or entity responsible for the violation.

7) AUTHORIZED ACTIONS

- a. Appearance Summons: The designated agency is authorized to issue and serve an Appearance Ticket upon a person or entity violating the Plan or this Ordinance. The designated agency may designate other County employees as appearance ticket officers. The Appearance Ticket shall direct the recipient to appear in Lenawee County District Court on a specified date to respond to the alleged violation.

- b. Civil and Criminal Penalties: Enforcement may be accomplished by civil action or criminal prosecution, along with any other remedies provided by law. Civil penalties can include, but are not limited to, those authorized in Act 641. Any responsible party shall be guilty of a misdemeanor if proved to have violated the provision of this Ordinance and may, upon conviction, be punished by imprisonment in the County Jail for not more than ninety (90) days, or by fine of not more than (\$500) and the cost of prosecution, or by a fine and imprisonment at the discretion of the Court. The imposition of any sentence shall not exempt the Responsible Party from compliance with the requirements of the Plan nor from liability for civil penalties or other civil proceedings to enforce this Ordinance or abate the violation. Conviction for criminal violation of this Ordinance may result in a thirty (30) day suspension of a hauler’s license under this Ordinance. Three convictions within a one (1) year period shall result in a revocation of the hauler’s license for one year. Continued violation of this Ordinance is hereby declared a nuisance per se.

8) CONFIDENTIALITY

In deciding confidentiality and public disclosure issues regarding reports of suspected violations of this Ordinance (the Plan and Act 641), the designated agency shall be governed by Sec. 13(1)(b) of 1976 PA 442, as amended, being MCL 15.243(1)(b).

ARTICLE VII – WASTE DISPOSAL RESTRICTIONS

- 1) Hazardous Waste: No Type I waste (hazardous waste) shall be landfilled, buried or otherwise disposed of in Lenawee County. This prohibition shall not be interpreted as precluding the treatment of hazardous waste in accordance with acceptable industry standards and applicable laws, regulations and/or permits.

- 2) Yard Waste: Yard waste disposal and burning is permitted only in accordance with state law and local ordinances; whichever is more restrictive.

- 3) Scavenge Recyclables: Scavenger activity of source separated materials from recycling is prohibited.

- 4) Use Licensed Haulers: No person who generates solid waste may offer any remuneration or consideration to any commercial hauler to haul away his solid waste unless the hauler is licensed pursuant to this Ordinance.
- 5) Designated Disposal Facilities: No responsible party shall export, haul or dispose of solid waste generated within Lenawee County to a disposal facility that is not identified in the Plan as eligible for such export, transport or disposal.
- 6) Transportation/Handling Restrictions: Transportation, disposal, or handling of solid waste in any manner other than that which is authorized under Act 641, the Plan or this Ordinance is prohibited.

Any person who violates one of the above prohibitions shall be subject to the civil and criminal provisions of Article VI.7.B regardless of whether he or she has actual knowledge that he or she violated this Ordinance or a stop order.

ARTICLE VIII – PROGRAM DEVELOPMENT AND IMPLEMENTATION

- 1) Data Maintenance: Each county landfill owner or operator in Lenawee must record all solid waste volumes deposited at the landfill in estimated cubic yards or tons along with the county in which the waste was generated, the hauler and the date of disposal. Any person who knowingly falsifies or who participates in or encourages the falsification of this information shall be subject to the criminal and civil penalties.
- 2) Monthly Reporting of Data: All landfills and other solid waste disposal facilities shall send a monthly report to the SWC summarizing the amount and type of solid waste handled during the operating period.
- 3) Licensing: No commercial hauler shall collect solid waste or recyclables with Lenawee County without a valid, annual license issued by the Lenawee County Solid Waste Department. Licenses may be obtained through the mail. Commercial haulers engaged solely in the business of hauling demolition debris or recyclable materials are exempt. Licensing policy and procedures may be obtained by contacting the Lenawee County Solid Waste Department.
- 4) The Solid Waste Department shall issue a temporary license which shall not exceed 60 days in duration. A temporary license may be obtained at the Lenawee County Solid Waste Department between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, or by written notification at least five (5) working days prior to operation. Applicants for temporary licenses should include the following:
 - a. Company name and address
 - b. Telephone number (please include area code)
 - c. A description of the project requiring the licensing

- d. The approximate length of the project
- e. Submit the required license fee

Criteria for the issuance or renewal of a hauling license shall include:

- a. Use of licensed vehicles approved as appropriate for transporting waste.
 - b. Timely and accurate submission of collection and disposal data.
 - c. Transportation and disposal activities that are in compliance with Act 641, the Lenawee County Solid Waste Management Plan and this Ordinance.
- 5) Vehicle Identification: Each approved vehicle must display the name of the hauler on the side of the vehicle.
- 6) Vehicle Inspection: The enforcing authority may inspect vehicles to ensure compliance with the Lenawee County Solid Waste Plan, or this Ordinance and may revoke approval of a vehicle. The enforcing authority shall give a ten (10) day notice to the vehicle owner explaining the violation and the appeal process. The revocation of vehicle approval may be appealed to the enforcing authority if a written appeal is submitted within ten (10) days of the notification.
- 7) Appeals: A hauler may appeal a license denial or revocation by filing an appeal with the designated agency.

ARTICLE IX – AMENDMENTS

Amendments, changes, or termination of this ordinance must be approved by the Lenawee County Board of Commissioners.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 23rd day of March, 1994.

**Tattoo Operations &/or Intradermal Cosmetics Studios
Regulations Governing**

#ORD94-06

Date of Adoption: June 1994

Date of Amendments:

**CHAPTER I PURPOSE, ADMINISTRATION AND
GENERAL DEFINITIONS**

SECTION 1 PURPOSE:

A regulation of the Board of Health of Lenawee County, Michigan to protect the public health of Lenawee County residents by providing for the issuance of certificates/licenses; defining tattooing, body piercing and intradermal cosmetics; establishing minimum sanitation standards for tattoo, body piercing, and intradermal cosmetics operations; prescribing duties, responsibilities and authority of the Lenawee County Health Department; providing for the enforcement of the regulation and penalties for the violation of its provisions.

SECTION 2 GENERAL PROVISIONS

- a. **AUTHORITY** – By virtue of the power vested in the Board of Health of Lenawee County under the authority of Act 368 of the Public Acts of 1978, as amended, there are hereby provided regulations effecting the public health, safety and welfare relating to tattooing, body piercing and intradermal cosmetics within the County of Lenawee, State of Michigan and to provide penalties for the violation of such regulations.
- b. **JURISDICTION** – The Lenawee County Health Department shall have jurisdiction throughout Lenawee County, including all cities, villages, and townships in the administration and enforcement of these regulations including all amendments hereafter adopted unless otherwise specifically stated.
- c. **ENFORCEMENT** – All premises affected by the requirements of these regulations shall be subject to inspection by the Health Officer. The Health Officer may collect such samples for laboratory examination or any other examinations or test as may be necessary for the enforcement of the regulations governing tattooing, body piercing and intradermal cosmetics.
- d. **RIGHT OF ENTRY** – No person shall refuse to permit the Health Officer or his designee, after proper identification, to inspect any tattoo facility at reasonable hours nor shall any person molest or resist the Health Officer in the discharge of his/her duty and the protection of the public health.
- e. **FEES AND HANDLING OF FEES** – All fees collected by the Health Officer shall be receipted for and deposited to the credit of the Lenawee County Health Department. A **FEE SCHEDULE** for licenses, certificates and other services authorized by these regulations shall be established and approved by the Lenawee County Board of Health, pursuant to Act 368 of the Public Acts of 1978, as amended.
- f. **PENALTY** – Any person who shall fail to comply with any provision herein shall be deemed guilty of a misdemeanor and upon conviction hereof shall be punished by a fine not exceeding the sum of five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of time not exceeding ninety (90) days, or both fine and imprisonment at the discretion of the court. Each twenty-four hours said owner shall

- knowingly permit said violation of these regulations shall be deemed an additional offense.
- g. **INJUNCTIVE PROCEEDINGS** – Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in a court of competent jurisdiction for injunction or other process against any person to restrain or prevent violations of these regulations.
 - h. **INTERFERENCE WITH NOTICES** – No person shall remove, mutilate or conceal any notice or placard posted by the Health Officer except by permission of the Health Officer.
 - i. **VALIDITY** – If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected thereby.
 - j. **OTHER LAWS AND REGULATIONS** – These regulations are supplemental to the rules and regulations duly enacted by the Michigan Department of Public Health and to laws of the State of Michigan relating to public health and shall supersede all ordinances not conforming with the minimum standards as set forth in these regulations.
 - k. **NOTIFICATION** – Notification of the adoption of all regulations promulgated by the Board of Health, under authority of Act 368 of the Public Acts of 1978, as amended and approved by the Board of Commissioners of Lenawee County shall be published in a newspaper circulated in the appropriate county within 30 days after action indicating where copies of such regulations can be obtained for review.
 - l. **EFFECTIVE DATE** – The regulations, or amendments thereto, shall become effective in accordance with the provisions of Act 368 of the Public Acts of 1978, as amended, which shall be 45 days after approval or at a time specified by the Lenawee County Board of Commissioners.
 - m. **ABATEMENT OF NUISANCES** – Nothing stated in these regulations may be construed to limit the power of the Health Officer to order the immediate and complete abatement of the public nuisance or menace to the public health, of a condition, which in the opinion of the Health Officer may become a threat to the public health.
 - n. **PRE-EXISTING VIOLATIONS** – No violations of any repealed section or provision shall be made legal by virtue of a new effective date of these regulations. Any act, situation or condition of premises or things which when created or first allowed to exist was a violation of these regulations, shall continue to be a violation of these regulations if a similar section or provision is a part of these regulations.

SECTION 3 GENERAL DEFINITIONS

3.1 DEFINITIONS –When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural and words in the plural include the singular number. The word “shall” is always mandatory and not merely directional. Words and terms not defined herein shall be interpreted in the manner of their common usage. The following words and terms used in these regulations unless otherwise stated, shall have the following meaning:

- a. **Board of Health** – The term “Board of Health” shall mean the Board of Health of the Lenawee County Health Department.
- b. **Body Piercing** – The term “Body Piercing” means the perforation of human tissue for the purpose of placing a decorative object into the body or skin for a non-medical purpose with the exception of piercing the ear.
- c. **Intra-dermal Cosmetics** – The term “Intra-dermal Cosmetics” shall mean beautifying the skin by applying permanent make-up such as eye brows, etc. by placing an indelible mark on the skin of another individual.
- d. **Health Department** – The term “Health Department” shall mean the Lenawee County Health Department.
- e. **Health Officer** – The term “Health Officer” shall mean the director or the acting director of the Lenawee County Health Department or his/her authorized representative.
- f. **Municipality** – The term “Municipality” shall mean any incorporated city, village, or township within the County of Lenawee.
- g. **Tattoo** – the term “Tattoo” shall mean any of the following:
 - (a.) Placement of an indelible mark on the body of another individual by the insertion of a pigment under the skin; or,
 - (b.) Placement of an indelible design upon the body of another individual by production of scars.
- h. **Owner** – the term “Owner” shall mean the owner of title or record or the person legally occupying or in possession of any property or premise.
- i. **Patron** – the term “Patron” shall mean the individual receiving a tattoo, body piercing or intra-dermal cosmetics procedure.
- j. **Person** – The term “Person” shall mean an individual, or a firm, partnership, company, corporation, trustee, association or any public or private entity.
- k. **Premise** – The term “Premise” shall mean any tract of land with or without a habitable building or dwelling.
- l. **Tattoo Facility** – The term “Tattoo Facility” as it relates to these regulations shall be the specific premise at a geographic location in which a certified operator does any of the following:
 - (a.) Places an indelible mark on the body of another individual by the insertion of a pigment under the skin; or,
 - (b.) Places an indelible design upon the body of another individual by production of scars; or,
 - (c.) Pierces the body/skin for the purpose of placing a decorative object into the body/skin for a non-medical purpose with the exception of piercing the ear.

CHAPTER II LICENSING REQUIREMENTS, PROCEDURES AND ENFORCEMENT ACTIONS

SECTION 1 LICENSE REQUIREMENTS

- a. **REQUIRED LICENSE** – It shall be unlawful for any Person to operate any practice, business or occupation of tattooing, body piercing or intradermal cosmetics within the jurisdiction of the Lenawee County Health Department unless said Person possesses a valid License then in force issued by the Health Officer.
- b. **REQUIRED COMPLIANCE** - A Person shall comply with all applicable requirements of this regulation in order to be entitled to receive and to retain said license. A license shall not be transferable as to Person or place. The License shall be placed in a conspicuous location in the customer area of every Tattoo Facility.
- c. **EXPIRATION OF LICENSE** – Every License issued hereunder shall expire at Midnight on December 31, following date of issuance, or as otherwise stated on the License. Any required License shall be deemed to be in effect as of the date of the Health Officer’s approval of the application for same.
- d. **REGULATED ACTIVITY** – An individual shall not tattoo, perform intradermal cosmetics or engage in the body piercing of another individual unless each of the following conditions are met:
 - (a.) the tattooing, intradermal cosmetics or body piercing occurs at a tattoo facility licensed under these regulations; and
 - (b.) the individual receiving the tattoo, intradermal cosmetics or body piercing is 18 years of age or older and age must be verified by a valid form of identification. Individuals entering the tattoo facility that are younger than 18 years of age must be accompanied by a parent or legal guardian.

SECTION 2 PROCEDURES FOR LICENSING

- a. **APPLICATION SUBMITTAL** – Any Person desiring to operate a Tattoo Facility shall make written application for a License on form(s) provided by the Health Officer. Such application shall be accompanied by the appropriate fee as specified in the Fee Schedule. Failure on the part of the Person to fully complete the required application may be deemed cause for refusal to issue a License.
- b. **REQUIREMENT FOR EXAMINATION** – All Persons working in a Tattoo Facility licensed under this ordinance shall obtain a tattoo/body piercing/intradermal cosmetics education certificate every two years from the anniversary date of the original certificate. The issuance of this certificate shall be contingent upon successful completion of a written or oral examination provided by the Health Officer. A Person failing such examination may apply for re-examination after 30 days. Upon the successful completion of said examination, the Person can be referred to as “Certified Operator”.

- c. **APPLICATION APPROVAL** – Upon receipt of the properly completed application accompanied by the appropriate fee, completion of a plan review and obtaining a passing score on a written and/or oral examination by the applicant, the Health Officer shall make an inspection of the facility. Upon confirmation that all of the applicable requirements of these regulations have been satisfactorily met, a License shall be issued to the Owner/Person by the Health Officer. The Owner/Person may thereafter be referred to as “Licensee”.

SECTION 3 DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

- a. **DENIAL** – If the Health Officer finds good and sufficient reason to deny an application for License, he/she shall issue a notice to the Person in writing that the license will not be issued, citing the deficiencies or non-complying items that constitute his/her reasons for not issuing the License. Until the Person has satisfactorily complied with the requirements of these regulations and the terms and conditions of the notice, he/she shall be denied a License.
- b. **SUSPENSION** – Any License issued pursuant to the provisions of these regulations may be suspended by the Health Officer for failure of the Licensee to comply with the applicable requirements of these regulations. Upon said discovery, the Health Officer may issue a written notice to the Licensee or Certified Operator thereof, citing such conditions and stating that the License is immediately suspended. Upon receipt of said notice of suspension all tattooing, body piercing or intra-dermal cosmetics operations shall immediately cease and the Licensee or Certified Operator shall close the establishment.
- c. **REINSTATEMENT OF SUSPENDED LICENSES** – Any Person whose License has been suspended may, at any time, make a written request for reinstatement of the License. Such a written request shall include a statement signed by the Person to the effect that in the person’s opinion the conditions causing such suspension of the License have been corrected. Within a reasonable time, not to exceed ten (10) working days following receipt of such request, the Health Officer shall make a reinspection of the Tattoo Facility. If the Person is then in satisfactory compliance with the applicable provisions of these regulations, the License shall be reinstated upon payment of the reinstatement fee prescribed in the fee schedule.
- d. **REVOCATION** – For serious or repeated violations of any of the requirements of these regulations or for interference with the Health Officer in the performance of his/her duties, a License may be revoked by the Health Officer after an opportunity for a hearing has been provided. Prior to such action to revoke a License, the Health Officer shall notify the Licensee in writing, stating the reasons for which the License is subject to revocation and advising that the License shall be revoked at the end of five (5) days following service of such notice, unless the Licensee files a request for a hearing within five days, and unless the Licensee at said hearing satisfactorily shows cause why his/her License should not be revoked. A License may be suspended for cause pending its revocation or a hearing and decision relative thereto.

CHAPTER III INSPECTION OF TATTOOING FACILITIES

The Health Officer shall have the authority to inspect every Premise and location at which the aforesaid practice is being carried on within the jurisdiction of the Health Department as often as deemed necessary for the enforcement of these regulations. The Health Officer may at any reasonable time make inspections of the Tattoo Facility to insure compliance with these regulations. All Tattoo Facilities within the jurisdiction of the Lenawee County Health Department shall be inspected a minimum of two (2) times per year by the Health Officer.

CHAPTER IV PLAN REQUIREMENTS – EQUIPMENT – OPERATIONAL ENVIRONMENT

SECTION 1 PLAN REQUIREMENTS

- a. **PLANS REQUIRED** – No Person, firm, association, or corporation shall construct, install, operate, equip, or extensively alter a Tattoo Facility until plans have been submitted to and approved in writing by the Health Officer. When such plans are submitted to the Health Officer, they shall be acted upon within thirty (30) days after date of receipt.
- b. **PLAN SPECIFICATIONS** – The plans and specifications submitted for approval by the Health Officer shall clearly show and describe that applicable provisions of these regulations can be adequately met, and shall include:
 - (a.) The total area (square feet) to be used for the tattoo, body piercing or intra-dermal cosmetics operation;
 - (b.) entrances and exits;
 - (c.) location, number and types of plumbing fixtures including all water supply facilities;
 - (d.) plan of light, both natural and artificial;
 - (e.) detailed floor plan drawn to scale of not less than ¼ inch equal 1 foot;
 - (f.) equipment schedule that includes make and model numbers of all instruments and sterilization equipment;
 - (g.) finish schedule of floors, walls and ceilings; and,
 - (h.) location and type of water supply and sewage disposal system(s).

SECTION 2 EQUIPMENT

- a. **EQUIPMENT APPROVAL** – All equipment, both new and used, to be utilized in the tattoo facility shall be approved by the Health Officer.
DESIGN – To allow proper cleaning and sterilization, equipment used for contact with skin, muscles or body fluids should be (a) designed for easy assembly – disassembly; and (b) of smooth easily cleanable construction.
- b. **SOLDER** – Solder used for the attachment of needles to the needle bars shall be lead-free.

SECTION 3 OPERATIONAL ENVIRONMENT

- a. **MINIMUM FLOOR SPACE** – Tattoo Facilities shall have not less than one hundred fifty (150) square feet of usable floor space. If more than one certified operator is engaged in the same facility, there shall be a minimum of one hundred (100) square feet of floor space for each certified operator. The building shall be enclosed on four sides and maintained free from dust, dirt, or contamination and shall have self closing doors and windows equipped with screens in good repair if the windows are intended to be used for ventilation.
- b. **ILLUMINATION** – The Tattoo Facility shall be provided with artificial light sources equivalent to at least twenty (20) foot-candles at a distance of thirty (30) inches above the floor throughout the operation. A minimum of fifty (50) foot-candles of light shall be provided at the level where the tattooing, body piercing or intradermal cosmetics is being performed. Spot-lighting may be utilized to achieve this required degree of illumination.
- c. **WALLS, CEILINGS AND FLOORS** – The floors, walls and ceilings shall be light in color, impervious, smooth, easily cleanable and shall be maintained in a sanitary manner at all times.
- d. **TOILET FACILITIES** – A toilet and lavatory shall be conveniently located and accessible to the certified operator(s) and Patron(s).
- e. **HAND WASHING SINK** – A lavatory or hand washing sink, with hot and cold running water, liquid or granular soap, and single-use towels shall be located in close proximity for each certified operator.
- f. **PLUMBING WASTE LINES** – There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the operation. All plumbing improvements shall comply with local and State plumbing codes.
- g. **SOLID AND/OR MEDICAL WASTE DISPOSAL** – Sufficient receptacles shall be provided for the disposition of trash, etc. Each trash receptacle shall have a lid and be kept closed at all times. All medical waste, including needles or other sharps, shall be disposed of in a manner prescribed by the Michigan Department of Public Health or approved by the Health Officer.
- h. **OPERATING TABLES OR CHAIRS** – All operating tables or chairs shall be constructed of material that can be sanitized and shall be located at least six (6) feet from any observer or waiting customers and/or separated by a panel at least four (4) feet high.
- i. **RECORDS** – The Tattoo Facility License shall keep records on all patrons receiving tattoos, body piercing or intradermal cosmetics indicating the name, address, age, client health history questions as stated in Chapter V, Section 1.a, signature of the client, as well as, a brief description of the work performed, the location on the body where the work was performed and the name of the certified operator completing the job. These records shall be recorded and kept on file for a minimum of ten (10) years. Access to these records shall not be denied to the Health Officer or any duly authorized agent of a law enforcement agency. All customer records shall be turned over to the Lenawee County Health Department upon termination of the business.

- j. **POSTING OF REGULATIONS** – The Licensee/Owner of the Tattoo Facility shall keep a copy of these regulations posted in each Tattoo Facility in a location that is conspicuous to the Patron. Such copy shall be provided by the Lenawee County Health Department.

CHAPTER V MINIMUM SANITATION STANDARDS

Alternatives to the requirements listed in Chapter V, Sections 1, 2, 3, 4, and 5 may be established at the discretion of the Health Officer, if, in his/her opinion, said alternatives would provide equal or better protection than the minimum requirements of said Chapter. Such changes will be provided to the Licensee or certified operator in writing by the Health Officer.

SECTION 1 CLIENT HEALTH HISTORY

- a. **HEALTH HISTORY** – The certified operator shall inquire of a Patron for the following conditions:
 - 1) do you have a history of jaundice or hepatitis;
 - 2) a history of lymphadenopathy or lymphadenitis (swelling of lymph nodes);
 - 3) a history of blood donation exclusion (for other than hypertension and immediate illness);
 - 4) a history of skin disease or skin cancer;
 - 5) a history of allergies or anaphylactic reaction to needle injections; and,
 - 6) are you generally in good health today?
- b. **PROHIBITED SERVICE** – Those indicating a history of any of the above shall be refused service. Any Patron who is inebriated or obviously under the effects of alcohol or drugs shall be refused service. The certified operator shall verify the age of the patron by requiring proof of a valid form of identification.
- c. No minor (anyone under the age of eighteen years) shall be tattooed, have any part of their body pierced or have intradermal cosmetics applied to their body.

SECTION 2 OPERATOR HYGIENE

- a. **PERSONAL HEALTH** – The certified operator shall be free of communicable disease.
- b. **CLOTHING** – All certified operators, while tattooing, performing body piercing or applying intradermal cosmetics, shall wear clean, washable covering garments.
- c. **HAND WASHING** - Immediately prior to beginning any tattooing, body piercing or intradermal cosmetics operation, each certified operator shall wash their hands in warm water for at least three (3) minutes with liquid or granulated soap, or equivalent, as approved by the Health Officer. An individual hand washing brush shall be used by each certified operator. After washing hands, as herein required, the certified operator shall rinse their hands in seventy percent (70%) alcohol (rubbing alcohol) or in an antiseptic solution approved by the Health Officer. The certified operator's fingernails shall be kept clean and short.

- d. **GLOVES** – The certified operator shall wear and then discard a separate set of disposable surgical gloves approved by the Health Officer for each client. Should the gloves develop a break or tear, they will be immediately replaced.
- e. **LAP CLOTH** – All certified operators who utilize lap cloths shall launder the lap cloth at least daily, and shall be replaced immediately if contaminated by blood or other body fluids.
- f. **SMOKING** – There shall be no smoking by the Patron or certified operator during any tattoo, body piercing or intradermal cosmetics operation.

SECTION 3 TATTOOING, INTRADERMAL COSMETICS AND BODY PIERCING OPERATION

- a. **SKIN SURFACE** – Tattooing, body piercing or intradermal cosmetics shall only be done on a normal healthy skin surface. None of the above operations shall be done on scar tissue. No certified operator shall attempt to remove tattoo marks. Patrons wishing to have a tattoo removed shall be referred to a licensed physician.
- b. **RAZORS** – Separate dispensable razors with single service blades shall be used for shaving each Patron and then discarded.
- c. **SHAVING** – Before shaving the area that is to be tattooed, pierced or receive intradermal cosmetics, the area shall be thoroughly cleansed with tincture of green soap (U.S.P.) or its equivalent, as approved by the Health Officer, and then washed with a 70% alcohol solution. After shaving the area, 70% alcohol solution shall be applied to the skin.
- d. **SKIN LUBRICANT** – Only sterile anti-microbial ointment in collapsible metal or plastic tubes or its equivalent, as approved by the Health Officer, shall be used on the area to be tattooed, pierced or receive intradermal cosmetics and shall be applied by use of sterile gauze, but not directly with the fingers.
- e. **TREATMENT OF BLOOD FLOW** – No certified operator shall use styptic pencils, alum blocks, or any other solid styptic to check the flow of blood.
- f. **TREATMENT OF BLOOD FLOW** – No certified operator shall use styptic pencils, alum blocks, or any other solid styptic to check the flow of blood.
- g. **DYES OR INKS** – All dyes or inks used in tattooing or intradermal cosmetics shall be manufactured by a reputable manufacturer and used without adulteration of the original formula. Single service disposable containers of dye or ink shall be used for each patron. Dye or ink from these individual single service containers must be discarded and can not under any circumstance be re-used on another Patron or placed back into the original stock container. The single use containers shall be disinfected prior to use. If non-disposable containers are used, they must be sterilized before reuse.
- h. **TATTOO DISINFECTION** – Excess dye or ink shall be removed from the skin with an individually wrapped sterile gauze or individual sterile cotton saturated with a germicidal solution approved by the Health Officer or seventy percent (70%) alcohol. The tattooed area shall be allowed to dry and sterile anti-microbial ointment from a collapsible metal or plastic tube or its equivalent, as approved by the Health Officer,

- shall be applied. Sterile gauze dressing shall be applied to the site and secured with medically approved first-aid adhesive tape.
- i. **EQUIPMENT STORAGE** – Needles, dyes and inks used in tattooing, body piercing or intra-dermal cosmetics shall be kept in a clean, sterile and non-toxic condition. Other materials and equipment shall be maintained in a clean and sanitary condition to prevent transmission of etiologic agents. Violation of this provision is hereby declared detrimental to health and dangerous to human life and shall be considered a threat to the public health for purposes of these regulations.
 - j. **INFECTIONS** – All infections resulting from the practice of tattooing, body piercing or intra-dermal cosmetics which become known to the operator, shall be reported to the Health Officer by the Person owning or operating the Tattoo Facility. Person(s) known to have an infection resulting from tattooing are to be instructed by the Licensee or certified operator to contact a physician.
 - k. **PROHIBITIONS** – Tattooing, including the changing or repairing of previous tattoos, shall not be performed on the hands below the wrist line, on the feet below the ankle, on the head or face above the collar line (except of intra-dermal cosmetics application such as eye brows, lips, etc.), on the genitalia, scrotum, or in the anal area. Nor shall such tattooing be undertaken over the site of an obviously recent hypodermic injection.
 - l. **DRESSING MATERIALS** - The use of paper napkins, other non-sterile materials and non-medically approved tape for dressing is prohibited. Only recognized and approved surgical dressings and tapes shall be used on Patrons.
 - m. **POSTED PROCEDURES** – Procedures listed in Chapter V, Sections 3, 4, and 5 shall be prominently posted at the work site where tattooing, intra-dermal cosmetics or body piercing takes place.
 - n. **SAFE PRACTICES** – The certified operator shall follow the safe practice of one (1) needle per Patron; the needle used on one Patron may not touch or penetrate another patron or other Patron’s dye or ink/dye without prior cleaning and sterilization.

SECTION 4 CLEANING OF INSTRUMENTS PRIOR TO STERILIZATION

- a. **ULTRASONIC CLEANING** – After each job, the tattooing or piercing device shall be disassembled, soaked in warm detergent water and then rinsed in clean warm water prior to being placed in an ultrasonic type machine to remove the excess dye or skin tissue from the needles, tubes and needle bars. When this process is completed, the needles, tubes, needle bars and piercing device shall then be placed into a covered container for disinfection.
- b. **DISINFECTION** – After ultrasonic cleaning, needles, needle tubes and grips shall be placed in a disinfectant solution approved by the Health Officer for approximately ten (10) minutes or as specified by the manufacturer.
- c. **INSTRUMENT WASHING** – After placement in the disinfectant solution, clean and scrub needles, needle tubes and grips in a detergent soap and warm water solution.
- d. **INSTRUMENT RINSING** – After equipment has been washed, rinse needles, needle tubes and grips in clean warm water and prepare for sterilization.

SECTION 5 STERILIZATION

- a. **POSTED PROCEDURES** – Procedures approved by the department for sterilization are to be posted at the site where sterilization of instruments is to be conducted.
- b. **STERILIZATION** – Each Tattoo Facility shall provide sterilizers, approved by the Health Officer. All needle bars, grips and tubes, shall be sterilized before using on each patron by one of two procedures:
 - (a.) Autoclaving for thirty (30) minutes at fifteen (15) to twenty (20) pounds pressure per square inch at two hundred fifty five (255) degrees Fahrenheit; or
 - (b.) dry heat sterilization at three hundred (300) degrees Fahrenheit for two and one half (2 ½) hours, three hundred twenty (320) degrees Fahrenheit for two (2) hours or three hundred forty (340) degrees Fahrenheit for one (1) hour or other method approved by the department.

All instruments to be sterilized shall be placed in approved wrappers or bags prior to placing them in the autoclave or dry heat sterilizer.

- c. **STERILIZATION VERIFICATION** – Irregardless of the method used for sterilization, the services of an independent testing establishment shall be used by the Tattoo Facility to check for biologic growth. Said testing shall be done every quarter at a minimum, unless otherwise established by the Health Officer.

A copy of each test result shall be forwarded to the Lenawee County Health Department.

If the Tattoo Facility is notified by the testing establishment that a test result is positive for biologic growth, the Tattoo Facility shall immediately cease all operations and notify the Lenawee County Health department. Operations in the tattoo Facility can not resume until test results that are negative for biologic growth have been provided to the Lenawee County Health Department by the testing establishment.

Each time the autoclave is used, a registered tape that is sensitive to temperatures exceeding 255 degrees Fahrenheit and pressures of fifteen (15) to twenty (20) pounds per square inch must be used. If dry heat sterilization is employed, sterilization temperatures must be checked each time the unit is operated by using a temperature indicator label capable of measuring temperatures of 300, 320, or 340 degrees Fahrenheit depending upon the time allotted for proper sterilization. Copies of all test results, including the registered tape strips and temperature indicator labels, are to be kept on site in a log book. These results are to be made available to the inspecting agency upon request.

If at any time during the sterilization process, the registered heat tapes or temperature indicator labels fail to indicate proper sterilization temperatures were achieved, all items in the units must go through a second sterilization cycle.

- d. **STORING OF INSTRUMENTS** – During the sterilization process all tubes, grips and needle bars shall be left in approved wrappers or sterilizer bags. They shall

remain in these wrappers or bags until they are used. These wrapped articles shall be stored in a closed glass case or storage cabinet. This closed glass case or storage cabinet shall be maintained in a sanitary manner at all times.

- e. **WORKING SURFACES** – Each working surface shall be cleaned after each use with a tuberculocidal disinfectant approved by the Health Officer.

CHAPTER VI VARIANCE PROVISION

The Board of Health may grant a hearing to a tattoo operator and authorize, for specific cases, such variance from the requirements of these regulations as will not be contrary to the protection of the public health and when the operator shows that because of practical difficulties or other special conditions, their strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be consistent with the protection of the public health.

Approved and adopted by the Lenawee County Board of Health, May 5, 1994.

The above Lenawee County Ordinance was passed by a roll call vote of the Lenawee County Board of Commissioners at a regular meeting held on Wednesday, June 8, 1994.

Clean Air Ordinance

#ORD99-01

Date of Adoption: December, 1999

Date of Amendments:

To protect and contribute to the health and well-being of all Lenawee County employees and the general public, the County of Lenawee hereby enacts this Clean Air Ordinance effective November 10, 1999 and hereby provides for the dissemination to all County departments of the provisions and policies herein set forth. This Ordinance is inclusive of all of the following provisions:

This Ordinance, except as otherwise herein provided, absolutely and unconditionally bans and prohibits the smoking, chewing, inhalation or other use of tobacco products, or tobacco substitute products, including but not limited to cigars, pipe tobacco, cigarettes, snuff and chewing tobacco, and all tobacco substitute products, regardless of how labeled, packaged or consumed, with this provision to apply to all buildings owned, leased, rented or otherwise possessed and used by the County of Lenawee, or any of its agencies.

Exempt Areas

The Ordinance Review Committee, hereinafter designated and described, may by policy determination, elect to add or exempt certain County areas, buildings or facilities from application of this Ordinance but any such exemptions shall be marked and designated by clear and prominent signage. In the absence of any such signage, all the prohibitions set forth herein shall apply, but the Ordinance Review Committee shall have the duty of seeing to it that County facilities, buildings, and grounds are prominently marked with signage consistent with the provisions of this Ordinance. The absence of signage or posting, however, shall not bar the enforcement of this Ordinance.

Ordinance Review Committee

The Lenawee County Board of Commissioners shall appoint a Clean Air Ordinance Review Committee, which shall function as a standing committee, and which shall meet not less than quarterly in each and every calendar year, and said Committee shall be restructured each time the County Board of Commissioners is reorganized following a general election, or at such more frequent intervals as may be required due to vacancies occurring on the Committee. The Committee members shall be selected, approved and confirmed by action of the Lenawee County Board of Commissioners, and shall consist of the following:

1. A duly elected and serving Lenawee County Commissioner.
2. The Lenawee County Health Officer.
3. The Lenawee County Maintenance Supervisor.
4. The Lenawee County Sheriff or his designee.
5. The Lenawee County Administrator.

Enforcement of Policy

Consistent with the provisions of this Ordinance, the Ordinance Review Committee shall deal with signage matters, promulgate enforcement rules and procedures, set and review enforcement policy, designate enforcement officials and make studies and recommendations to the County Commissioners as to how County employees may be encouraged and assisted with all problems associated with nicotine addiction.

All complaints setting forth alleged violations of this Ordinance shall be reported in writing to such persons as shall be designated by action of the Ordinance Review Committee as the designated county official or officials having responsibility for the enforcement officers, and shall make such investigations as shall be appropriate in respect to any particular complaint, and shall then proceed to deal with said complaint according to such enforcement and prosecution standards as shall be set by the Ordinance Review Committee, based upon the provisions of this Ordinance.

Investigation of Complaints

All complaints relating to an alleged violation of this Ordinance shall be investigated within fifteen (15) working days of the date that the complaint is initially filed with an agent or employee of the County of Lenawee and forwarded to the enforcement officer. The results of each investigation, in addition to the issuance of such violation citations and/or prosecutions as may occur, shall also be filed with the Ordinance Review Committee for their review, but their review shall not be a prerequisite to enforcement and prosecution of any particular alleged violation.

Violations

If an investigation of an alleged violation confirms that a violation has apparently occurred, the enforcement officer may issue a written warning to a first-time offender. The enforcement officer may, however, prosecute a first-time offender if such prosecution is deemed by the enforcement officer to be appropriate. A prosecuted violation shall be initiated by a citation which shall be issued and served upon the offender, citing the offender into Second District Court for violation of this Ordinance. A first-time violation shall be subject to a fine of \$50.00, together with such costs as the Court may impose. Conviction of a first or subsequent offense, if committed by an employee of the County of Lenawee, may also subject that employee to such other and further disciplinary actions as shall be consistent with county employment policy and union contracts.

Repeal or Amendment of Inconsistent Acts

Any existing resolutions or ordinances, or other policy declarations set forth by the Lenawee County Board of Commissioners, such as they may conflict with the terms and provisions of this Ordinance, are hereby rescinded or amended in whole or part to the extent necessary to conform to the provisions hereof.

Interpretation and Severability

This Ordinance shall be interpreted in a manner consistent with all applicable Michigan and federal statutes, laws, rules and regulations. However, it is recognized and intended that the provisions of this Ordinance shall be more strict than the minimum provisions contained in any such Michigan and/or federal statutes, laws, rules or regulations. Further, should any section, paragraph, provisions or sentence of this Ordinance be held to be invalid, by any judicial action in any proceeding, for any reason, such judicial holding shall not be construed as adversely affecting the validity of any and all remaining portions hereof.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 9th day of December, 1999.

Jail Security Ordinance

#ORD02-01

Date of Adoption: March 2002

Date of Amendments:

For the safety and protection of Lenawee County employees and property, and that of the general public, and to secure the orderly rehabilitation of Lenawee County Jail prisoners, the County of Lenawee hereby enacts this Jail Contraband Ordinance, inclusive of all of the following provisions:

PROHIBITED CONDUCT:

1. No person seeking, intending or attempting to visit any Lenawee County Jail inmate prisoner shall enter upon any portion of Lenawee County Jail premises, either indoors or outdoors, while that person attempts to or does possess or secrete any of the following described items:
2. No person shall deposit, store, place, secrete, throw in or upon, or place, deposit or leave any of the following described items in any County-owned motor vehicle, or at or upon any indoor or outdoor premises of Lenawee County or any other leased or owned facility then being used by the County of Lenawee for the housing, confinement, training, transport or movement of Jail inmates or prisoners:
3. No person shall ship, send, mail or otherwise transmit any of the following described items to Lenawee County Jail or other County Jail Correctional premises or facility, to or for the possible use or benefit of any prisoner or inmate thereof:
4. No inmate or prisoner of any Lenawee County Jail or other correctional facility shall attempt to or actually order, receive, procure, possess or make any of the following described items:

To-Wit:

- a. Any firearm or ammunition, including gas and air guns, and all gas emitting devices.
- b. Any electric or electronic stunning device, and any other instrumentality capable of storing or discharging electrical energy of any form.
- c. Any axe, cleaver, knife, scissors, shears or other edged or cutting instrument or any sort or size, and any item capable of ready use.
- d. Any telephone, cellular telephone, two-way radio, pager, or any other signaling or communications device which a prisoner could reasonably utilize to communicate with unauthorized persons outside jail premises, including sound or vision magnification, amplification or enhancement devices.
- e. Any other device reasonable adapted to use by a prisoner to pass, transmit or communicate signals of any form to any person or persons outside jail premises.
- f. Any pointed instrument or spear, including pins and needles, regardless of size.
- g. Any rocks, stones, pieces of paving or building material, or lumps of metal, or any bat, club or other item capable of inflicting damage or injury when used as a striking instrument.
- h. Any form of narcotics, controlled substances, syringes or other drug paraphernalia, prescription or non-prescription drugs, tobacco products, alcoholic beverages or any pornographic or other sexually explicit printed

material banned by jail rules from the possession of inmates, or any films, tapes, videos, disks or other items carrying recorded material of that sort, including any devices adapted to the playing or listening thereof.

- i. Any codes or cyphers and any plan, map, picture, drawing, tape, disc, or other data relating to location, shape, dimensions or other characteristics of any Lenawee County buildings, property or equipment or any other materials showing or marking escape routes from jail premises.
- j. Any tools, including but not limited to heating, melting, cutting, prying or grinding tools, saws, files, climbing gear, lock picks, keys or key-making materials, keyless entry devices or other tools or equipment reasonably suited for use in a jail or custody break, or attempt thereof, including any masks, protective gloves, clothing or footwear.
- k. Any flammable, corrosive or explosive material or substance, including matches, fuses or other initiating devices, grenades, bombs, and all forms of fireworks and pyrotechnics.
- l. Any clocks, chronometers, watches or timing devices.
- m. Any electric, electronic or photo-optical parts or components, including cameras, recording devices, computers, planners, calculators and their accessories.
- n. Any chemical or substance capable of disabling, poisoning, sickening or killing another person, including related handling or delivery systems.
- o. Any clothing, footgear, blankets, sheets, bags, boxes, ropes, lines, pipes, hardware, cables, chains or ladders, regardless of size, weight, length or function.
- p. Any compass, transit or any other locating, positioning or navigational device.
- q. Any cameras, binoculars, telescopes or night vision devices.
- r. Any laser device or other device capable of emitting any type of beam, ray, or wave.
- s. Any kind of radioactive substance or device.
- t. Any aircraft, rocket or other type of flying or lifting device, regardless of size, lifting capacity, range or function, and any motor powered or pedal or hand operated vehicle or craft meant for surface or water transportation.
- u. Any precious gems or stones and any and all United States or foreign money or currency, regardless of form or amount.
- v. Any materials or items capable of use in concealing, altering the appearance of, or disguising the human face or body, including masks, make up, dyes, canes, crutches and prostheses.
- w. Any license, permit, passport, visa, false court document, any cards or documents of identity, and any and all ATM cards, credit or debit cards, and other financial transaction devices.
- x. Any infectious or biohazardous item, substance or equipment.
- y. Any stock or bond certificate or any other negotiable instrument or letter or card of credit, such as might be useable to obtain favors, services, goods or property.
- z. Any materials constituting any component or part of any item of contraband described anywhere in this Ordinance, and any materials or instructions for the making or use thereof.

As a condition precedent to a prosecution for violation of any provision of the proceeding section hereof, it shall not be necessary that the Lenawee County Sheriff or any deputies or personnel thereof shall have made any prior effort to search a suspect individual for any of said contraband items or materials. Possession of said items alone shall be sufficient basis for prosecution. Further, there shall be no distinction between the actual contraband items described in this Ordinance and any toy or other imitated or counterfeit versions thereof.

5. No person shall, from any location upon Lenawee County property, or from any public street, sidewalk or way adjacent to or contiguous with Lenawee County property, make any effort to communicate with any inmate of the Lenawee County Jail or any other Lenawee County Correctional or Detention facility, excepting only such communication as is specifically permitted by written rules and policies of the Lenawee County Sheriff.

Communication or the attempt thereof shall mean any shout, cry or other spoken words, any hand or written note, letter, sign, signal or other motion regardless of whether such act is or is not electrically or electronically transmitted or enhances, and any creation or furtherance of a public disturbance or disorder is hereby deemed to be a prohibited effort at communication, and all provisions hereof shall apply regardless of whether any jail inmates or prisoners are then located indoors or outdoors, or in or out of vehicles.

PENALTY:

Any person violating the terms of this ordinance shall be subject to immediate arrest and incarceration, and upon prosecution shall be subject to a fine not more than \$500.00, plus court costs, probation, and/or a jail sentence of 90 days or such lesser term as the sentencing Judge may deem appropriate and fair.

CONSTRUCTION AND INTERPRETATION:

This ordinance shall be construed in a manner consistent with all applicable Michigan and Federal statues, laws, rules and regulation; however, it is recognized and intended that the provisions hereof shall be more strict than may be provided for in certain related Michigan and/or Federal statues, laws, rules or regulations. Further, should any section, paragraph, provision or sentence provision hereof be held by judicial authority to be invalid in any proceeding, any such judicial holding shall not be construed as adversely affecting the validity of any and all remaining portions of this ordinance.

Approved and adopted by the Lenawee County Board of Commissioners at its regular meeting of March 26, 2002.

County Parks Hunting Ordinance

#ORD05-01

Date of Adoption: August, 2005

Date of Amendments:

Pursuant to MCL 45.556 and 46.11 and 46.10(b) and upon motion made and supported, be it resolved that the Lenawee County Board of Commissioners adopt the following Ordinance:

SECTION 1

There shall be no hunting of any game or other wildlife in any Lenawee County Park.

SECTION 2

Definitions: For the purposes of this Ordinance, hunting is hereby defined as any act of hunting, shooting, wounding, tracking, trapping, pursuing, worrying, taking, or attempt thereof, regardless of what method and/or weapon may or may not be employed in such endeavor.

Further, for the purposes of this Ordinance, a Lenawee County Park is hereby defined as any lands set aside, designated and maintained as a public park by the County of Lenawee.

SECTION 3

Anyone found guilty of violating this Ordinance shall be guilty of a misdemeanor and shall be subject to punishment by fine of not more than \$500.00 or imprisonment for not more than 90 days.

SECTION 4

This Ordinance shall be published in The Daily Telegram, Adrian, Michigan, and shall be effective upon publication.

Adopted by majority vote of the Commissioners at a regular meeting of the Board held August 10, 2005.

Airport Zoning Ordinance

#ORD05-02

Date of Adoption: October 21, 2005

The original Airport Zoning Ordinance of 1979 was repealed

FORWARD

An Ordinance establishing airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Lenawee County Airport; providing for the allowance of variances from such regulations; designating the Administrative Agency charged with the administration and enforcement of such regulations; establishing an airport zoning board of appeals, providing for enforcement; and imposing penalties for violation of this Ordinance.

Pursuant to the authority conferred by the provisions of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and as amended Act No. 158 of the Public Acts of the State of Michigan for the year 1976 for the purpose of promoting the health, safety and general welfare of the inhabitants of the county of Lenawee by preventing the establishing of airport hazards and thereby protecting the general public, users of the Lenawee County Airport and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airport and the public investment therein;

The Lenawee County Board of Commissioners and the Lenawee County Airport Zoning Board under the provisions of Section 13 of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and as amended Act No. 158 of the Public Acts of the State of Michigan for the year 1976, does hereby ordain the following to be known as the Lenawee County Airport Zoning Ordinance.

ARTICLE I
PURPOSE OF LIMITATIONS

1.01 Title and Effective Dates

This Ordinance is to be known and may be cited as the “Lenawee County Airport Zoning Ordinance.” It was adopted on March 27, 1979.

This Ordinance was Amended and Adopted on October 12, 2005 and became effective on October 21, 2005.

1.02 Objective

The principle objective of this Ordinance is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

1.03 Hazard Area

This Ordinance establishes regulations on land within a ten (10) mile radius of the Lenawee County Airport. This Ordinance establishes a huge air bowl with a maximum height limitation of 500 feet above the established elevation of the airport at the outer edge and has a minimum height limitation of 25 feet above ground at some locations in the approaches to the runways immediately adjacent to the airport. The height limitations of this Ordinance become less severe as the distance from the airport is increased.

1.04 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

1.05 Existing Non-Conforming Objects

1. This Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. This Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would be subject to undesirable effects that may be caused by operation of aircraft.

1.06 Creation of the Zoning Board

The Lenawee County Airport Zoning Board was created by the Lenawee County Board of Commissioners and the Michigan Aeronautics Commission for the express purpose of establishing airport zoning regulations. The Board has been charged with the responsibility of administering and enforcing the provisions of this Ordinance with the understanding that the Zoning Administrator will seek close cooperation with County, Townships and City Zoning Boards.

1.07 Heights Requiring Permits

To effectively administer this Ordinance, the Lenawee County Airport Zoning Board established application heights, which are below the allowable height limits of this Ordinance. This was done to make it easier for the local Zoning Boards and the general public to decide whether an application for a permit must be filed with the Zoning Administrator. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application. (25' within 6.32 miles of airport; 100' from 6.32 miles to 10 miles.)

1.08 Land-Use Types Requiring Permits

To promote the general purpose and objectives of this Ordinance and its effective administration, all persons making use of land within the areas shown on the enclosed maps are advised to consult Section 3.07 of this Ordinance as to undesirable land uses within designated Airport land-use guidance zones.

1.09 Provisions for Variance

This Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Zoning Board and Zoning Administrator, with the cooperation of the public, to have this Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

1.10 Where to Review Copies of this Ordinance

Information regarding height limits and copies of this Ordinance are available at the offices of the Administrative Agency, the Lenawee County Airport, or the Michigan Department of Transportation, Capital City Airport, 2700 East Airport Service Drive, Lansing, Michigan 48906. A copy of this Ordinance is also on file with the Lenawee County Clerk and the Lenawee County Courthouse.

ARTICLE II
DEFINITIONS

2.01 Words and Phrases

As used in this Ordinance, the words, terms and phrases set forth in Sections 2.02 through 2.13 inclusive, shall have the meanings prescribed in such sections unless the context otherwise requires.

2.02 Airport

“Airport” means the Lenawee County Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other existing or future interests.

2.03 Airport Hazard

“Airport Hazard” means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or of appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

2.04 Airport Hazard Area

The term “Airport hazard area” means any area of land or water, or both, lying within a ten (10) mile radius from the established center of the Lenawee County Airport in which an airport hazard might exist if not prevented by this Ordinance.

2.05 Airport Zoning Act

The term “Airport Zoning Act” refers to Act no. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.06 Board

The term “Board” means the Board of Appeals as hereinafter created and designated below.

2.07 Land Use Guidance Zone

The term “land-use guidance zone” means an area or zone in which certain types of land use are not recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at the Lenawee County Airport.

2.08 Above Mean Sea Level

The term “above mean sea level” denotes elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

2.09 Non-Conforming Use

The term “non-conforming use” means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment as of the effective date of such regulation.

2.10 Person

The term “person” means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation, or other body politic, including any trustee, receiver, assignee or other similar representative.

2.11 Structure

The term “structure” means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, and radio and television aerials and antennae, stationary balloons but not including highways and their appurtenances.

2.12 Tree

The term “tree” means any object of natural growth.

2.13 Zoning Administrator

“Zoning Administrator” means the Director of Aeronautics or Manager of the Airport, or his designee, who is designated and charged with the administration and enforcement of this Ordinance.

ARTICLE III
ZONES

3.01 Airport Hazard Area

There is hereby established an airport hazard area, which area or zone consists of all the lands within Lenawee County lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally ten (10) miles from the established center of the usable landing area of the airport, known as the airport reference point. The boundaries of the hazard areas are shown on the airport zoning plans numbered 2 through 4, which maps are attached and made a part of this Ordinance.

3.02 Airport Zoning Plans

The height limitations shown on the attached zoning plans are imposed on the lands in the airport hazard areas, the same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established elevation of the airport, which elevations are shown on the zoning plans.

3.03 Legal Height Limitations

No person may erect or maintain any structure to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps, or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or to establish any use of lands contrary to the provisions of this Ordinance.

3.04 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any airport hazard area which:

- a. Would create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by aircraft;
- b. Would make it difficult for flyers to distinguish between airport lights and other lights or result in glare to the eyes of flyers using the airport;
- c. Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- d. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operations of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.
- e. Would otherwise endanger the landing, taking off, or maneuvering of aircraft.
- f. Would attract birds or other wildlife.
- g. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration

3.05 Non-Conforming Existing Uses

The provisions of Section 3.03 of this Ordinance shall not apply to structures, trees or other non-conforming uses existing in an airport hazard area on the effective date of this Ordinance, unless the Zoning Administrator determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed.

3.06 Alterations to Non-Conforming Land Use

The provisions of Section 3.03 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.07 Land-Use Guidance Zone

- (a) Purpose- The purpose of Airport Protection Zones as defined in Section 2.07, is to designate areas wherein certain types of land uses are not recommended due to undesirable effects that may be caused due to the operation of aircraft within such zones.
- (b) Acceptable Land Use- The uses of land within the areas shown on the Zoning Plans are non acceptable land-uses as outlined in land-use guidance as shown on Addendum Sheet 4 of the Airport Zoning Plans.

Protection Zone No. 1

- | | |
|---|-------------------------------------|
| 1. Churches | 25. Marine Terminals – Passengers |
| 2. Convent – Monastery – Rectory | 26. Office Building |
| 3. Dormitory – Resident Halls | 27. Public Buildings |
| 4. Hospitals | 28. Railroad Terminals – Passengers |
| 5. Low Density Housing – One Acre or More | 29. Restaurants |
| 6. Mobile Homes | 30. Retail Stores |
| 7. Multi-Family Apartments or Dwellings | 31. Shopping Centers |
| 8. Orphanages | 32. Theaters |
| 9. Retirement Homes | 33. Athletic Fields |
| 10. Schools | 34. Bowling Alleys |
| 11. Single Family House – Subdivision | 35. Fairgrounds |
| 12. Universities | 36. Golf Courses |
| 13. Factories – Scientific Instrument | 37. Marinas |
| 14. Research Laboratories | 38. Outdoor Theaters |
| 15. Factories – Soft Goods – Food | 39. Playgrounds |
| 16. Aircraft Sales | 40. Race Tracks |
| 17. Aircraft Repair Service | 41. Riding Academies & Trails |
| 18. Air Terminals – Passengers | 42. Stadiums |
| 19. Aviation Schools | 43. Swimming Pools - Public |
| 20. Aviation Services – Photo, etc. | 44. Tennis Courts – Public |
| 21. Auditoriums – Exhibit Halls | 45. Dairy Farming |
| 22. Banks | 46. Landscape Nurseries |
| 23. Bus Terminals – Passengers | 47. Poultry Farming |
| 24. Hotels & Motels | 48. Stock Farming |
| | 49. Stock Yards |

Protection Zone No. 2

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Churches 2. Convents – Monastery – Rectory 3. Dormitory – Residence Halls 4. Hospitals 5. Low Density Housing – One Acre or More 6. Mobile Homes 7. Multi-Family Apartments or Dwellings 8. Orphanages 9. Retirement Homes 10. Schools 11. Single-Family House – Subdivision 12. Universities 13. Factories – Scientific Instrument 14. Research Laboratories 15. Air Terminals – Passenger 16. Auditoriums – Exhibit Halls 17. Banks | <ol style="list-style-type: none"> 18. Bus Terminals – Passengers 19. Hotels & Motels 20. Marine Terminals – Passengers 21. Office Buildings 22. Public Buildings 23. Railroad Terminals – Passengers 24. Restaurants 25. Retail Stores 26. Shopping Centers 27. Theaters 28. Athletic Fields 29. Bowling Alleys 30. Fairgrounds 31. Outdoor Theaters 32. Playgrounds 33. Race Tracks 34. Stadiums 35. Poultry Farms |
|--|--|

Protection Zone No. 3

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Churches 2. Convent – Monastery – Rectory 3. Dormitory – Residence Halls 4. Hospitals 5. Mobile Homes 6. Orphanages 7. Schools | <ol style="list-style-type: none"> 8. Single-Family House – Subdivision 9. Universities 10. Factories 0 Scientific Instrument 11. Research Laboratories 12. Theaters 13. Outdoor Theaters 14. Poultry Farms |
|---|--|

4 A person or person who elect to establish any land use within an Airport Protection Zone which is not recommended by this Section shall have no claim or cause of action against the Airport, nor any municipality or governmental agency operating said airport or responsible for the administration of this Ordinance. Any person or person electing to establish such non-recommended uses following the effective date of this Ordinance shall do so at their individual risk.

ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND PLANNING STRATEGIES FOR NEW DEVELOPMENT

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 1 (See special note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 0-5 people/acre Airport sponsor should purchase property if possible. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots).
	Residential vs. Non-residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> Create a height hazard overlay ordinance around the airport. Airport sponsor should purchase property if possible. Airport sponsor should obtain avigation and obstruction easements. During the site development process, shift all structures away from the runway centerlines if possible. Landscaping requirements shall establish only low growing vegetation. Prohibit high overhead outdoor lighting. Require downward shading of lighting to reduce glare.
	Special Function Land Use	Prohibit all Special Function Land Uses	<ol style="list-style-type: none"> Evaluate all possible permitted conditional uses to assure compatible land use. Prohibit overhead utilities and all noise sensitive land uses. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches. Limit storage of large quantities of hazardous or flammable material. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special note: Since the dimensions of Zone 1 correspond to the dimensions of the Runway Protection Zone (RPZ), those Airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise require rights to the property for RPZ.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 2	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots).
	Residential vs. Non-residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Use	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. <25 people/acre 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots)
	Residential vs. Non-residential Land Use	<p><u>Runway < 4,000 feet</u> - prohibit all residential land uses</p> <p><u>Runway 4,000 - 5,999 feet</u> - Limit residential development to Low Density standards.</p> <p><u>Runway > 6,000 feet</u> - Limit residential development to Low Density housing standards.</p>	<ol style="list-style-type: none"> 1. Create a height overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Use	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 4	Population Density	Limit population concentrations.	1. < 45 people/acre in building, < 75 people /acre outside buildings.
	Residential vs. Non-residential Land Use	<u>Runway < 4,000 feet -</u> Limit residential development to Low Density housing standards. <u>Runway 4,000 - 5,999 feet -</u> Limit residential development to Low Density standards. <u>Runway > 6,000 feet -</u> Limit residential development to Low Density housing standards.	1. Create a height overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline. 4. Prohibit mobile home parks. 5. Require downward shading of lighting to reduce glare. 6. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning. 2. Prohibit high overhead utilities and all noise sensitive land uses.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 5	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0 - 5 people/acre 2. Zone Land uses, which by their nature will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway center-lines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 6	Population Density	Limit large concentrations of	1. < 100 people/acre in buildings, < 150 people/acre outside buildings.
	Residential vs. Non-residential Land Use	Limit residential development to housing standards consistent with planning strategies. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Prohibit mobile home parks near runways longer than 4,000 feet. 2. Create a height overlay around the airport. 3. Obtain aviation and obstruction easements. 4. Clustered development to maintain as long as open space remains unbuilt. Place clustered development away from extended runway centerline. 5. Prohibit mobile home parks. 6. Require downward shading of lighting to reduce glare. 7. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit all Special Function Land. 2. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.

ARTICLE IV
ORDINANCE ADMINISTRATION

4.01 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on sheets (2, 3,& 4) of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits the Zoning Administrator will arrive at the proper height limitations by interpolating between contours shown on the zoning plans.

4.02 Zoning Administrator as Administrative Agency

The manager of the Lenawee County Airport is hereby designated the Zoning Administrator charged with the duty of administering and enforcing this Ordinance. The Zoning Administrator shall act as the “administrative agency” referred to in the Airport Zoning Act. The duties of the Zoning Administrator shall include those of issuing permits as provided below, but the Zoning Administrator shall not have or exercise any of the powers or duties delegated to the Board of Appeals. The Zoning Administrator is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. The Zoning Administrator may adopt such rules of procedures as may be necessary in connection with the administration and enforcement of this Ordinance.

4.03 Board of Appeals

There is hereby created a Board of Appeals consisting of five (5) members, each to be appointed for a term of three (3) years and until his or her successor is appointed and qualified, one of whom shall be designated as Chairman and one of whom shall be designated as Vice-Chairman, which appointments shall be made by the Lenawee County Airport Zoning Board and provided that upon such appointments being initially made, one member of said Board shall be appointed for a term of one (1) year, two for terms of two (2) years each, and two for terms of three (3) years each. Board members shall be removable by the appointing body for cause shown, upon written charges and after notice and an opportunity to be publicly heard. The Board of Appeals has the powers set forth in Section 28 of the Airport Zoning Act and shall exercise such powers as are conferred upon it in the Airport Zoning Act and in this Ordinance.

- a. Official Name: The Board of Appeals shall be officially known as the Lenawee County Airport Zoning Board of Appeals
- b. Compensation: The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Board of Commissioners

- c. Rules and Procedures: The Board of Appeals shall adopt rules concerning its organization and procedure, appeal forms, and other authorized matters, consistent with the provisions the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to, providing a reasonable period of time which appeal may be taken to it from an action of the Zoning Administrator. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine, and notice of all meetings shall be given to all members. An annual meeting shall be held during the month following the anniversary date of this Ordinance. The Chairman, or in his or her absence the Vice-Chairman, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absence or failing to vote, then so indicating and the Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Board and shall be a public record.
- d. Powers: The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulations, decision or determination made by the Zoning Administrator under the powers conferred upon it by this Ordinance.
- e. Who May Appeal: Any person, including the governing body of any political subdivision, aggrieved by any decision of the Zoning Administrator made in the administration of this Ordinance, may appeal to the Board of Appeals.
- f. Appeal Procedure: All appeals from actions of the Zoning Administrator shall be taken within the time and in the manner provided by the rules of the Board of Appeals, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds of appeal. The Zoning Administrator shall promptly transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or irreparable damage to property. In that case, proceedings shall not be stayed otherwise than by order of the Board and on due cause shown. The Board shall fix a time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board shall, in conformity with the provisions of this Ordinance, reverse or affirm, or modify, wholly or partly the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator

- g. Certificates of Variance: An application for certificates of variance is to be submitted on the form provided for by the rules of the Board of Appeals. If the application is granted, the applicant will receive a certificate of variance in the form prescribed by such rules. The certificate shall provide that it is not effective for a period of thirty (30) days following the date of its issuance. Immediately upon issuance, copies of the certificate shall be filed with the Zoning Administrator, the Michigan Aeronautics Commission and each political subdivision affected by the certificate. In acting upon applications for variance, variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and approach protection but would do substantial justice and be in accordance with the spirit of the regulations of this Ordinance; provided, however, that any variance may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance. Nothing in this section shall be construed to permit a use which would conflict with any general zoning ordinance or regulations of any political subdivision applicable to the same area.

ARTICLE V
PERMITS

5.01 Permit Maps

There are attached hereto as Sheets (1) one through (5) five of the airport zoning maps, a “permit map” sheets (2) two through (4) four showing applicable height limitations within the airport hazard areas above which permits are required under this Ordinance. The permit maps are affixed to this Ordinance for the information of and consulted by all persons proposing to make uses of land within the airport hazard areas, whether the same be new uses or changes in existing uses, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to such violations.

5.02 Application for Permits

Applications for permits shall be made to the Zoning Administrator in three (3) copies upon forms furnished by the Zoning Administrator, and the Administrator shall within 15 days from the application, determine whether the height limitations as designated by the Airport Zoning Maps and this Ordinance, would or would not be violated if the application were granted and shall grant or deny the application accordingly (the Administrator not being vested with authority to permit a variance). The Zoning Administrator shall advise applicant of its action within three (3) days after the action has been taken. In the event of a denial, the applicant may apply to the Board of Appeals for a certificate of variance. The Zoning Administrator is authorized and directed to approve all applications for permits for uses not exceeding 25 feet in height above the existing ground level as the same may exist on the effective date of this Ordinance,

notwithstanding anything to the contrary herein contained, it being intended that the minimum height limitation to be imposed by this Ordinance shall be 25 feet above the ground levels existing on the date of this Ordinance. The issuance of a permit shall not be construed to permit a use that violates Section 3.05 of this Ordinance or any general zoning Ordinance or regulations of any political subdivision applicable to the same area.

5.03 Permit Procedures

Persons desiring to create new uses, or to change existing uses must file an application for a permit if the proposal involves objects that exceed 25' within 6.32 miles of the airport or exceed 100' between 6.32 miles and 10 miles from the airport or in any case where an object may be in violation of Section 3.04 of the Ordinance.

Procedure One:

If it appears, after consulting the permit map, that the proposed new use, or changed existing use, clearly would not violate the terms of this Ordinance, then the new use may be created, or existing use changed, without applying for a permit hereunder or taking any further action under this Ordinance.

Procedure Two:

If it appears, after consulting the permit map, that the proposed new use, or changed existing use may possibly violate the terms of this Ordinance, then the new use shall not be created, or existing use changed until a proper permit has first been obtained from the Zoning Administrator in accordance with the provisions of this Ordinance. Inasmuch as the height limitations imposed in the airport hazard area steadily incline from the airport center, and at various rates according to location of approaches, the permit maps are only approximations for any given segment of the airport hazard area and therefore a height limitations may be somewhat greater than accorded by the maps, depending upon the particular parcel of land involved. The purpose of this second procedure is, therefore, to enable the Zoning Administrator to make exact mathematical determinations and enable users of land within the hazard area to avoid violations of this Ordinance.

Procedure Three:

If it appears, after consulting the permit maps, that the proposed new use, or change in existing use, clearly will violate the provisions of this Ordinance, then no such new or changed use shall be undertaken unless the person proposing to undertake it shall first apply to the Board of Appeals and obtain a certificate of variance in accordance with the procedures contained in this Ordinance.

5.04 Exception for Emergency Repairs

No permit shall be required for the emergency repair or emergency replacement of non-conforming public utility structures, other than buildings, when the height of such structures will not be increased by such repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

ARTICLE VI
JUDICIAL ACTION

6.01 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court of the County of Lenawee as provided in Section 30 of the Airport Zoning Act.

6.02 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

6.03 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violation of this Ordinance, pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 366 of the Public Acts of 1984 and Act No. 49 of the Public Acts of 1988, being sections 764.9c and 7649f of the Michigan Compiled Laws:

The Lenawee County Sheriff and all other Deputies of the Lenawee County Sheriffs.

6.04 Civil Action Available

The Lenawee County Board of Commissioners may, in the name of the County of Lenawee, may in addition to any criminal action taken, institute in the Circuit Court of Lenawee County, an action to prevent, restrain, correct or abate any violation of this Ordinance, or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and regulations adopted and orders and rulings made pursuant thereto.

ARTICLE VII
FEDERAL LAWS
FEDERAL AVIATION REGULATIONS

7.01 Federal Laws (FAR Part 77.14 CFR 77.1 et seq.)

The Airport Zoning Ordinance is not intended to conflict with existing Federal approach protection regulations. The Federal Aviation Administration requires that they be given notice of any construction or alteration:

- (a) That would be more than 200 feet above ground level at its site.
- (b) That would be above an imaginary surface extending outwards and upward at 100:1 slope within 20,000 feet of the nearest point of a runway more than 3,200 feet in length.
- (c) That would be above an imaginary surface extending outward and upward at 50:1 slope within 10,000 feet of the nearest point of a runway less than 3,200 feet in length.

ARTICLE VIII
SEVERABILITY OF PROVISIONS

8.01 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

ARTICLE IX
AMENDMENTS

9.01 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Lenawee County Board of Commissioners after a public hearing is held in relation to the proposed amendment pursuant to Section 19 of the Airport Zoning Act.

ARTICLE X
REPEAL OF PRIOR ZONING ORDINANCE

10.1 Repeal (when and if needed)

The Board of Commissioners of the County of Lenawee hereby repeals the *Lenawee County Airport Zoning Ordinance*, dated March 27, 1979, effective March 27, 1979.

ARTICLE XI
EFFECTIVE DATE

11.1 Effective Date

This Amended Lenawee County Airport Zoning Ordinance shall take effect on October 21, 2005.

Smoke-free Worksite Regulation

#ORD07-01

Date of Adoption: March 14, 2007

Date of Amendments:

Regulations for the establishment of smoke-free public and private worksites and smoke-free public places that do not include bars and restaurants.

Section 1000. Title

These articles shall be known as the Lenawee County Smoke-free Worksite Regulations.

Section 1001. Authority

These regulations are hereby adopted pursuant to authority conferred upon the Lenawee County Health Department by the Michigan Public Health Code, 1978 P.A. 368, as amended.

Section 1002. Jurisdiction and Administration

- A. These regulations shall have effect throughout Lenawee County in all areas incorporated and unincorporated, which includes cities, villages, and townships.
- B. The Health Officer shall have responsibility for administering and enforcing these regulations, including all amendments hereafter adopted unless otherwise specifically stated.

Section 1003. Purpose

- A. Lenawee County hereby finds and declares that:
 - 1. The U.S. Surgeon General, National Research Council, and National Academy of Sciences, report that environmental tobacco smoke causes lung cancer in healthy adult nonsmokers, and can cause lung function and structure alteration to the fetus of pregnant nonsmoking women. Additionally, in utero exposure is known to predispose children to long-term pulmonary risks. Further, these agencies found, separating smokers and nonsmokers within the same air space may reduce but does not eliminate a nonsmoker's exposure to environmental tobacco smoke.
 - 2. The U.S. Environmental Protection Agency (EPA) finds that environmental tobacco smoke is a Group A Carcinogen - a category reserved for known cancer-causing agents in humans.
 - 3. The National Institute for Occupational Safety and Health (NIOSH):
 - (a) finds that secondhand smoke poses an increased risk of lung cancer and heart disease to people exposed in the worksite; and,
 - (b) recommends that nonsmokers should not be exposed to secondhand smoke.

- B. These studies find that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including cancer, heart disease and stroke in nonsmokers. At special risk are infants, children, teens, pregnant women, elderly people, nonsmokers with long-term exposure to secondhand smoke, individuals with cardiovascular disease, and individuals with impaired respiratory function, including the young, asthmatics and those with obstructive airway disease. Also harmed are those with health conditions induced by breathing secondhand smoke including asthma, lung cancer, heart disease, respiratory infection, decreased respiratory function, including bronchoconstriction and broncho-spasm.
- C. Accordingly, Lenawee County finds and declares that the purpose of these regulations is to protect the public health and welfare by regulating smoking in public places and places of employment and recreation.

Section 1004. Definitions

- A. The following words and phrases, whenever used in these regulations, shall be construed as defined in this section:
 - 1. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.
 - 2. "Business Vehicle" as used in these regulations means a car, bus, truck, van, aircraft or other enclosed motorized unit, which is owned or leased by an employer for the use of employees and is occupied by more than one (1) person.
 - 3. "Convention Hall" means any enclosed area where public or private groups assemble to engage in business or social functions.
 - 4. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit or business entity.
 - 5. "Employer" means any person, business, partnership, corporation, including a municipal corporation, or non-profit entity, who employs the services of two or more individual persons.
 - 6. "Enclosed Area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

7. "Food concession" means a food storage, preparation, or dispensing operation at a state or county fair.
8. "Food Service Establishment" means a fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public.

Food service establishment does not include: i) a motel that serves continental breakfasts only; ii) a food concession; iii) a bed and breakfast that has ten (10) or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper; iv) a bed and breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfasts only; or v) a child care organization regulated by Michigan law unless the establishment is carrying out an operation considered by the State of Michigan to be a food service establishment.

9. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a "public place."
10. "Service Line" means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
11. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or related substance or product.
12. "Sports Arena" means sport pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar enclosed areas where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events, excluding such facilities, or portions thereof, licensed as a food service establishment.
13. "Tobacco Specialty Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
14. "Worksite" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and classrooms,

employee cafeterias and hallways. A private residence is not a "worksite" unless it is used as a childcare, adult day care or health care facility.

Section 1005. Prohibition of Smoking in Public and Private Worksites and Public Places

- A. Smoking shall be prohibited in all enclosed public and private worksites and public places within Lenawee County, including, but not limited to, the following places:
1. All enclosed areas of worksites and public places owned, rented, leased or otherwise under the jurisdiction of Lenawee County, including business vehicles.
 2. Restrooms, lobbies, reception areas, hallways and any other common-use areas.
 3. Buses, taxicabs, and other means of public transit under the authority of the County of Lenawee, and ticket, boarding, and waiting areas of public transit depots.
 4. Business vehicles.
 5. Retail stores and service lines.
 6. All areas available to and customarily used by the general public in all businesses and non-profit entities patronized by the public, including but not limited to, attorneys' offices and other offices, banks, laundromats, hotels and motels.
 7. All areas of galleries, libraries and museums.
 8. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except performers when smoking is part of a stage production.
 9. Sports arenas.
 10. Convention Halls.
 11. Public and private meeting facilities.
 12. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of Lenawee County or any political subdivision of the State of Michigan, to the extent such location is subject to the jurisdiction of Lenawee County.

13. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.
 14. Lobbies, hallways, and other common areas in: hotels, motels, multiple-tenant office buildings, malls, apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
 15. Public places where bingo games are held.
 16. Seventy percent (70%) of hotel and motel rooms rented to guests.
- B. Notwithstanding any other provision of these regulations, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

Section 1006. Prohibition of Smoking in Places of Employment

- A. It shall be the responsibility of employers to provide a smoke-free worksite as set forth in these regulations.
- B. Upon the effective date of these regulations, each employer having an enclosed place of employment located within Lenawee County shall adopt, implement, make known and maintain a written smoking policy. The policy shall contain, at a minimum, the following wording or requirements:
- Smoking is prohibited in all enclosed areas within this worksite without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, business vehicles and all other enclosed facilities.
- C. The smoking policy shall be communicated to all current employees at least three (3) weeks prior to its effective date, and at the time of employment of all other employees.

Section 1007. Prohibition of Smoking near Entrances, Windows and Ventilation Systems

Smoking shall be prohibited near entrances, windows and ventilation systems of all worksites and public places where smoking is prohibited by these regulations. Any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under these regulations shall establish a no smoking area which extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited; such reasonable distance shall be a distance sufficient to insure that persons entering or leaving the building or facility shall

not be subjected to breathing tobacco smoke and to insure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means. All smoking trash receptacles shall be placed outside the no smoking area in order to discourage smoking in these areas.

Section 1008. Where Smoking is Not Regulated

- A. Notwithstanding any other provision of these regulations to the contrary, the following areas shall not be subject to the smoking restrictions of these regulations.
 - 1. Food Service Establishments.
 - 2. Private residences, except when used as a childcare, health care facility, or adult day care facility.
 - 3. Tobacco specialty stores.
- B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility described in this section may declare that entire establishment or facility as a non-smoking establishment.

Section 1009. Posting of Signs

- A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other area where smoking is prohibited by these regulations. The signage shall be posted by the owner, operator, manager or other person having control of such building or other area.
- B. Every public place where smoking is prohibited by these regulations shall have signs conspicuously posted at every entrance clearly stating that smoking is prohibited.
- C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by these regulations by the owner, operator, manager or other person having control of such area.

Section 1010. Enforcement

- A. Enforcement of these regulations shall be implemented by the Health Officer, or his or her designee.
- B. Notice of the provisions set forth in these regulations shall be given to all applicants for a business license in Lenawee County.

- C. Any citizen who desires to register a complaint under these regulations may initiate enforcement through the Health Officer, or his or her designated staff.
- D. The Health Department or the Fire Department shall require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or other person having control of such establishment, that all requirements of these regulations have been complied with.
- E. Any owner, manager, operator or employee of any establishment regulated by these regulations shall inform persons who are violating these regulations of the appropriate provisions thereof.
- F. Notwithstanding any other provisions of these regulations, a private citizen may bring legal action to enforce these regulations.

Section 1011. Nonretaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to a smoke-free environment afforded by these regulations.

Section 1012. Violations and Penalties

- A. It shall be unlawful for any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under these regulations to fail to comply with any of its provisions.
- B. It shall be unlawful for any individual to smoke in any area where smoking is prohibited by the provisions of these regulations. Any individual violating this section shall be responsible for an infraction, punishable by either or both of the following:
 - 1. Warning citation.
 - 2. A fine not exceeding one hundred dollars (\$100).
- C. Any individual who owns, manages, operates or otherwise controls the use of any premises subject to jurisdiction under these regulations and on whose premises a violation of any provision of these regulations occurs may be responsible for an infraction, punishable by:
 - 1. A warning citation for a first violation.
 - 2. A fine not exceeding one hundred dollars (\$100) for a second violation within one (1) year from a finding of the first violation, provided that adequate time has elapsed

between the first and second violation for the alleged violator to have received notice of the first violation.

3. A fine not exceeding two hundred fifty dollars (\$250) for a third violation of these regulations within one (1) year from a finding of the first violation.
4. A fine not exceeding five hundred dollars (\$500) for each additional violation of these regulations within one (1) year from a finding of the first violation.

D. Within twenty (20) days after receipt of a citation issued under this section, the alleged violator may appeal the citation as provided in Section 2462 of the Michigan Public Health Code, 1978 P.A. 368, as amended. Further appeals, as provided by statute, may be to the Lenawee County Board of Health, or a committee thereof.

E. Notwithstanding the existence and pursuit of any other remedy, the Health Officer or his/her designee, without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any persons to restrain or prevent a violation of these regulations.

F. Notwithstanding any other provisions of these regulations, an employee or a private citizen may bring legal action to enforce these regulations.

Section 1013. Public Education

The Lenawee County Health Department shall engage in a continuing program to explain and clarify the purposes and requirements of these regulations to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of these regulations.

Section 1014. Other Applicable Laws

These regulations shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 1015. Severability

If any provision, clause, sentence or paragraph of these regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 1016. Interpretation

These regulations shall be interpreted in a manner consistent with all applicable Michigan and Federal statutes, laws, rules and regulations. However it is recognized and intended that the provisions of these regulations shall be more strict than the minimum provisions contained in any such Michigan and/or Federal statutes, laws, rules or regulations.

Section 1017. Repeal or Amendment of Inconsistent Acts

Any existing resolutions or regulations, or other policy declarations set forth by the Lenawee County Board of Commissioners, such as they may conflict with the terms and provisions of these regulations, are hereby rescinded or amended in whole or part to the extent necessary to conform to the provisions hereof.

Section 1018. Effective Date

These regulations shall be effective ninety (90) days after approval by the Lenawee County Board of Commissioners.

Date(s) Notice of Public Hearing was advertised: January 26 – January 30, 2007.

Date Public Hearing was held: February 14, 2007.

These regulations were adopted by the Lenawee County Board of Health on February 21, 2007.

The above Lenawee County Smoke-free Worksite Regulations were approved by a roll call vote of the Lenawee County Board of Commissioners at a regular meeting held on March 14, 2007.

Hazardous Materials & Incident Response Cost Recovery Ordinance #ORD07-02

Date of Adoption: March 14, 2007

Date of Amendments:

The County of Lenawee hereby ordains:

PURPOSE: The County of Lenawee finds that a significant potential exists for Police, Fire Department, Public Works, or Rescue Services to respond to incidents involving the release or threatened release of hazardous materials, or other emergency situations. Such incidents create a great likelihood of personal injury and/or property damage. The control and abatement of such incidents places a significant financial and operational burden upon the county police, fire fighting, public works, and rescue services.

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

"Emergency Response" means the providing, sending and/or utilizing of police, fire fighting, emergency medical, public works, emergency management, and rescue services by the County, or by a private industrial entity or corporation operating at the request or direction of the County or State of Michigan, for an incident resulting in a hazardous materials release or threatened release or other emergency situation.

"Hazardous Material" means explosives, pyrotechnics, flammable compressed gas, flammable liquid, combustible liquid oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material, liquefied petroleum gas, or any other hazardous material as defined in MCL 299.501.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Premises" means any lot or parcel of land, exclusive of buildings, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junk yard, wharf, pier, public roadway, and any other place or enclosure, however owned, used or occupied.

"Public Works" means the county road commission, county drain commission, county building & grounds department, and/or any other unit of county or local government involved in an Emergency Response.

"Owner" means any person having a vested or contingent interest in the property, premises, container, or vehicle involved in the hazardous materials incident, including but not limited to any duly authorized agent or attorney, purchaser, devisee, or fiduciary of said person having said vested or contingent interest.

"Vehicle" means any mode which is used as an instrument of conveyance, including but not limited to motor vehicles, railroads, boats, aircraft, etc.

Hazardous Materials & Incident Response Cost Recovery Ordinance (continued) #ORD07-02

"Expenses of an Emergency Response" means the direct and reasonable costs incurred by the County of Lenawee, or by a private person, corporation, or other assisting government agency, which is operating at the request or direction of the County, when making an emergency response to a hazardous materials incident or other emergency situation, including the costs of providing police, fire fighting, rescue services, emergency medical services, public works, emergency management, containment, and abatement of all hazardous conditions at the scene of the incident. The costs further include all of the salaries and wages of Lenawee County personnel responding to the incident, salaries and wages of Lenawee County personnel engaged in the investigation, supervision and report preparation regarding said incident, at the request or direction of the County of Lenawee, and all costs connected with the administration of the incident relating to any prosecution of the appearance of witnesses at any court proceedings in relation thereto. Costs shall also include, but not be limited to, such items as disposable materials and supplies used during the response to said incident, the rental or leasing of equipment used for the specific response, replacement of equipment which is special technical services and laboratory cost, services and supplies purchased for any specific evacuation relating to said incident, and any other cost reasonably associated with the emergency response.

**DUTY TO REMOVE AND CLEAN UP;
FAILURE TO REMOVE AND CLEAN UP**

Duty to Remove: It shall be the duty of the owner, operator, occupant or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle to immediately contain and control such hazardous material and undertake and complete a total cleanup of the area in such a manner as to insure that all leakage, spillage or other dissemination of hazardous material is fully removed and the area is fully restored to its condition prior to the placement, leakage, spillage, or other dissemination of such hazardous material.

Failure to Remove and Clean Up: In the event the owner, operator, occupant, or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials on or about said building, premises, property and/or vehicle, fails to remove in a timely manner, hazardous materials after an emergency response involving hazardous materials or comply completely with the above section, the County of Lenawee shall have the right to enter onto said property and remove and conduct a clean up of all such hazardous materials either by governmental employees or by contractors and agents of said government. Prior to engaging in such clean up, the County of Lenawee shall make diligent efforts to notify the owner of its duty to abate said emergency. All costs associated with such containment, control, removal, and cleanup are in addition to the costs associated in the following sections and are to be reimbursed in like manner.

LIABILITY FOR EXPENSE OF AN EMERGENCY RESPONSE:

Person (s) Responsible: The owner, operator, occupant, or other person responsible for the operation, maintenance and/or condition of any building, premises, property or vehicle regarding which an incident arises which involves the release or threatened release of hazardous materials or other emergency situation on or about said building, premises, property and/or vehicle shall be required to reimburse the County of Lenawee for all expenses of an emergency response to said hazardous materials incident.

SEVERABILITY:

Charge Against Person: The expense of an emergency response shall be a charge against the person or corporation liable for the expenses under this Ordinance. The charge constitutes a debt of that person or corporation and is collectible by the County of Lenawee in the same manner as in the case of an obligation under contract, express or implied.

Cost Recovery Schedule: The County of Lenawee shall, by resolution, as soon as possible after an emergency response, adopt a schedule of the costs included within the expense of the emergency response. This schedule shall be available at the office of the County Clerk for inspection by the public.

Billing: The County of Lenawee may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person or corporation liable for the expenses as enumerated under this Ordinance. The bill (s) shall require full payment within thirty (30) days from the date of mailing or service of said bill upon the responsible person.

Failure to Pay: Procedure to Recover Costs: Any failure by the person or corporation described in this Ordinance as liable or responsible for expenses of an emergency response to pay said bill within thirty (30) days of mailing or service of the bill shall constitute a default on said bill. In the case of default, the County of Lenawee shall have the right and power to add all emergency response costs to the tax roll as incident, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property or premises. The County of Lenawee shall also have the right to bring action in a court of competent jurisdiction to collect said costs if the County deems such action to be necessary.

NOTICE TO BE PUBLISHED:

The County Clerk shall publish this Ordinance in the manner required by law, including notice of the fact that a complete copy of this Ordinance is available at the office of the Clerk for inspection by the public at all times.

CONFLICTING ORDINANCES REPEALED:

Any and all other Ordinances inconsistent with the provisions of this Ordinance and any changes adopted thereto are, to the extent of such inconsistency, hereby repealed.

SEVERABILITY:

If any Section, Subsection, Clause, Paragraph or Provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall only apply to the said portion thereof adjudicated invalid, and the full remaining portions or parts of this Ordinance shall remain in full force and effect.

SAVINGS CLAUSE:

All proceedings pending, and all rights and liabilities existing, acquired, or incurred at the time this Ordinance consummated, under and according to the ordinance in force at the time such proceedings are or were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending

Hazardous Materials & Incident Response Cost Recovery Ordinance (continued) #ORD07-02

prosecution or proceedings, or prevent prosecution or proceeding hereinafter instituted under any ordinance specifically or implied repealed by this Ordinance, and any changes thereto of any liabilities incurred or offenses committed before the effective date of the Ordinance, and all proceedings or prosecutions instituted after the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of any Ordinance in force at the time of the liability incurred or commission of such offense.

WHEN EFFECTIVE:

This Ordinance shall be in effect in governmental unit thirty (30) days after the second publication of the Ordinance.

Date Notice of Public Hearing was advertised: October 18, 2007

Date Public Hearing was held: October 25, 2007

Adopted by majority vote of the Commissioners at a regular meeting of the Board held October 25, 2007.