

COUNTY OF OTTAWA
STATE OF MICHIGAN
ORDINANCE 19-1

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the 9th day of April, 2019 at 1:30 o'clock p.m. local time.

PRESENT: Commissioners: Frank Garcia, Douglas Zylstra, Allen Dannenberg, Randall Meppelink, Kyle Terpstra, Gregory DeJong, Philip Kuyers, Matthew Fenske. (8)

ABSENT: Commissioners: Joseph Baumann, James Holtvluwer, Roger Bergman. (3)

It was moved by Commissioner Randall Meppelink and supported by Commissioner Matthew Fenske that the following Resolution be adopted:

WHEREAS, MCL 46.11(j) authorizes the Ottawa County Board of Commissioners to enact ordinances pertaining to county affairs that do not violated the general laws of the State;

WHEREAS, the Ottawa County Board of Commissioners finds that many Michigan municipalities have adopted a Code of Ordinances so as to organize their ordinances into a particular form and promote ease of administration and enforcement;

WHEREAS, the Ottawa County Board of Commissioners finds that the Ordinance below codifies Ottawa County's ordinances in a manner that advances the public interests described above;

NOW THEREFORE BE IT ORDAINED that the following Ordinance is hereby adopted:

Section I. Code of Ottawa County

The Ottawa County Board of Commissioners hereby adopts a Municipal Code for the County of Ottawa pursuant to authority granted by MCL 46.11(j). This Code contains ordinances of a general and permanent nature as adopted and now compiled, consolidated,

amended, revised, rearranged, codified and indexed in Articles 1 through 4. Up-to-date and complete copies of the Code shall be maintained in the office of Corporation Counsel and the office of the County Clerk, where it shall remain for public use and inspection.

Section 2. Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. This Code is arranged according to public health, environmental, public safety and county operational Articles. Each Code provision shall consist of at least two component parts separated by periods, the first numbers representing the Article, the second figure representing the Chapter number, identifying a particular ordinance under that subject heading and then succeeding numbers, if any, referring to parts and subparts within that ordinance. Under this system, each section is identified with its article and chapter and, at the same time, new sections or even whole articles and chapters can be inserted in their proper places, simply by using the decimal system for amendments.

Section 3. Effect

The provisions of the Code shall be in immediate force and effect upon the original adoption of this ordinance by the Ottawa County Board of Commissioners. Corporation Counsel shall codify all ordinances adopted after the original passage of the Codification Ordinance and shall modify the Code kept by the Ottawa County Clerk depending upon new ordinances adopted or existing ordinances repealed. Corporation Counsel shall exercise his or her discretion to apply the Numbering System to new ordinances. Any ordinances not contained in this Code are hereby repealed upon the adoption of this ordinance except as herein provided. Notwithstanding the foregoing, nothing herein shall repeal, modify or otherwise affect the Environmental Health Regulations separately adopted under the Public Health Code.

Section 4. Repeal

The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the adoption of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said adoption; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the County or authorizing the issue of any bonds of the County or any evidence of the County's indebtedness or any contract or obligation assumed by the County; nor shall it affect the annual tax levy; nor shall it affect any ordinance waiving penalties for nonpayment of taxes; nor shall it affect any license, permit, right or franchise conferred by ordinance or resolution of the County on any person, association or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the County officers or

employees; nor shall it affect any ordinance naming, renaming, accepting or dedicating any parks, playgrounds, halls or other public buildings or grounds in the County.

Section 5. Catchall Sanctions

Whenever any act is prohibited or is made or declared to be unlawful or an act is required that is not performed in any ordinance in this and no specific penalty is provided therefore, the violation of any such provision of such Code or any other ordinance of the County or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment. Except where otherwise provided, every day that a violation of the Code hereby adopted or any other ordinance of the County or such rule, regulation or order, continues shall constitute a separate offense. Nothing herein shall prevent the County from seeking an injunction to prohibit further violations of the Code or to seek mandatory compliance herewith and such injunctive relief is authorized if deemed warranted and directed by the Court.

Section 6. Severability

It is hereby declared to be the intention of the Board of Commissioners that the articles, chapters, divisions and subdivisions of the Code hereby adopted are severable, and if any article, chapter, division or subdivision, phrase, clause, sentence, paragraph or section of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code hereby adopted.

Section 7. Purpose and Effect

The Ordinance is hereby declared necessary for the preservation of the peace, health, safety, and welfare of the people of the County of Ottawa. This Ordinance shall become effective April 9, 2019, unless the Board of Commissioners amends this ordinance to establish an earlier or later effective date.

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ARTICLE 1—PUBLIC HEALTH ORDINANCES

100.1 Licensing of permanent and temporary restaurants - This Ordinance, enacted under the Public Health Code, regulates food services establishments.

ARTICLE 2—ENVIRONMENTAL ORDINANCES

200.1 Landfill Operational Standards - This Ordinance establishes operational standards for solid waste facilities

200.2 Soil Erosion Control - This Ordinance is designed to minimize soil erosion and establish a permit for projects affecting erosion.

200.3 Phosphorous Use Regulation - This Ordinance regulates the use of fertilizers that could load phosphorous into area lakes and rivers.

200.4 Pollution Control

200.4.1 Groundwater Use Ordinance (SW Landfill Vicinity) - This Ordinance is designed to prevent the use and spread of contamination groundwater in the vicinity of the SW Landfill facility in Park Township.

200.4.2 Ground Use Ordinance (SW Landfill) - This ordinance is designed to regulate the use of contaminated ground in the vicinity of the SW Landfill facility in Park Township.

200.5 Farmland Preservation - This Ordinance promotes the preservation of farmland in Ottawa County.

ARTICLE 3—PUBLIC SAFETY ORDINANCES

300.1 Animal Control This omnibus Ordinance is designed to promote public safety related to animals within Ottawa County and to encourage the collection of fees and costs associated with animal control in the community.

ARTICLE 4—COUNTY OPERATIONS ORDINANCES

400.1 Smoking Regulations on or within County Property - This Ordinance augments state law in protecting the health of county employees and the value of county property.

400.2 Cost Recovery

400.2.1 Municipal Infractions Bureau - This Ordinance creates a bureau that promotes the efficient collection of municipal fees.

400.2.2 Investigating alcohol and substance abuse vehicle operation - This Ordinance authorizes the efficient collection of municipal fees that are imposed on county operations by having to deal with impaired driving.

400.2.3 Prosecution Costs - This Ordinance authorizes the efficient collection of municipal fees that are imposed on county operations by having to deal with a variety of types of prosecution.

400.3 Parks

400.3.1 Rules and Regulations in Parks - This Ordinance prescribes certain behavior in county parks to enhance public enjoyment and the protection of park property.

400.3.2 Open Space Regulation - This Ordinance proscribes certain behavior in county open spaces managed by the parks department to enhance public enjoyment and the protection of park property.

400.4 County Committees and Commissions

400.4.1 Planning Commission - This Ordinance establishes a county planning commission.

400.4.2 Housing Commission - This Ordinance establishes a county housing commission.

History

Enacted: April 9, 2019

Original Ordinance Number: 19-1

Codified: April 9, 2019

Amended:

Effective: April 9, 2019

BE IT FURTHER RESOLVED, that all resolutions and parts of Ordinance insofar as they conflict with this Ordinance are hereby repealed and provided the Clerk publishes a notice of the adoption of this Ordinance beforehand, this Ordinance shall go into effect on April 9, 2019.

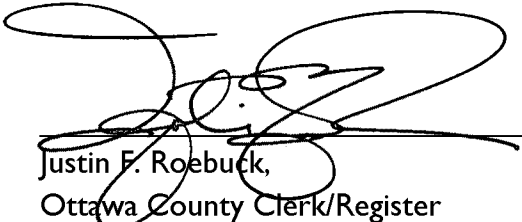
YEAS: Commissioners: Frank Garcia, Matthew Fenske, Douglas Zylstra, Allen Dannenberg, Kyle Terpstra, Randall Meppelink, Philip Kuyers, Gregory DeJong. (8)

NAYS: Commissioners: None

ABSTENTIONS: Commissioners: None

ORDINANCE ADOPTED.


Gregory J. DeJong, Chairperson,
Ottawa County Board of Commissioners


Justin F. Roebuck,
Ottawa County Clerk/Register