

TUSCARORA TOWNSHIP
3546 S. Straits Hwy, Indian River, MI 49749
December 17, 2025 2:00 PM REGULAR MEETING
PROPOSED AGENDA

1. Call to order
2. Pledge to flag
3. Roll call
4. Board member conflict of interest statement (if applicable)
5. Public comment *on agenda items* (3 minutes per individual)
6. Approval of meeting agenda
7. Approval of previous minutes from December 9, 2025 Regular Meeting
8. Reports
 - a. Clerk report: Bills
9. Old business
 - a. Transfers to parks
 - b. Tractor
 - c. Resignation
10. New business
 - a. New hire for police
 - b. Ordinances
11. Public comments (3 minutes per individual)
12. Board comments
13. Adjournment

Meeting Minutes

TUSCARORA TOWNSHIP
3546 S. Straits Hwy, Indian River, MI 49749
December 9, 2025 7:00 PM REGULAR MEETING
PROPOSED MEETING MINUTES

Call to order: Supervisor Maves called the meeting to order at 7:02 pm and led the pledge of allegiance.

Roll call: Present: Hutchison, Smith, Maves, and Decker. Absent: Fisher. There is a quorum

Board member conflict of interest statement (if applicable) None.

Public comment *on agenda items* (3 minutes per individual) None.

Approval of meeting agenda with moving Kelsey, Pat, Gordon, and Matt up on the agenda.

Motion: Decker

Support: Smith

Approved: All in favor

Approval of previous minutes from November 11, 2025 Regular Meeting.

Motion: Smith

Support: Hutchison

Approved: All in favor

Reports:

Steve Corporon from Performance Engineers gave an update on the sewer project and change order.

Kelsey from the library gave an update on events and needs official support from township for reading garden.

Motion by Smith to give official approval for the reading garden. Support: Decker

Approved: All in favor

Pat from parks gave a report on the snow blower tractor, boat launch lighting sidewalk sealing, 250th committee (Sue Fisher from DDA, Pat McGinnis for Parks, need representative from the township, chamber of commerce and residents of Tuscarora Township). We hope to have DeVoe Beach bathrooms for 4th of July, lighting continues to be updated at Cooperation Park, lamprey nets have been installed at DeVoe Beach, and they still have an open seat on their commission.

Matt Hall from Cheboygan County Road Commission – thank you for all the help during and after the ice storm and finding a location for snow hauling and sidewalk cleaning. They need a deposit this month of \$5,000 to hold a place for our road project this coming summer. Project does not have to be identified at this time. Eagles Nest could use a chip seal. Barbara/Witt area has spots that could be paved, Chippewa Beach?. Every 5-7 years roads should be sealed to preserve them.

Motion by Smith to enter into an agreement with Cheboygan County Road Commission for the \$5,000 deposit for a road project. Support: Decker, Approved: All in favor

Police Report by Chief Temple – 20 frozen turkeys donated to give out a turkey instead of a ticket again this year. Also 4 whole turkey dinners to families in need, raised \$13,000 for stand-alone generator for Amy Diehl. 3 applicants for the open police officer. The cadet will start the police academy in January with funding from the public safety academy assistance program - grant for up to \$20,000.

Clerk report: 34 bills for \$37,904.65 and payroll report.

Motion: Smith

Support: Hutchison

Approved: All in favor

Board requested a summary report on the cemetery activities for the year.

Treasurer report: Sending out personal property tax letters, treasurer statutory duty to try to collect, delinquent O & M bills added to property tax bills – 2 quarters will go on the summer (October – March), and April – September will go on the winter bills. All bank reconciliations are up to date.

Correspondence - 0

Airport – pipes have been drained for the winter.

DDA-working on RFB for pathway south, they also have an opening on their committee.

Meeting with the school – the hill has not been plowed by the school. Will they start plowing it or should the township plow and bill them. Under discussion with the school.

FOIA – 1

Old business:

Transient merchant ordinance, updated application and guidelines – Tabled.

RFP for O&M to go out for 3 year contract on builders exchange and our website. Will review bids at February meeting.

Motion: Maves

Support: Smith

Approved: All in favor

Boiler issues – heat went out on boiler 1 and boiler 2. They need separate water heat exchanges for the systems. Need to use fund equity to pay for the new work. Bid specs for the new project needs to go out for bid.

Pay M & M Plumbing & Heating bill for \$33,972.75 to replace one boiler and repair the second boiler. Split the bill 3-ways between township, library, and police. Police will use their fund balance to pay their share. And possibly the library too.

Motion: Maves

Support: Decker

Approved: All in favor

Update given on sewer rate study with Bendzinski & Co.

RFB ads for WWTP cold storage and RFB ads for screen at WWTP – will meet with Performance Engineers after the first of the year to get these bids out.

Update on health insurance policy for deceased employees to be added to Tuscarora Township policies.

“Health care coverage for employee upon death (non-union)

Full time employees who qualify for Employer provided health insurance benefits upon hire.

In the event of an *unexpected* death of employee, employee provided health care coverage shall be extended for not more than (90) days or 3 months coverage, from the date of death of the employee, to any insured member of said policy.

Tuscarora Township shall be responsible for sending certified letter to dependent of said health care coverage explaining the employer provided health care coverage will expire in (90) days or 3 months' worth of coverage.

Employee *shall* continue to contribute in cost share of said coverage. If employee can not contribute monthly cost share, coverage will be terminated at end of coverage month."

Motion: Hutchison

Support: Smith

Approved: All in favor

New business:

Sewer construction bills & change orders – Phase I, Phase II, WWTP

Grand Traverse Construction for \$88,402.05

Matt's Underground for \$7,076.02

Change order #4 Phase I – date change.

Motion: Smith

Support: Hutchison

Approved: All in favor

HACH annual service agreement for spectrophotometer used at WWTP for \$961.00.

Motion: Hutchison

Support: Decker

Approved: All in favor

Transfers to parks for clerk to make journal entries to move budget amounts from library, PD, and DDA for lawn and snow removal contracted services.

Motion: Smith

Support: Maves

Approved: All in favor

Parks commission personnel - parks to present their personnel approval to the township board for approval.

Resignations – Sue Fisher resignation as township trustee.

Motion: Decker

Support: Smith

Approved: All in favor

Post and address at the January 13, 2026 meeting with information/interviews with interested parties and special meeting later to appoint new trustee.

Maves to resign as FOIA Coordinator – tabled to review policy – maybe designate someone.

Public comments (3 minutes per individual)

Regarding sewer rates, resignation, and road project.

Board comments – 3 comments

Motion to adjourn at 8:20 pm.

Motion: Maves

Recording Secretary, Chris Green

Respectfully submitted,

Laura Decker, Clerk

Trudy Maves, Supervisor

Bills and Revenue & Expenditure Report

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
11795	AUTO VALUE	12/15/2025	01/14/2026	16.99	16.99	Open	N
11774	AUTO VALUE	04/03/2025	05/02/2025	218.99	218.99	Open	N
Total for vendor 00815 - AUTO VALUE :				235.98	235.98		
11791	DTE ENERGY	12/01/2025	12/23/2025	545.37	545.37	Open	N
11792	DTE ENERGY	12/01/2025	12/23/2025	53.24	53.24	Open	N
Total for vendor 00164 - DTE ENERGY:				598.61	598.61		
11780	EMMET COUNTY	11/30/2025	12/30/2025	55.20	55.20	Open	N
11787	HACH COMPANY	11/24/2025	02/24/2026	961.00	961.00	Open	N
11793	KALAMAZOO SANITARY SUPPLY, LLC	12/10/2025	01/09/2026	241.56	241.56	Open	N
11788	KCI	11/30/2025	11/30/2025	933.07	933.07	Open	N
11798	KEN OSMAN	12/16/2025	12/17/2025	58.20	58.20	Open	N
11781	M&M PLUMBING	12/04/2025	12/04/2025	275.00	275.00	Open	N
11794	PLANTE MORAN	12/11/2025	01/10/2026	15,480.00	15,480.00	Open	N
11800	SUMMIT FIRE PROTECTION	12/12/2025	01/11/2026	80.10	80.10	Open	N
11796	TUSCARORA TOWNSHIP	12/16/2025	12/17/2025	1,500.00	1,500.00	Open	N
11797	TUSCARORA TOWNSHIP	12/16/2025	12/17/2025	5,000.00	5,000.00	Open	N
11799	TUSCARORA TOWNSHIP	12/16/2025	12/17/2025	1,500.00	1,500.00	Open	N
Total for vendor 00455 - TUSCARORA TOWNSHIP:				8,000.00	8,000.00		
11773	WOLVERINE POWER SYSTEMS	12/04/2025	01/03/2026	1,345.00	1,345.00	Open	N
# of Invoices: 16		# Due: 16	Totals:	28,263.72	28,263.72		
# of Credit Memos: 0		# Due: 0	Totals:	0.00	0.00		
Net of Invoices and Credit Memos:				28,263.72	28,263.72		

--- TOTALS BY FUND ---

101 - GENERAL FUND	17,182.95	17,182.95
207 - POLICE FUND	1,663.61	1,663.61
248 - DOWNTOWN DEVELOPMENT AUTHORI	5,000.00	5,000.00
271 - LIBRARY FUND	1,838.93	1,838.93
590 - SEWER FUND	2,578.23	2,578.23

--- TOTALS BY DEPT/ACTIVITY ---

215 - CLERK	7,740.00	7,740.00
253 - TREASURER	8,673.07	8,673.07
265 - BUILDING AND GROUNDS	364.49	364.49
301 - POLICE	1,663.61	1,663.61
528 - RUBBISH COLLECTION-DISPOSAL	55.20	55.20
536 - WATER AND SEWER SYSTEMS	2,578.23	2,578.23
595 - AIRPORT	350.19	350.19
728 - DDA	5,000.00	5,000.00
790 - LIBRARY	1,838.93	1,838.93

Old Business



DATE OF MEETING: December 17, 2025 Special Meeting

TITLE: FOIA Coordinator Policy

SUMMARY: Change the FOIA coordinator policy to read as MCL 15.236.

FINANCIAL IMPACT: TBD

RECOMMENDATION: Discuss

PREPARED BY: Supervisor

DEPT/BOARD/COMMISSION: Board of Trustees

ATTACHMENTS: MCL 15.236, TT-MI FOIA Coordinator Policy

December 2, 2025

Tuscarora Township Clerk

PO Box 220

Indian River, MI 49479

Tuscarora Township Board:

Effective 12/9/2025, I am resigning as FOIA coordinator. It is inefficient for me to attempt to respond to FOIA requests as the records most requested are unavailable to me.

Most Sincerely,

A handwritten signature in cursive script that reads "Trudy Maves".

Trudy Maves, Supervisor

FOIA 6.9 FOIA Procedures and Guidelines Preamble: Statement of Principles

It is the policy of Tuscarora Township that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Township's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Tuscarora Township will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Township's policy is to disclose public records consistent with and in compliance with State law.

The Township Board has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Supervisor as the FOIA Coordinator. He or she is authorized to designate other Township staff to act on his or her behalf to accept and process written requests for the Township's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a Township spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review Township spam and junk-mail folders on a regular basis. The FOIA Coordinator shall work with Township Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Township systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Township is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Township staff is obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 38 of 2025

Senate adjourned until Tuesday, December 16, 2025 10:00 AM

House adjourned until Tuesday, December 16, 2025 1:30 PM

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MCL - Section 15.236

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FREEDOM OF INFORMATION ACT (EXCERPT) **Act 442 of 1976**

15.236 FOIA coordinator.

Sec. 6.

(1) A public body that is a city, village, township, county, or state department, or under the control of a city, village, township, county, or state department, shall designate an individual as the public body's FOIA coordinator. The FOIA coordinator shall be responsible for accepting and processing requests for the public body's public records under this act and shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.

(2) For all other public bodies, the chief administrative officer of the respective public body is designated the public body's FOIA coordinator.

(3) An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5).

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. [1996, Act 553](#), Eff. Mar. 31, 1997

Popular Name: Act 442

Popular Name: FOIA

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New Business



DATE OF MEETING: December 17 2025 Special Meeting

TITLE: Ordinance 16

SUMMARY: To establish no parallel parking on S. Straits Hwy during the times stated. Set hours for snow cleanup on S. Straits Hwy, from River Street to Barbara Avenue, beginning December 1 through March 31, 10pm to 6am. Effective 30 days after publication.

FINANCIAL IMPACT: TBD

RECOMMENDATION: Discuss

PREPARED BY: Supervisor

DEPT/BOARD/COMMISSION: Board of Trustees, Tuscarora Township Police Department, Cheboygan County Road Commission

ATTACHMENTS: None



DATE OF MEETING: December 17, 2025 Special Meeting

TITLE: Coordinate penalties for Ord. 30 and 24.

SUMMARY: Modify Ord. No. 24 penalty to read as Ord. No 30, “increasing the penalty to “no less than \$100 nor more than \$500 for the first offense; and not less than \$500 nor more than \$1000 for a subsequent offense and at the discretion of the Court, in addition to all other costs, damages and actual attorney fees occurred by the Township in enforcing the ordinance.”

Modify Ord. 24, as per Ord.30, addint sections 16 a, b, c, d, e, under penalties.

FINANCIAL IMPACT: TBD

RECOMMENDATION: Discuss

PREPARED BY: Supervisor

DEPT/BOARD/COMMISSION: Board of Trustees, Tuscarora Township Police Department

ATTACHMENTS: Ordinance 30 and Ordinance 24.

TUSCARORA TOWNSHIP

ORDINANCE NO. 24

AN ORDINANCE TO ADOPT REGULATIONS FOR WHEELED DEVICES

THE TOWNSHIP OF TUSCARORA ORDAINS:

Section 1. Riding on sidewalks - Whenever any person is roller skating, roller blading, skateboarding, riding a coaster or scooter, or similar motorized or unmotorized wheeled device, upon a sidewalk or other paved surface intended for use by pedestrians, such person shall yield the right-of-way to any pedestrian and shall not approach, overtake or pass such pedestrian in a reckless or careless manner and shall not pass such pedestrian, except in single file.

Section 2. Riding on private property without permission - It shall be unlawful for any person to roller skate, roller blade, skateboard, riding a coaster or scooter, or similar motorized or unmotorized wheeled device on private property without first obtaining and carrying on his person the written permission of the owner of such private property to allow such activity.

Section 3. Riding prohibited on property - No person shall use any skateboard, roller skates, roller blades, coaster, scooter or similar motorized or unmotorized wheeled device on any bench, table, planter, wall or other fixture located in or along any public roadway, street, alley, sidewalk, park or municipal parking lot.

Section 4. Riding prohibited where posted - The Chief of Police is hereby authorized to erect signs on any publicly owned parking area, street, sidewalk, parking structure, parking lot or other public property prohibiting uses of wheeled devices thereon. It is the Chief of Police's responsibility to determine if a safety hazard to persons or property created by congestion of traffic or numbers of people, security needs, control of disorderly persons, control of excessive numbers of persons using roller skates, roller blades or skateboards, riding a coaster or scooter, or similar motorized or unmotorized wheeled device to the detriment of the free passage of vehicle traffic or pedestrians and the control of potential safety hazards to persons or property. It shall be unlawful to ride any wheeled device on any such posted parking area, street, and sidewalk, parking structure or parking lot.

Section 5. Penalties - A person who violates this section is responsible for a civil infraction, with a fine of \$50.00 for first offense, \$100.00 for second offense and \$200.00 for each subsequent offense. Restitution for any damages to property or people will also be charged. Said wheeled device will be impounded by the Township Police Department until disposition of the case.

Section 6. Publication – This Ordinance shall be published once in the Straitsland Resorter, a Newspaper published and circulated in said township and shall become effective thirty (30) days after publication.

Enacted and ordained on the 6 day of May 2003.


Eric Jacobson

Supervisor

Diane M. Hahn

Clerk

ORDINANCE NO. 30

AN ORDINANCE TO REGULATE THE USE OF NON-MOTORIZED PATHWAYS WITHIN THE TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

THE TOWNSHIP OF TUSCARORA ORDAINS:

Section 1. DEFINITIONS

The following words and terms in this ordinance are defined as follows:

- (a) "Bicycle" means a device propelled exclusively by human power upon which a person may ride, having two, three, or four wheels arranged in a tandem or tricycle fashion.
- (b) "Motor vehicle" means a vehicle which is self-propelled including, but not limited to motorized scooters, all terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts and Segway Personal Transporters.
- (c) "Motorcycle" means a motor vehicle having a saddle or seat for use of a rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.
- (d) "Non-motorized pathway" shall mean any public way operated and maintained by the Township or the road authority having jurisdiction, for bicycle and pedestrian use.
- (e) "Person" shall mean any person, or any firm, corporation (profit or nonprofit), or any association (incorporated or unincorporated), or any other type of business entity.
- (f) "Sign" shall have the same meaning as provided in the Cheboygan County Zoning Ordinance.
- (g) "Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or a revolving belt tread, or any combination of these or similar means of contact with the surface upon which is operated.
- (h) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved exclusively by human power.

Section 2. PROHIBITION OF MOTOR VEHICLE USE

No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle or any other type of motor vehicle or golf cart upon any non-motorized pathway within the Township, except directly to enter or depart from adjacent property; provided, however, this section shall not prohibit the use of sidewalks and pedestrian pathways by persons using motorized wheelchairs or similar devices used to facilitate access and travel by handicapped persons.

Section 3. SAFE BICYCLE OPERATION

No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-

motorized pathway, and also shall yield the right-of-way to pedestrians who are using or are on the non-motorized pathway.

Section 4. PROHIBITION OF HORSE RIDING

No person shall ride or walk a horse, or lead a horse, on a non-motorized pathway or within the designated easement for the non-motorized pathway.

Section 5. TOWNSHIP POLICIES REGULATING PATHWAY USE

The Township Board may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance. Such policies may include provisions regulating the occurrence and scope of gatherings and events on, near or associated with a non-motorized pathway.

Section 6. DAMAGE

- (a) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, on any part thereof, or any sign, or part thereof, relating thereto.
- (b) At the Township's option, the Township may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the Township for such repair work, or alternatively, the Township may require the person who caused the damage to repair the non-motorized pathway to its prior state within thirty days of the date of the damage. All such repair work shall be performed in accordance with the standards of Michigan Department of Transportation (MDOT).

Section 7. NON-MOTORIZED PATHWAY OBSTRUCTION

- (a) **PARKING.** No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle, trailer, mobile home, motor home, camper or boat upon a non-motorized pathway so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.
- (b) **DEBRIS.** No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.
- (c) **DEPOSIT OF ICE OR SNOW.** No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Tuscarora Township official.

Section 8. FISHING PROHIBITION

No person shall fish or otherwise attempt to catch fish or other aquatic animals while on a non-motorized pathway, or the appurtenances of a non-motorized pathway. Appurtenances of a

non-motorized pathway shall include, but are not limited to, any bridges or other structures which touch, adjoin or abut a non-motorized pathway or within the designated easement for the non-motorized pathway

Section 9. ANIMALS

- (a) Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance.
- (b) Pets must be leashed and under the control of the owner at all times so as not to interfere with other pathway users.

Section 10. VEGETATION

No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway. No person shall allow trees, shrubs or other vegetation to grow to a size that obscures view or obstructs passage along a non-motorized pathway. Tuscarora Township reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

Section 11. IRRIGATION

No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway.

Section 12. CONSTRUCTION PROJECTS

- (a) If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within 10 days after the damage occurs, unless otherwise authorized by Tuscarora Township; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such 10-day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skates and pedestrians, and full repair and restoration shall then be completed as soon as weather permits.
- (b) An occupancy permit shall, not be granted under the Cheboygan County zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit reasonable use by bicycles and pedestrians, and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to

guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.

- (c) Repair of all damage, as required by this Section, shall be performed in compliance with Michigan Department of Transportation.

Section 13. CUTS OR OPENINGS IN SIDEWALK OR PEDESTRIAN PATHWAY

- (a) All persons shall complete a Non-motorized Pathway Opening Permit if it is necessary to make a cut or opening in a non-motorized pathway. Such cut or opening shall not be made until a Non-motorized Pathway Opening Permit has been completed and returned to the Michigan Department of Transportation, with payment of any required fee.
- (b) If an emergency requires an immediate utility cut or opening to be made, the Michigan Department of Transportation shall be notified, the permit completed and the applicable fee paid on the next business day during which the MDOT office is open.
- (c) When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the Michigan Department of Transportation.

Section 14. SIGNS

- (a) No person shall suspend any sign, banner, printed leaflet or similar object above a non-motorized pathway or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the Township official authorized by ordinance or Township policy to grant such approval
- (b) The provisions of this Section shall not prohibit the Township from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

Section 15 EXEMPTION

This ordinance shall not apply to work being done by an authorized Township official or employee on a non-motorized pathway and this ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

Section 16. VIOLATIONS AND PENALTIES

- (a) A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purpose of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the

ordinance for which such person admitted responsibility or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense.

- (b) The following persons are authorized to issue municipal civil infraction citations for violation of provisions of this ordinance. If such person or any of them have reasonable cause to believe that a violation or infraction has occurred, based on personal observation or on the report of a person who has allegedly witnessed the violation or infraction: (1) The Township Supervisor and (2) The Tuscarora Township Police Department.
- (c) If a citation for violation of this ordinance is based solely upon the complaint of a person who allegedly witnessed the violation, and not upon the personal observation of any of the persons authorized to issue municipal civil infraction citations hereunder, then such citation shall be approved in writing by the Township Supervisor prior to its issuance.
- (d) Municipal civil infraction citations for violations of this ordinance shall be served upon the alleged violator as provided by law and Township ordinance.
- (e) The issuance of a municipal civil infraction citation shall not be an exclusive remedy, but may be undertaken by the Township in addition to other means of enforcement, as provided by law, including, but not limited to, the seeking of injunctive and other relief.

Section 17. SEVERABILITY

This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 18. REPEAL

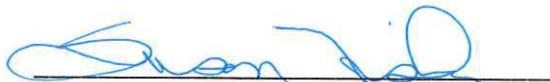
All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 19. PUBLICATION AND EFFECTIVE DATE

This ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.

CERTIFICATION

I, SUSAN FISHER, Clerk for the Township of Tuscarora, County of Cheboygan, State of Michigan, certify that this is a true copy of an Ordinance adopted by the Board of Trustees of the Township of Tuscarora at its regular meeting on the 3rd day of February, 2015, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.



Susan Fisher, Township Clerk