

EATON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 16, 2022

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, February 16, 2022 including the availability of virtual participation by the public.

Chairman Whittum called the meeting to order at 7:00 p.m.

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

Commissioner Barnes gave the invocation.

Roll call. Commissioners present: Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Joseph Brehler, Brian Droscha, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, Barbara Rogers and Jeremy Whittum.

Commissioners absent: None

Chairman Whittum moved the approval of the agenda as presented. Seconded by Commissioner Lautzenheiser. Carried unanimously.

Commissioner Lautzenheiser moved the approval of the January 3, 2022 and January 19, 2022 meeting minutes as presented. Seconded by Commissioner Droscha. Carried unanimously.

Communications: Letter and Resolution from the City of Lansing opposing the proposed off-road vehicle ordinance.

Commissioner Lautzenheiser moved the approval of #22-2-17 Resolution of Appreciation for Vernon Camp Plumbing Inspector.

WHEREAS, Vernon Camp has retired from Eaton County on January 31, 2022 after 10 years of service; and

WHEREAS, Vernon worked in the Construction Code Department from October 31, 2011 until his retirement; and

WHEREAS, Vernon Camp has provided dedicated and honorable service to the residents and employees of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Vernon Camp's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Vernon for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.

Seconded by Commissioner Droscha. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #22-2-18 Resolution of Appreciation for Gene Bryan Construction Code Enforcement Director.

WHEREAS, Gene Bryan will be retiring from Eaton County on February 25, 2022 after 22 years of service; and
WHEREAS, Gene worked in the Construction Code Department from June 2, 1999 and served as its Director from June 24, 2013 until his retirement; and
WHEREAS, Gene Bryan has provided dedicated and honorable service to the residents and employees of Eaton County; and
WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Gene Bryan's years of public service.
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Gene for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and
BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.
Seconded by Commissioner Mulder. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #22-2-19 Resolution of Appreciation for Rosemary Anderson Deputy Youth Services Director.

WHEREAS, Rosemary Anderson will be retiring from Eaton County on February 25, 2022 after 30 years of service; and
WHEREAS, Rosemary worked in the Eaton County Trial Courts from February 10, 1992; until her retirement; and
WHEREAS, Rosemary has provided dedicated and honorable service to the residents of Eaton County; and
WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Rosemary's years of public service.
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Rosemary for years of exceptional service to Eaton County and expresses its best wishes to her in the next chapter of her life; and
BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.
Seconded by Commissioner Droscha. Carried unanimously.

Chairman Whittum opened the Public Hearing on the Off-Road Vehicle Ordinance at 7:10 p.m.

Public Comment: Eaton County residents Jennifer Dingman, Kevin Whipple, Mark Goodrich and Brian Rose spoke in support of the proposed Off-Road Vehicle Ordinance. Eaton County resident Joseph Guenther spoke in opposition to the proposed Off-Road Vehicle Ordinance.

Chairman Whittum closed the Public Hearing 7:20 p.m.

Public Comment: Mr. Veltman Allegan County resident spoke in favor of passing the proposed Off-Road Vehicle Ordinance.

Sheriff Reich spoke regarding his department's partnership with Olivet College in regards to campus safety and the Olivet College Criminal Justice program, to correct comments made to the contrary at the February 11th Ways and Means Committee meeting, and distributed a communication from Phil Reed, Associate Professor of Criminal Justice at Olivet College.

Commissioner Mott moved the following Health and Human Services Committee appointment:

Tri-County Aging Advisory Council

Barbara Smith, to a three-year term expiring December 31, 2024
Seconded by Commissioner Pearl-Wright. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #22-2-20 Resolution to Approve FY 2021 Homeland Security Grant Program Region 1 Sub-Recipient Agreement.

WHEREAS, Eaton County is a member of Michigan State Police Region 1 for purposes of participation in the Homeland Security Grant Fund distribution; and

WHEREAS, Ingham County has agreed to act as the fiduciary agent for the Region 1 Board for the administration of this grant program; and

WHEREAS, in order to receive its allocation through this grant program the County is required to enter into a sub-recipient agreement with the fiduciary agent (Ingham County); and

WHEREAS, the Public Safety Committee has reviewed and is recommending the approval of the attached sub-recipient agreement.

NOW THEREFORE BE IT RESOLVED, the Eaton County Board of Commissioners approves entering into the Sub-recipient Agreement with Ingham County for the FY 2021 Homeland Security Grant Program.

Seconded by Commissioner Rogers. Carried unanimously.

Commissioner Barnes moved the approval of #22-2-21 Resolution to Approve Homeland Resolution to Approve Hazardous Material Emergency Preparedness Grant Application.

WHEREAS, the Michigan State Police Emergency Management and Homeland Security Division has grant funds available through the U.S. Department of Homeland Security; and

WHEREAS, the Eaton County Local Emergency Planning Committee is requesting Eaton County to sponsor the grant application; and

WHEREAS, the grant will provide funding for the completion of Superfund Amendments and Reauthorization Act (SARA) Title III, Section 302, in support of the ongoing operation of Local Emergency Planning Commissions (LEPC) for an amount up to \$1,500; and

WHEREAS, there is a 25% in-kind match which will be met by the LEPC member time and office and administrative expenses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves Eaton County's application for participation in the Hazardous Materials Emergency Preparedness Grant; and
BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and
BE IT FURTHER RESOLVED, that the Chairperson or his designee is authorized to sign any necessary documents pertaining to the County's participation.
Seconded by Commissioner Mulder. Carried unanimously.

Commissioner Lautzenheiser moved the approval of #22-2-22 Resolution to Approve Firehouse Subs Public Safety Foundation Grant Application.
WHEREAS, the Firehouse Subs Public Safety Foundation has a grant program available for eligible public safety first responder agencies; and
WHEREAS, the Sheriff's Office is interested in applying for a grant to purchase dive suits for officers assigned to marine safety and regional dive team response activities; and
WHEREAS, the Sheriff's Office requests approval to submit a grant application in an amount up to \$20,000 for this acquisition; and
WHEREAS, the Public Safety Committee has reviewed and is recommending approval of the Sheriff's Office grant application request.
NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners approves the Sheriff's Office submission of the grant application to the Firehouse Subs Public Safety Foundation; and
BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to amend the FY21-22 budget to include revenue and expenditures as outlined in the grant, if the County is awarded grant funds based on the application.
Seconded by Commissioner Mott. Carried unanimously.

Commissioner Barnes moved the approval of the Off-Road Vehicle Ordinance.

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Eaton County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, as amended, which is incorporated by reference in its entirety.

THE COUNTY OF EATON ORDAINS:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Eaton.
- b) "Direct supervision" means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- c) "Driver's license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.301 to 257.329, for that

individual to operate a vehicle, whether or not conditions are attached to the license or permit.

- d) "Maintained portion" means the roadway and any shoulder of a road.
- e) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- f) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g) "ORV" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. ORV does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in the performance of its common function, or a registered aircraft.
- h) "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, as amended, MCL 247.655.
- i) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Section 2. Designated Roads.

An ORV may be operated only on the far right on the maintained portion of a road with these exceptions:

- a) All Roads within Delta Township.
- b) All Roads within Benton Township.
- c) All paved County primary roads identified on Appendix A, incorporated by reference. An ORV shall not operate on the County roads listed in Appendix A.
- d) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to I-69, I-96, I-496, M-43, M-50, M-78, M-79, M-99, M-100, M-188 in Eaton County.
- e) A person operating an ORV on a designated County Road may cross an excluded road as indicated in paragraph (b) of this section for the sole purpose of continuing travel on the designated County Road. The crossing of the excluded road shall only be performed if the operation can be done safely and only at the right angle. The operator shall bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.

- f) A township board of a township in the County may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the County, pursuant to MCL 324.81131 (4).
- g) Any road closed to the operation of an ORV by the County Road Commission pursuant to MCL 324.81131 (4).
- h) An ORV may not be operated on any City or Village road surface, roadway, shoulder or right-of-way in Eaton County, unless allowed by City or Village ordinance.
- i) An ORV may not be operated within any State Game Area located in Eaton County, except for those roads listed herein or unless allowed by the State Game Area.
- j) An ORV may not be operated on any linear trail park in Eaton County.
- k) Appendix A may be amended and/or replaced by action conforming to the passage of ordinances by the Eaton County Board of Commissioners upon passage of a resolution amending this ordinance.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all the following conditions may be operated on a designed road in the County:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) With the flow of traffic.
- c) In a manner which does not interfere with traffic on the road.
- d) Traveling single file, except when overtaking and passing another ORV.
- e) While displaying a securely attached white-lighted headlight and red-lighted taillight with brake light at all times.
- f) By a person not less than 12 years of age.
- g) An ORV shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- h) A child who is less than 16 years of age shall not operate a 3-wheeled ORV.
- i) The ORV shall be equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a red brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- k) Each operator and passenger must wear a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a

crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.

- l) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m) Pursuant to noise emission standard defined by law.
- n) ORVs must not be operated in a manner that will cause damage to the road surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as “fishtailing” and spinning of tires that disperses gravel and creates ruts and other damage.

Section 4. License; Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver’s license or unless the person is under the direct supervision of a parent or guardian and has in his or her immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada.

Section 5. Registered Motor Vehicle. Unless a person possess a valid driver’s license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 6. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the Michigan Vehicle Code was in a collision on a roadway with an ORV that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Section 7. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$250.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public or private property damaged as a result of a violation.

Section 8. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Eaton County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Eaton County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Eaton County Sheriff for ORV enforcement and training.

Section 9. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Eaton County Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to the Ordinance. The

County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 12. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 13. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

Section 14. Immunity Clause. Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability from injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV. The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. An used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

Seconded by Commissioner Mott. Carried unanimously.

Commissioner Augustine moved to amend the proposed ordinance by Section 3, item O. An ORV shall maintain at least 3 feet of distance between ORV and bicycles and shall yield the right of way to all pedestrians. Seconded by Commissioner Ridge. Discussion held. Carried unanimously.

Commissioner Mott moved to remove Love Road, Bellevue, from the list of prohibited roads. Seconded by Commissioner Augustine. Discussion held Carried.

Commissioner Droscha moved to remove Section 3, item F 12 year olds. Seconded by Commissioner Reynnet. Discussion held.

Roll call vote: Ayes: Brian Droscha, Dairus Reynnet, and Barbara Rogers. Nays: Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright,

Jane M. Whitacre, Mark Mudry, Joseph Brehler, Wayne Ridge, Brian Lautzenheiser, Jim Mott, and Jeremy Whittum. Motion failed.

Further discussion on the proposed ordinance, as twice amended. Commissioner Augustine requested the discussion be closed and to call the question. Seconded by Commissioner Barnes. Nays: Brian Droscha and Barbara Rogers. Motion carried.

Chairman Whittum moved the approval of the Off-Road Vehicle Ordinance as amended.

Roll call vote on off-road vehicle ordinance, as amended: Ayes: Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, and Jeremy Whittum. Nays: Joseph Brehler, Brian Droscha, and Barbara Rogers. Motion carried.

Commissioner Lautzenheiser moved the approval of County Plumbing Code Ordinance Amendment.

AN ORDINANCE TO AMEND THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2018 MICHIGAN PLUMBING CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.
THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 108.8 OF THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.8 to read as follows:

Section 108.8 Violation penalties:

- A. Any violation of any provision of any subsection of the 2018 Michigan Plumbing Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2018 Michigan Plumbing Code.
- B. The sanction for any violation of any subsection of the 2018 Michigan Plumbing Code which are municipal civil infractions shall be a civil fine as provided in subsection 108.9 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and

Eaton County Department of Construction Codes Plumbing Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2018 Michigan Plumbing Code.

D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2018 Michigan Plumbing Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsection of the 2018 Michigan Plumbing Code listed above shall not preclude other civil proceedings to abate such nuisance.

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

SECTION 2. ADDITION OF SUBSECTION 108.9 TO THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.9 to read as follows:

Section 108.9 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2018 Michigan Plumbing Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2018 Michigan Plumbing Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

1. A person, corporation or firm who, as a result of violating any provision of a subsection of the 2018 Michigan Plumbing Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction

Violations Bureau of \$100.00.

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

SECTION 3. ADDITION OF SUBSECTION 108.10 TO THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.10 to read as follows:

Section 108.10 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2018 Michigan Plumbing Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

SECTION 4. REPEALER.

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

SECTION 5. SEVERABILITY

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

SECTION 6. SAVINGS CLAUSE.

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

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication. Seconded by Commissioner Augustine. Carried unanimously.

Commissioner Mulder moved the approval of #22-2-23 Resolution to Amend County Personnel Policy.

WHEREAS, the Board of Commissioners has adopted a Personnel Policy for employees; and

WHEREAS, the Controller/Administrator recommends that the attached language within the Personnel Policy be amended; and

WHEREAS, the Controller/Administrator also recommends that the attached Article 15, Section 4 be added to the Personnel Policy; and

WHEREAS, the Ways & Means Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted personnel policy, to be effective immediately; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the attached revisions to the Personnel Policy, effective immediately, as presented.

Seconded by Commissioner Mott. Carried unanimously.

Commissioner Mulder moved the approval of #22-2-24 Resolution to Approve 2021/2022 Budget Amendments.

WHEREAS, the Eaton County 2021/2022 Appropriations Act of September 15, 2021 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

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

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2021/2022 Eaton County Budget:

SPECIAL REVENUE FUNDS

CENTAL DISPATCH – MILLAGE 261.901

Increase	Capital Outlay	\$ 184,550
Increase	State Grant Revenue	\$ 178,950
Increase	Fund Balance Carryover	\$ 5,600

To re-authorize budget for State NG911 grant (\$178,950) and increase budget for communication equipment for the emergency alert siren at Crandell Lake (\$5,600), both projects appropriated during previous fiscal year and completed during current fiscal year.

AMERICAN RESCUE AND RECOVERY PLAN 282

Increase	Personnel - Wages	\$1,207,000
Increase	Personnel - Fringes	\$ 93,000
Increase	ARPA Revenue	\$ 750,000
Increase	ARPA Revenue	\$ 550,000

To establish budget for Temporary Retention and Recruitment Premium Program. Seconded by Commissioner Augustine. Carried unanimously.

Commissioner Mulder moved the approval of #22-2-25 Resolution to Approve FY 2023 Budget Schedule.

Seconded by Commissioner Ridge. Carried unanimously. (On file)

Commissioner Mulder moved the approval of claims as audited by the Ways & Means Committee for \$663,841.14 and to accept the report of previously authorized payments.

Seconded by Commissioner Rogers. Carried unanimously.

Public Comment: Jennifer Dingman thanked the Commissioners for voting to approve the ORV Ordinance.

Commissioner Comment: Commissioners Augustine, Mott and Barnes thanked the members of the public for their support and interest in the ORV ordinance development.

Commissioner Barnes introduced his wife, former commissioner Christine Barnes and announced Ms. Barnes is running for 78th State Representative.

Chairman Whittum spoke regarding the Charlotte Rural Fire Association, Charlotte Fire Department grants, Delta Township water treatment plant, opioid settlement funds, rural ambulance service, and Olivet College.

There was no Unfinished Business, Old Business or New Business.

Chairman Whittum adjourned the meeting to Wednesday, March 16, 2022 at 7:00 p.m.


Chairman of the Board of Commissioners


Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF APPRECIATION FOR
VERNON CAMP
PLUMBING INSPECTOR**

FEBRUARY 16, 2022

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Droscha.

WHEREAS, Vernon Camp has retired from Eaton County on January 31, 2022 after 10 years of service; and

WHEREAS, Vernon worked in the Construction Code Department from October 31, 2011 until his retirement; and

WHEREAS, Vernon Camp has provided dedicated and honorable service to the residents and employees of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Vernon Camp's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Vernon for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022. Carried unanimously.

Jeremy Whittum
Chairman of the Board of Commissioners

Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF APPRECIATION FOR
VERNON CAMP
PLUMBING INSPECTOR**

FEBRUARY 16, 2022

WHEREAS, Vernon Camp has retired from Eaton County on January 31, 2022 after 10 years of service; and

WHEREAS, Vernon worked in the Construction Code Department from October 31, 2011 until his retirement; and

WHEREAS, Vernon Camp has provided dedicated and honorable service to the residents and employees of Eaton County; and


WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Vernon Camp's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Vernon for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.



Jeremy Whittum
Chairman of the Board of Commissioners



Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF APPRECIATION FOR
GENE BRYAN
CONSTRUCTION CODE ENFORCEMENT DIRECTOR

FEBRUARY 16, 2022

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

WHEREAS, Gene Bryan will be retiring from Eaton County on February 25, 2022 after 22 years of service; and

WHEREAS, Gene worked in the Construction Code Department from June 2, 1999 and served as its Director from June 24, 2013 until his retirement; and

WHEREAS, Gene Bryan has provided dedicated and honorable service to the residents and employees of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Gene Bryan's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Gene for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022. Carried unanimously.

Jeremy Whittum
Chairman of the Board of Commissioners

Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF APPRECIATION FOR
GENE BRYAN
CONSTRUCTION CODE ENFORCEMENT DIRECTOR

FEBRUARY 16, 2022

WHEREAS, Gene Bryan will be retiring from Eaton County on February 25, 2022 after 22 years of service; and

WHEREAS, Gene worked in the Construction Code Department from June 2, 1999 and served as its Director from June 24, 2013 until his retirement; and

WHEREAS, Gene Bryan has provided dedicated and honorable service to the residents and employees of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Gene Bryan's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Gene for years of exceptional service to Eaton County and expresses its best wishes to him in the next chapter of his life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.



Jeremy Whittum
Chairman of the Board of Commissioners



Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF APPRECIATION FOR
ROSEMARY ANDERSON
DEPUTY YOUTH SERVICES DIRECTOR**

FEBRUARY 16, 2022

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Droscha.

WHEREAS, Rosemary Anderson will be retiring from Eaton County on February 25, 2022 after 30 years of service; and

WHEREAS, Rosemary worked in the Eaton County Trial Courts from February 10, 1992; until her retirement; and

WHEREAS, Rosemary has provided dedicated and honorable service to the residents of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Rosemary's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Rosemary for years of exceptional service to Eaton County and expresses its best wishes to her in the next chapter of her life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022. Carried unanimously.

Jeremy Whittum
Chairman of the Board of Commissioners

Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF APPRECIATION FOR
ROSEMARY ANDERSON
DEPUTY YOUTH SERVICES DIRECTOR**

FEBRUARY 16, 2022

WHEREAS, Rosemary Anderson will be retiring from Eaton County on February 25, 2022 after 30 years of service; and

WHEREAS, Rosemary worked in the Eaton County Trial Courts from February 10, 1992; until her retirement; and

WHEREAS, Rosemary has provided dedicated and honorable service to the residents of Eaton County; and

WHEREAS, the Eaton County Board of Commissioners seeks to recognize and express appreciation for Rosemary's years of public service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does hereby thank Rosemary for years of exceptional service to Eaton County and expresses its best wishes to her in the next chapter of her life; and

BE IT FURTHER RESOLVED, that this resolution of appreciation and support be duly recorded and attached to the permanent records of the County on this 16th day of the month of February in the year 2022.



Jeremy Whittum
Chairman of the Board of Commissioners



Diana Bosworth
Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 16, 2022

**RESOLUTION TO APPROVE FY 2021 HOMELAND SECURITY GRANT PROGRAM
REGION 1 SUB-RECIPIENT AGREEMENT**

Introduced by the Public Safety Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Rogers.

WHEREAS, Eaton County is a member of Michigan State Police Region 1 for purposes of participation in the Homeland Security Grant Fund distribution; and

WHEREAS, Ingham County has agreed to act as the fiduciary agent for the Region 1 Board for the administration of this grant program; and

WHEREAS, in order to receive its allocation through this grant program the County is required to enter into a sub-recipient agreement with the fiduciary agent (Ingham County); and

WHEREAS, the Public Safety Committee has reviewed and is recommending the approval of the attached sub-recipient agreement.

NOW THEREFORE BE IT RESOLVED, the Eaton County Board of Commissioners approves entering into the Sub-recipient Agreement with Ingham County for the FY 2021 Homeland Security Grant Program. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 16, 2022

**RESOLUTION TO APPROVE HAZARDOUS MATERIAL EMERGENCY
PREPAREDNESS GRANT APPLICATION**

Introduced by the Public Safety Committee

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

WHEREAS, the Michigan State Police Emergency Management and Homeland Security Division has grant funds available through the U.S. Department of Homeland Security; and

WHEREAS, the Eaton County Local Emergency Planning Committee is requesting Eaton County to sponsor the grant application; and

WHEREAS, the grant will provide funding for the completion of Superfund Amendments and Reauthorization Act (SARA) Title III, Section 302, in support of the ongoing operation of Local Emergency Planning Commissions (LEPC) for an amount up to \$1,500; and

WHEREAS, there is a 25% in-kind match which will be met by the LEPC member time and office and administrative expenses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves Eaton County's application for participation in the Hazardous Materials Emergency Preparedness Grant; and

BE IT FURTHER RESOLVED, that the Controller be authorized to approve any necessary budget amendments to increase expenditures and increase grant revenue if the grant is approved by the State of Michigan; and

BE IT FURTHER RESOLVED, that the Chairperson or his designee is authorized to sign any necessary documents pertaining to the County's participation. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 16, 2022

**RESOLUTION TO APPROVE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION
GRANT APPLICATION**

Introduced by the Public Safety Committee

Commissioner Lautzenheiser moved the approval of the following resolution. Seconded by Commissioner Mott.

WHEREAS, the Firehouse Subs Public Safety Foundation has a grant program available for eligible public safety first responder agencies; and

WHEREAS, the Sheriff's Office is interested in applying for a grant to purchase dive suits for officers assigned to marine safety and regional dive team response activities; and

WHEREAS, the Sheriff's Office requests approval to submit a grant application in an amount up to \$20,000 for this acquisition; and

WHEREAS, the Public Safety Committee has reviewed and is recommending approval of the Sheriff's Office grant application request.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners approves the Sheriff's Office submission of the grant application to the Firehouse Subs Public Safety Foundation; and

BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to amend the FY21-22 budget to include revenue and expenditures as outlined in the grant, if the County is awarded grant funds based on the application. Carried unanimously.

**STATE OF MICHIGAN
COUNTY OF EATON
ORV ORDINANCE NO. 2022-1**

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Eaton County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, as amended, which is incorporated by reference in its entirety.

THE COUNTY OF EATON ORDAINS:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Eaton.
- b) "Direct supervision" means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- c) "Driver's license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- d) "Maintained portion" means the roadway and any shoulder of a road.
- e) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- f) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g) "ORV" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. ORV does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in the performance of its common function, or a registered aircraft.
- h) "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, as amended, MCL 247.655.

- i) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state of a province of Canada.

Section 2. Designated Roads.

An ORV may be operated only on the far right on the maintained portion of a road with these exceptions:

- a) All Roads within Delta Township.
- b) All Roads within Benton Township.
- c) All paved County primary roads identified on Appendix A, incorporated by reference. An ORV shall not operate on the County roads listed in Appendix A.
- d) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to I-69, I-96, I-496, M-43, M-50, M-78, M-79, M-99, M-100, M-188 in Eaton County.
- e) A person operating an ORV on a designated County Road may cross an excluded road as indicated in paragraph (b) of this section for the sole purpose of continuing travel on the designated County Road. The crossing of the excluded road shall only be performed if the operation can be done safely and only at the right angle. The operator shall bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.
- f) A township board of a township in the County may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the County, pursuant to MCL 324.81131 (4).
- g) Any road closed to the operation of an ORV by the County Road Commission pursuant to MCL 324.81131 (4).
- h) An ORV may not be operated on any City or Village road surface, roadway, shoulder or right-of-way in Eaton County, unless allowed by City or Village ordinance.
- i) An ORV may not be operated within any State Game Area located in Eaton County, except for those roads listed herein or unless allowed by the State Game Area.
- j) An ORV may not be operated on any linear trail park in Eaton County.

- k) Appendix A may be amended and/or replaced by action conforming to the passage of ordinances by the Eaton County Board of Commissioners upon passage of a resolution amending this ordinance.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all the following conditions may be operated on a designed road in the County:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) With the flow of traffic.
- c) In a manner which does not interfere with traffic on the road.
- d) Traveling single file, except when overtaking and passing another ORV.
- e) While displaying a securely attached white-lighted headlight and red-lighted taillight with brake light at all times.
- f) By a person not less than 12 years of age.
- g) An ORV shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- h) A child who is less than 16 years of age shall not operate a 3-wheeled ORV.
- i) The ORV shall be equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a red brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- k) Each operator and passenger must wear a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- l) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m) Pursuant to noise emission standard defined by law.

- n) ORVs must not be operated in a manner that will cause damage to the road surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as “fishtailing” and spinning of tires that disperses gravel and creates ruts and other damage.
- o) An ORV shall maintain at least 3 feet of distance between ORV and bicycles and shall yield the right of way to all pedestrians.

Section 4. License; Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver’s license or unless the person is under the direct supervision of a parent or guardian and has in his or her immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada.

Section 5. Registered Motor Vehicle. Unless a person possess a valid driver’s license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 6. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the Michigan Vehicle Code was in a collision on a roadway with an ORV that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Section 7. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$250.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public or private property damaged as a result of a violation.

Section 8. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Eaton County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Eaton County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Eaton County Sheriff for ORV enforcement and training.

Section 9. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Eaton County Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to the Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 12. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 13. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

Section 14. Immunity Clause. Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability from injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV. The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

Roll call vote on off-road vehicle ordinance, as amended: Ayes: Tim Barnes, Blake Mulder, Terrance Augustine, Brandon Haskell, Jeanne Pearl-Wright, Jane M. Whitacre, Mark Mudry, Dairus Reynnet, Wayne Ridge, Brian Lautzenheiser, Jim Mott, and Jeremy Whittum. Nays: Joseph Brehler, Brian Droscha, and Barbara Rogers. Motion carried.

This Ordinance was adopted by action of the Eaton County Board of Commissioners on February 16, 2022.

EATON COUNTY, MICHIGAN

Ordinance No. 2022-2

AN ORDINANCE TO AMEND THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2018 MICHIGAN PLUMBING CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.
THE COUNTY OF EATON ORDAINS:

SECTION 1. ADDITION OF SUBSECTION 108.8 OF THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.8 to read as follows:
Section 108.8 Violation penalties:

- A. Any violation of any provision of any subsection of the 2018 Michigan Plumbing Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2018 Michigan Plumbing Code.
- B. The sanction for any violation of any subsection of the 2018 Michigan Plumbing Code which are municipal civil infractions shall be a civil fine as provided in subsection 108.9 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Plumbing Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2018 Michigan Plumbing Code.
- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2018 Michigan Plumbing Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsection of the 2018 Michigan Plumbing Code listed above shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADDITION OF SUBSECTION 108.9 TO THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.9 to read as follows:

Section 108.9 Schedule of Fines

A. General; Fines for Municipal Civil Infraction Citations.

1. A person, corporation or firm who violates any provisions of any subsection of the 2018 Michigan Plumbing Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2018 Michigan Plumbing Code committed by a corporation, person or firm within any 36 month period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for Violation Notices

1. A person, corporation or firm who, as a result of violating any provision of a subsection of the 2018 Michigan Plumbing Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.
 - (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
 - (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
 - (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

SECTION 3. ADDITION OF SUBSECTION 108.10 TO THE 2018 MICHIGAN PLUMBING CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.

The 2018 Michigan Plumbing Code is amended to add a new subsection 108.10 to read as follows:

Section 108.10 Location of Violations Bureau

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2018 Michigan Plumbing Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

SECTION 4. REPEALER.

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

SECTION 5. SEVERABILITY

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


SECTION 6. SAVINGS CLAUSE.

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

SECTION 7. EFFECTIVE DATE.

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

I, Diana Bosworth, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on March 5, 2022.



Diana Bosworth, Eaton County Clerk

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 16, 2022

RESOLUTION TO AMEND COUNTY PERSONNEL POLICY

Introduced by the Ways & Means Committee

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

WHEREAS, the Board of Commissioners has adopted a Personnel Policy for employees; and

WHEREAS, the Controller/Administrator recommends that the attached language within the Personnel Policy be amended; and

WHEREAS, the Controller/Administrator also recommends that the attached Article 15, Section 4 be added to the Personnel Policy; and

WHEREAS, the Ways & Means Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted personnel policy, to be effective immediately; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the attached revisions to the Personnel Policy, effective immediately, as presented. Carried unanimously.

EATON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 16, 2022

RESOLUTION TO APPROVE 2021/2022 BUDGET AMENDMENTS

Introduced by the Ways and Means Committee

Commissioner Mulder move the approval of the following resolution. Seconded by Commissioner Augustine.

WHEREAS, the Eaton County 2021/2022 Appropriations Act of September 15, 2021 states that any amendment to increase a salary and/or a Capital Outlay line-item in excess of \$2,500.00 or any amendment to increase the total budget of any fund or department in excess of \$2,500.00 shall be amended by the Board of Commissioners, except that any amendment to decrease the General Fund Contingency shall be approved by the Board of Commissioners; and

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

NOW, THEREFORE BE IT RESOLVED, that the following budget amendments be approved and added to the 2021/2022 Eaton County Budget:

SPECIAL REVENUE FUNDS

CENTAL DISPATCH – MILLAGE 261.901

Increase	Capital Outlay	\$ 184,550
Increase	State Grant Revenue	\$ 178,950
Increase	Fund Balance Carryover	\$ 5,600

To re-authorize budget for State NG911 grant (\$178,950) and increase budget for communication equipment for the emergency alert siren at Crandell Lake (\$5,600), both projects appropriated during previous fiscal year and completed during current fiscal year.

AMERICAN RESCUE AND RECOVERY PLAN 282

Increase	Personnel - Wages	\$1,207,000
Increase	Personnel - Fringes	\$ 93,000
Increase	ARPA Revenue	\$ 750,000
Increase	ARPA Revenue	\$ 550,000

To establish budget for Temporary Retention and Recruitment Premium Program. Carried unanimously.

February 11, 2022

2022/2023 BUDGET SCHEDULE

Wednesday, February 23, 2022	Budget Documents to Elected Officials/Department Heads	
Friday, March 11, 2022	Present Personnel Expenditure Estimates	Ways & Means Committee
Friday, March 18, 2022	Technology and Building Requests Due	
Friday, March 25, 2022	Budget Forms Returned by Elected Officials/Department Heads	
Friday, April 15, 2022	Review Revenue Estimates and Departmental Expenditure Requests	Ways & Means Committee
Friday, May 13, 2022	Review Revised Revenue Estimates and Controller's Office Expenditure Recommendations	Ways & Means Committee
Friday, May 13, 2022	Recommendations to Departments	
Friday, June 10, 2022	Work Session (a.m. and p.m. if necessary) * Budget Hearings (If necessary)	Ways & Means Committee
Wednesday, June 15, 2022	Adoption of Operating Millage	Board
Friday, June 17, 2022	* Budget Hearings (If necessary) (a.m. and p.m. if necessary)	Ways & Means Committee
Friday, July 15, 2022	Work Session (a.m. and p.m. if necessary)	Ways & Means Committee
Friday, August 12, 2022	Work Session (a.m. and p.m. if necessary)	Ways & Means Committee
Tuesday, September 13, 2022	Truth in Budgeting Hearing	Board
Friday, September 16, 2022	Work Session (a.m. and p.m. if necessary)	Ways & Means Committee
Wednesday, September 21, 2022	Adoption of Budget and Tax Rates	Board

* **Tentative, will be cancelled if unnecessary.**

p.m. **Indicates work session may cause meeting to continue into the afternoon.**

Commissioner Mulder moved the approval of 2022/2023 Budget Schedule. Seconded by Commissioner Ridge. Carried unanimously.