

**WATERCRAFT CONTROL; LAKE PONEMAH  
Ordinance No. 264  
Adopted: April 18, 1977**

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in Fenton Township, Genesee County; enacted under the authority of Act 303, Public Acts of 1967, as amended MSA 18.1287(17) being identical to state administrative rules filed in the office of the secretary of state.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

**SECTION 1. Definitions.**

All words and phrases used in this ordinance shall be construed and have the same meanings as those words and phrases defined in Act 303, P.A. 1967, as amended, MSA 18.1287(8).

**SECTION 2. Slow no-wake speed.**

Regulation No. 25, Genesee County.

R 281.725.13. Lake Ponemah channels and canals; slow no-wake speed.

Rule 13. On the waters of the canals and channels connected to Lake Ponemah, including the channel connecting Lake Ponemah to Squaw Lake, sections 15, 21, 22, 27, and 28, T5N, R6E, Fenton Township, Genesee County, it is unlawful for the operator of a vessel to exceed a slow no-wake speed.

**SECTION 3. Repeal.**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 651, 10-17-05)

**SECTION 5. Severability.**

This ordinance and the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid, it is declared the remainder of this ordinance shall not be affected hereby.

**SECTION 6. Effective date.**

This ordinance shall take effect 30 days after its publication in the Fenton newspaper.

**WATERWAYS & MARINE SAFETY  
Ordinance No. 793  
Adopted December 19, 2016**

An ordinance to adopt, by reference, certain parts of Michigan law relating to marine safety, and to control certain activities upon the waterways within the Charter Township of Fenton, and providing for penalties for violations thereof, as allowed by MCL 324.80113, all for the general health, welfare and safety of the residents of Fenton Township.

**THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN HEREBY ORDAINS:**

**SECTION 1. Adoption of Provisions of the Watercraft and Marine Safety Act**

- A. The provisions of Michigan Law, specifically MCL 324.80101 to and inclusive of MCL 324.80104, which sets forth definitions, are hereby adopted by reference.
- B. The provisions of Michigan Law, specifically MCL 324.80122 to and inclusive of MCL 324.80124, relating to the conditions for the operation of vessels, providing for exemptions, and relating to the certificate of title and the certificate of the numbers for the vessels, are hereby adopted by reference.
- C. The provisions of Michigan Law, as set forth in MCL 324.80126, which provides for dealer certificates of number and dealer decals on vessels, are hereby adopted by reference.
- D. The provisions of Michigan Law, as set forth in MCL 324.80144 to and inclusive of MCL 324.80153, regulating the operation of vessels, including the speed and other regulations relating to the specific operation of vessels and the use of those vessels, are hereby adopted by reference.
- E. The provisions of Michigan Law, as set forth in MCL 324.80155, regulating divers, the point of submergence, and the distance from diver's flag, are hereby adopted by reference.
- F. The provisions of Michigan Law, as set forth in MCL 324.80166 to and inclusive of MCL 324.80173, providing for the circumstances for an arrest without a warrant, the issuance of a summons, and permitting peace officers to stop a vessel upon reasonable suspicion, and prohibiting the furnishing of false information to a peace officer, are hereby adopted by reference.

**SECTION 2. Penalties**

- A. A person convicted of violating this Ordinance is guilty of a misdemeanor, and shall be punished by one or more of the following:
  - 1. Community service for not more than forty-five (45) days;
  - 2. Imprisonment for not more than ninety-three (93) days;
  - 3. A fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

- B. That in addition to the penalties provided herein, the Court may order the person to pay the cost of the prosecution, which shall not be less than Fifty Dollars (\$50.00), and the Court shall also impose the sanctions as set forth under Michigan law, being MCL 324.80185 and MCL 324.80186.

**SECTION 3. Severability**

Each and every article, section and subsection, of this ordinance, and each provision of each article, section and subsection, is declared to be separable and severable, and a judicial determination that any article, section, subsection or provision of this ordinance is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision.

**SECTION 4. Effective Date**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 19th day of December 2016.

**Fertilizer Application  
Ordinance No. 545  
Adopted: March 29, 1999**

An ordinance to regulate the use of fertilizers near lakes, streams, rivers, county drains and certain wetland areas within the Charter Township of Fenton; to establish licensing requirements for Commercial Fertilizer Applicators; and to provide a penalty for the violation thereof.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN  
ORDAINS:

**SECTION 1. Purpose.**

Based on scientific studies and general knowledge, the township board has determined that certain compounds containing nitrogen and phosphorus which are contained in fertilizers, when used within the township, enter into the township's water resources, including lakes, streams, wetlands, drains and natural water courses, resulting in excessive and accelerated growth of algae and aquatic plants which is detrimental to such water resources. Therefore the township board has determined it necessary and appropriate to regulate the application of fertilizers.

**SECTION 2. Definitions.**

For the interpretation of this Ordinance, the following definitions shall apply:

- A. **Authorized Township Official.** A Police Officer, the Township Building Inspector, the Township Ordinance Enforcement Officer, the Township Supervisor or any other township employee specially designated in writing by the Township Board for the purpose of enforcing this Ordinance.
- B. **Commercial Fertilizer Applicator.** Any individual or entity who applies fertilizer in the township in exchange for money, goods, services or other valuable consideration.
- C. **County Drain.** A channel, ditch, ravine, storm drain, catch basin, or any other man-made structure designed to direct and control the flow of water, which is under the jurisdiction of the Genesee County Drain Commissioner.
- D. **Institutional Fertilizer Applicator.** Any individual or entity who applies fertilizers for the purpose of maintaining turf areas of more than one (1) acre. Institutional applicators shall include, but shall not be limited to, owners, operators and caretakers of golf courses, public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership. Owners of individual parcels in single-family residential districts shall not be considered as institutional applicators.
- E. **Fertilizer.** A substance which enriches the soil containing elements essential for plant growth, being primarily nitrogen, phosphorus and potassium.
- F. **Township.** The Charter Township of Fenton.
- G. **Wetland.** Any land characterized by the presence of water which is sufficient to support and normally supports wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. A wetland basically consists of wet soil and wetland vegetation. For purposes of this Ordinance a wetland must be 2 acres or more in total area or contiguous to a lake, stream, river, drain or natural water course.

**SECTION 3. Regulation of Fertilizers.**

---

## SECTION 2 – BUSINESS REGULATIONS

No property owner, Commercial Fertilizer Applicator, Institutional Fertilizer Applicator or other person, entity or firm shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on or in any lake, stream, river, county drain, or any wetland contiguous to a lake, stream, river or county drain within the Township.

No Commercial Fertilizer Applicator or Institutional Fertilizer Applicator shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on any property within twenty-five (25) feet of the shoreline of any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township or otherwise apply, deposit, leave, maintain, place or use any fertilizer in any manner by which fertilizer could enter into any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township.

Except for Commercial Fertilizer Applicators and Institutional Fertilizer Applicators, no property owner or other person, entity or firm shall apply, deposit, leave, maintain, place, use or permit another person, entity or firm to apply, deposit, leave, maintain, place or use any fertilizer on any property within fifty (50) feet of the shoreline of any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township or otherwise apply, deposit, leave, maintain, place or use any fertilizer in any manner by which fertilizer could enter into any lake, stream, river, county drain or any wetland contiguous to a lake, stream, river or county drain within the Township.

### SECTION 4. Licensure Requirement and Procedure.

- A. All Commercial Fertilizer Applicators shall be licensed in good standing by the Township prior to applying fertilizers on any lands within the Township.
- B. A license issued under this Ordinance shall be valid until expiration, suspension or revocation.
- C. To secure a license, a Commercial Fertilizer Applicator shall complete and submit to the Township an *Application for Commercial Fertilizer Applicator License*. Previously licensed applicators shall submit their applications by March 1 of the year for which a license is requested. The license application shall include, but is not limited to, the following information:
  1. Legal and business name(s), address, telephone number and the name of a contact person for the applicant.
  2. A copy of the applicant's material safety data sheet (MSDS) for products used.
  3. A copy of the applicant's most current listing of clients located within the Township.
  4. Documented evidence that the applicant is licensed by the State of Michigan for the use of chemicals and any other materials utilized during the process of applying fertilizers.
- D. Upon submission of the application, the applicant shall pay the fee according to the schedule established by resolution of the township board.
- E. The application shall be approved or denied within thirty (30) days by the Township and, if approved, a license shall be issued with an effective date of April 1 of the current year, with an expiration date of March 31 of the immediately following year.
- F. The Township shall maintain a current list of all licensed Commercial Fertilizer Applicators.
- G. A licensee shall notify the department in writing of any changes in the information disclosed in the license application.

- H. The business name of a Commercial Fertilizer Applicator shall be prominently displayed on all company vehicles in order to assist in monitoring and enforcement of this ordinance.

**SECTION 5. Enforcement.**

- A. Any Authorized Township Official shall act as an enforcement officer of this Ordinance.  
B. The township, through its enforcement officers, shall monitor for compliance with this Ordinance and shall be permitted to conduct periodic spot checks on all Commercial and Institutional Fertilizer Applicators for such purpose.  
C. In addition to the Sanctions for Violation outlined in Section 6 of this Ordinance, should a licensee be found to be in violation of this Ordinance, the township board, following notice and an opportunity of the licensee to be heard, shall have the right to revoke the license for a period of up to one (1) year.

**SECTION 6. Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

**SECTION 7. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 8. Effective Date.**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 29<sup>th</sup> day of March, 1999.