

**MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, February 22, 2018
7:30 p.m.**

Call to Order

Pledge of Allegiance

Members Present/Members Absent

Call to the Public

- 1.) Approval of Agenda
- 2.) Consent Agenda
 - a.) Approval of February 8, 2018 Regular Meeting Minutes
 - b.) January 2018 Financial Report
- 3.) 2018 Dust Control Provider
- 4.) Budget Amendments
- 5.) 2018 Primary Road Projects
- 6.) Fillmore County Park
- 7.) Noise, Nuisance and Motor Braking General Ordinances
- 8.) Howell Landscaping
- 9.) Meadows West
- 10.) Crystalwood Road Escrow Agreement
- 11.) Student Literature Evangelists
- 12.) Fireproof File Cabinets

Correspondence and Updates

Call to the Public

Adjournment

DRAFT

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 8, 2018

MEMBERS PRESENT: Tammy Beal, Les Andersen, Greg Durbin, Dan Lowe, Scott Lloyd,
Bob Hanvey, and Duane Stokes

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Holly Ward Lamb, the new director of the Howell Carnegie Library, introduced herself to the board members.

APPROVAL OF AGENDA

Les Andersen motioned to approve the agenda. Duane Stokes seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Tammy Beal seconded. **Motion carried.**

2018 PRIMARY ROAD PROJECTS

Mary Killeen, 3488 Sesame Drive, was present to express concerns about the safety of Cedar Lake Road, as well as the wear and tear on vehicles. She asked what criteria are necessary to move Cedar Lake Road up on the list of priorities.

Larry Grunn, 3969 Love's Creek, said the township has been applying band aids to this road; he would be willing to collect signatures of those in support of paving.

Forrest Wyckoff, 3145 Cedar Lake Road, said that this is a very busy road.

Larry Diedrick, 3371 Sesame Drive, asked where the funding would come from. Bob Hanvey said it would have to come from the General Fund; Cedar Lake isn't considered a primary road for funding from the LCRC.

Les Andersen said that Mike Crain said an email from the township supervisor is all that is necessary to begin the process to have Cedar Lake Road designated as a primary road; the state has to approve.

Phil Westmoreland said that Jodie was going to look at Coon Lake Road and provide an estimate. Dan Lowe said the LCRC always paid for repairs in the past; why does the township have to pay now? Duane Stokes suggested inviting Mike Crain to a meeting. Greg Durbin said that none of the public roads in his subdivision have been repaired by the LCRC; the residents have paid for it.

Phil Westmoreland explained how the LCRC receives funding. Bob Hanvey said even if the voter's had approved a one mil road millage, it would only have generated about \$350,000 per year.

Bob Hanvey will contact Mike Crain about having Cedar Lake Road designated as a primary road.

POINT AND PAY ONLINE PAYMENT SYSTEM

Les Andersen motioned to approve the treasurer's request to use Point & Pay for payments. Tammy Beal seconded. Motion carried.

TRACILEE PUMP STATION CONTROLLER

An email from Mike Spittler is included in the packet; the cost of the replacement controller for the Tracilee pump station is \$3,237.

HOWELL LANDSCAPING

Bob Hanvey reported that the attorney hasn't yet responded. Rob Rochowiak asked if he could get copies of the emails sent by Mr. Ryan; Mr. Hanvey said he will have them sent.

CRYSTALWOOD ROAD ESCROW AGREEMENT

No new information on this item.

MEADOWS WEST

A public hearing for this project is scheduled for the next Planning Commission meeting.

NOISE, NUISANCE AND MOTOR BRAKING GENERAL ORDINANCES

A couple of options for this ordinance are included in the packet. Les Andersen said he would like the words "that creates excess noise" added to the end of item (x) on page 3. Bob Hanvey said he would like to leave out mud bogs. Dan Lowe motioned to postpone action on this item. Duane Stokes seconded. Motion carried.

CORRESPONDENCE/UPDATES

The monthly newsletter from the Livingston County commissioners is included in the packet.

Les Andersen asked the engineer if he was familiar with the \$5 million wetland mitigation project; Mr. Westmoreland said yes.

Bob Hanvey said an email was received from Sherry White in support of paving Cedar Lake Road.

CALL TO THE PUBLIC

Forrest Wyckoff reminded the board members that there are many dead trees that need to be removed.

ADJOURNMENT

Les Andersen motioned to adjourn at 8:56 pm. Duane Stokes seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

MARION TOWNSHIP
FINANCIAL REPORT

Jan-18

GENERAL FUND CHECKING

| | | |
|------------------|----|------------|
| Previous Balance | \$ | 873,032.68 |
| Receipts | \$ | 156,327.35 |
| Interest | | |

| | | |
|--|----|--------------|
| | \$ | 1,029,360.03 |
|--|----|--------------|

| | | |
|--------------|----|------------|
| Expenditures | \$ | 101,030.96 |
|--------------|----|------------|

| | | |
|---------|----|------------|
| Balance | \$ | 928,329.07 |
|---------|----|------------|

CEMETERY FUND

| | | |
|------------------|----|----------|
| Previous Balance | \$ | 9,182.71 |
| Receipts | \$ | - |
| Interest | | |

| | | |
|--|----|----------|
| | \$ | 9,182.71 |
|--|----|----------|

| | | |
|--------------|----|-------|
| Expenditures | \$ | 35.00 |
|--------------|----|-------|

| | | |
|---------|----|----------|
| Balance | \$ | 9,147.71 |
|---------|----|----------|

PARKS & RECREATION FUND

| | | |
|------------------|----|----------|
| Previous Balance | \$ | 3,341.16 |
| Receipts | | \$0.00 |
| Interest | | |

| | | |
|--|----|----------|
| | \$ | 3,341.16 |
|--|----|----------|

| | | |
|--------------|--|---------|
| Expenditures | | \$26.62 |
|--------------|--|---------|

| | | |
|---------|----|----------|
| Balance | \$ | 3,314.54 |
|---------|----|----------|

SEWER S.A.D.

| | | |
|------------------|----|---|
| Previous Balance | \$ | - |
| Receipts | \$ | - |
| Interest | | |

| | | |
|--|----|---|
| | \$ | - |
|--|----|---|

| | | |
|--------------|--|--------|
| Expenditures | | \$0.00 |
|--------------|--|--------|

| | | |
|---------|----|---|
| Balance | \$ | - |
|---------|----|---|

FINANCIAL REPORT

Jan-18

WATER - NEW USER

| | | |
|------------------|----|------------|
| Previous Balance | \$ | 306,109.23 |
| Receipts | \$ | 34,309.98 |
| Interest | | |
| | | ----- |
| Expenditures | \$ | 340,419.21 |
| | | \$2,351.42 |
| | | ----- |
| Balance | \$ | 338,067.79 |

SEWER OPERATING & MANAGEMT

| | | |
|------------------|----|------------|
| Previous Balance | \$ | 144,596.82 |
| Receipts | \$ | 3,342.62 |
| Interest | | |
| | | ----- |
| Expenditures | \$ | 147,939.44 |
| | \$ | 18,656.02 |
| | | ----- |
| Balance | \$ | 129,283.42 |

SEWER - NEW USER

| | | |
|------------------|----|--------------|
| Previous Balance | \$ | 2,395,436.05 |
| Receipts | \$ | 2,262.27 |
| Interest | | |
| | | ----- |
| Expenditures | \$ | 2,397,698.32 |
| | \$ | - |
| | | ----- |
| Balance | \$ | 2,397,698.32 |

SPEC ASSESS. FUND

| | | |
|------------------|----|--------------|
| Previous Balance | | \$85,489.61 |
| Receipts | \$ | 48,874.88 |
| Interest | | |
| | | ----- |
| Expenditures | \$ | \$134,364.49 |
| | | 3,180.00 |
| | | ----- |
| Balance | | \$131,184.49 |

SUMMARY TOTALS

| | | |
|-------------------------------|----|--------------|
| General Fund | \$ | 928,329.07 |
| Cemetery Fund | \$ | 9,147.71 |
| Parks & Rec Capital Chkg Acct | \$ | 3,314.54 |
| Sewer S.A.D. | \$ | " |
| Water - New User | \$ | 338,067.79 |
| Sewer Operating & Management | \$ | 129,283.42 |
| Sewer - New User | \$ | 2,397,698.32 |
| Special Assess. Fund | \$ | 131,184.49 |
| | | ----- |
| TOTAL | \$ | 3,937,025.34 |

Ref: Financial Report JANUARY 2018

402 W. Jackson Road
St. Louis, Michigan 48880



Phone 1-800-286-7312
Phone 989-681-3221
FAX 989-681-3574
www.michiganchloride.com

MICHIGAN CHLORIDE SALES, LLC

"The Dust Masters"
"The De-Ice Masters"

Tammy Beal, Clerk
Marion, Township
2877 W. Coon Lake Rd.
Howell, MI 48843-8937

February 12, 2018

Tammy:

Michigan Chloride Sales is pleased to offer you a prices for dust control for the 2018 year.

Mineral Well Brine delivered and applied to your dirt roads in 9500 gallon loads.

Continuous Application-----\$0.19/gallon

Terms: Net 30 Days

If you have any questions please feel free to contact us, 1-800-286-7312 or e-mail me at bharkness@michiganchloride.com Visit our web-site www.michiganchlride.com

Best Regards

Brad Harkness
Sales & Operations

Chloride Solutions

Ice & Dust Control

RATE QUOTE

Date: Jan 26, 2018

Customer: Marion Township

Product: Dust Control - Mineral Well Brine

Applied Rate: \$.1825 per gallon / 9,000 gallons per load

Discount Offered: 1% net 10 days of receipt; net 30 days

Customer Signature: _____

Date: _____

Quoted By: *Brian Hitchcock, President*

If awarded this bid, please sign and return to our office.

~ Fax: 517-521-4503 ~ Telephone: 517-521-2124 ~

~ Email: brian@mbhtrucking.net~

Chloride Solutions, LLC

672 N. M-52

Webberville, MI. 48892

Quote is good through the 2018 season

#101 General Fund
Profit & Loss Budget vs. Actual
July 2017 through June 2018

| | Jul '17 - Jun '18 | Budget | \$ Over Budget | % of Budget | Proposed |
|---------------------------------------|-------------------|---------------------|--------------------|--------------|-----------|
| Income | | | | | |
| 4402-20 · ACT 451 swamp land PILT | 529.04 | 0.00 | 529.04 | 100.0% | |
| 44020 · PROPERTY TAX | 0.00 | 335,000.00 | -335,000.00 | 0.0% | |
| 44021 · TAX CHARGE BACKS | -47.25 | -500.00 | 452.75 | 9.45% | |
| 44025 · ADMIN FEES | 0.00 | 104,000.00 | -104,000.00 | 0.0% | |
| 44120 · DELINQUENT PERSONAL PROP TAX | 132.72 | 0.00 | 132.72 | 100.0% | |
| 44450 · PENALTY & INTEREST | 0.00 | 0.00 | 0.00 | 0.0% | |
| 44760 · LAND USE PERMITS | 7,225.00 | 7,500.00 | -275.00 | 96.33% | |
| 44761 · LAND DIVISION APP | 1,475.00 | 1,450.00 | 25.00 | 101.72% | |
| 44762 · LAND COMBINATION PERMIT | 225.00 | | | | |
| 44770 · DOG LICENSES | 240.00 | 300.00 | -60.00 | 80.0% | |
| 45760 · STATE REV SHARING | 572,848.00 | 800,000.00 | -227,152.00 | 71.61% | |
| 45761 · PC-SITE PLAN & SPEC USE APP | 6,000.00 | 1,000.00 | 5,000.00 | 600.0% | |
| 45762 · MTDG FEES - ZONING | 800.00 | 1,000.00 | -200.00 | 80.0% | |
| 46280 · SUMMER TAX COLLECT-SCHOOL&SET | 14,115.00 | 14,000.00 | 115.00 | 100.82% | |
| 46420 · SALES & COPIES | 0.00 | 0.00 | 0.00 | 0.0% | |
| 46500 · CABLECOM/ | 65,284.78 | 125,000.00 | -59,715.22 | 52.23% | |
| 46650 · INTEREST | 549.82 | 700.00 | -150.18 | 78.55% | |
| 46710 · FIRE STATION LEASE | 0.00 | 1.00 | -1.00 | 0.0% | |
| 46711 · AT&T CELL TOWER LEASE | 13,886.25 | 23,800.00 | -9,913.75 | 58.35% | |
| 46712 · METRO ACT FEES | 0.00 | 8,000.00 | -8,000.00 | 0.0% | |
| 46714 · ACT 425- CITY OF HOWELL | 3,308.15 | 2,500.00 | 808.15 | 132.33% | |
| 46717 · VERIZON (CELL TOWER) LEASE | 7,774.00 | 11,040.00 | -3,266.00 | 70.42% | |
| 46718 · AT&T VIDEO FRANCHISE FEES | 14,882.91 | 20,000.00 | -5,117.09 | 74.42% | 18,000.00 |
| 48040 · ELECTION REIMBURSEMENTS | 0.00 | 0.00 | 0.00 | 0.0% | |
| 48060 · HERITAGE DAYS | | | | | |
| 060-100 · Vendors | 0.00 | 0.00 | 0.00 | 0.0% | |
| Total 48060 · HERITAGE DAYS | 0.00 | 0.00 | 0.00 | 0.0% | |
| 48061 · Donations | 50.00 | | | | |
| 48065 · HALL RENTAL | 2,140.00 | 1,000.00 | 1,140.00 | 214.0% | |
| 49560 · OTHER | 1,170.25 | 1,500.00 | -329.75 | 78.02% | |
| Total Income | 712,588.67 | 1,457,291.00 | -744,702.33 | 48.9% | |

**Constitutional and CVTRS Revenue Sharing Projections
FY2017 Actuals and FY2018 Projected - 2017 P.A. 107 - January Consensus**

| Revshare Code | Local Unit Name | Unit Type | County | FY2017 Actuals | | | FY2018 Projected | | | |
|---------------|-----------------|-----------|------------|----------------|-----------|-------------|------------------|-----------|-------------|-------------|
| | | | | Const | CVTRS | Total | Const | CVTRS | Suppl CVTRS | Total |
| 470000 | Livingston | Cnty | Livingston | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| 471010 | Brighton | Twp | Livingston | \$1,432,303 | \$7,847 | \$1,440,150 | \$1,458,315 | \$7,847 | \$14,446 | \$1,480,608 |
| 471020 | Cohoctah | Twp | Livingston | \$267,042 | \$0 | \$267,042 | \$271,892 | \$0 | \$0 | \$271,892 |
| 471030 | Conway | Twp | Livingston | \$285,479 | \$0 | \$285,479 | \$290,663 | \$0 | \$0 | \$290,663 |
| 471040 | Deerfield | Twp | Livingston | \$335,714 | \$0 | \$335,714 | \$341,811 | \$0 | \$0 | \$341,811 |
| 471050 | Genoa | Twp | Livingston | \$1,595,734 | \$52,458 | \$1,648,192 | \$1,624,712 | \$52,458 | \$16,094 | \$1,693,264 |
| 471060 | Green Oak | Twp | Livingston | \$1,402,837 | \$46,117 | \$1,448,954 | \$1,428,314 | \$46,117 | \$14,149 | \$1,488,580 |
| 471070 | Hamburg | Twp | Livingston | \$1,703,935 | \$56,015 | \$1,759,950 | \$1,734,879 | \$56,015 | \$17,186 | \$1,808,080 |
| 471080 | Handy | Twp | Livingston | \$412,196 | \$0 | \$412,196 | \$419,682 | \$0 | \$0 | \$419,682 |
| 471090 | Hartland | Twp | Livingston | \$1,180,477 | \$38,807 | \$1,219,284 | \$1,201,915 | \$38,807 | \$11,906 | \$1,252,628 |
| 471100 | Howell | Twp | Livingston | \$539,560 | \$0 | \$539,560 | \$549,358 | \$0 | \$0 | \$549,358 |
| 471110 | Iosco | Twp | Livingston | \$306,008 | \$0 | \$306,008 | \$311,565 | \$0 | \$0 | \$311,565 |
| 471120 | Marion | Twp | Livingston | \$804,749 | \$26,455 | \$831,204 | \$819,364 | \$26,455 | \$8,117 | \$853,936 |
| 471130 | Oceola | Twp | Livingston | \$960,933 | \$31,590 | \$992,523 | \$978,385 | \$31,590 | \$9,692 | \$1,019,667 |
| 471140 | Putnam | Twp | Livingston | \$468,632 | \$0 | \$468,632 | \$477,143 | \$0 | \$0 | \$477,143 |
| 471150 | Tyrone | Twp | Livingston | \$806,682 | \$26,519 | \$833,201 | \$821,332 | \$26,519 | \$8,136 | \$855,987 |
| 471160 | Unadilla | Twp | Livingston | \$270,987 | \$0 | \$270,987 | \$275,908 | \$0 | \$0 | \$275,908 |
| 472010 | Brighton | City | Livingston | \$599,295 | \$53,507 | \$652,802 | \$610,179 | \$53,507 | \$6,044 | \$669,730 |
| 472015 | Fenton | City | Livingston | \$806 | \$0 | \$806 | \$819 | \$0 | \$0 | \$819 |
| 472020 | Howell | City | Livingston | \$755,559 | \$101,948 | \$857,507 | \$769,281 | \$101,948 | \$7,620 | \$878,849 |
| 473010 | Fowlerville | Vil | Livingston | \$232,344 | \$44,599 | \$276,943 | \$236,563 | \$44,599 | \$2,343 | \$283,505 |
| 473020 | Pinckney | Vil | Livingston | \$195,391 | \$0 | \$195,391 | \$198,939 | \$0 | \$0 | \$198,939 |

January 11, 2018

FY2017 Actuals and FY2018 Projected - 2017 P.A. 107 - January Consensus

Prepared by the Revenue Sharing and Grants Division, Michigan Department of Treasury

#101 General Fund
Profit & Loss Budget vs. Actual
July 2017 through June 2018

| | Jul '17 - Jun 18 | Budget | \$ Over Budget | % of Budget | Proposed |
|--------------------------------------|------------------|--------------|----------------|-------------|------------|
| Gross Profit | 712,588.67 | 1,457,291.00 | -744,702.33 | 48.9% | |
| Expense | | | | | |
| 6000 · PAYROLL | | | | | |
| 755 · PAYROLL TAXES-FICA/MEDICARE | 22,172.00 | 33,000.00 | -10,828.00 | 67.19% | 35,000.00 |
| 756 · UNEMPLOYMENT TAX | 0.00 | 2,000.00 | -2,000.00 | 0.0% | |
| 759 · BCBS INVOICE - Health Premium | 92,483.10 | 175,000.00 | -82,516.90 | 52.85% | 180,000.00 |
| 760 · MISC Stipend | 20,000.00 | 30,000.00 | -10,000.00 | 66.67% | |
| 761 · BCBS EMPLOYEE Contribution | -11,199.44 | -15,000.00 | 3,800.56 | 74.66% | -17,000.00 |
| 766 · HSA CARD EMPLOYEE Contribution | 308.33 | 0.00 | 308.33 | 100.0% | |
| 767 · HSA CARD EMPLOYER Contribution | 51,300.00 | 0.00 | 51,300.00 | 100.0% | 52,000.00 |
| 771 · Colonial Life Ins E4270229 | -265.83 | 0.00 | -265.83 | 100.0% | |
| 774 · FLEX EMPLOYEE Dependent | 0.00 | 26,000.00 | -26,000.00 | 0.0% | 0.00 |
| 775 · FLEX EMPLOYEE Health | 0.00 | 0.00 | 0.00 | 100.0% | 50.00 |
| 778 · Friend of Court | 32.97 | 0.00 | 32.97 | 0.0% | |
| 779 · Garnishments | 0.00 | 0.00 | 0.00 | 0.0% | |
| 780 · PAYROLL SERVICES | 2,483.69 | 4,000.00 | -1,516.31 | 62.09% | |
| 890 · Direct Deposit Fees Employee | -167.77 | 0.00 | -167.77 | 0.0% | |
| 6000 · PAYROLL - Other | 0.00 | 0.00 | 0.00 | 0.0% | |
| Total 6000 · PAYROLL | 177,147.05 | 255,000.00 | -77,852.95 | 69.47% | |
| 6101 · TOWNSHIP BOARD | | | | | |
| 101-702 · TRUSTEES | 19,943.77 | 30,500.00 | -10,556.23 | 65.39% | |
| 101-703 · MEETINGS & SEMINARS | 953.00 | 1,500.00 | -547.00 | 63.53% | 2,000.00 |
| 101-810 · MTA MEMBERSHIP | 0.00 | 5,800.00 | -5,800.00 | 0.0% | |
| 101-860 · MILEAGE | 80.25 | 300.00 | -219.75 | 26.75% | 400.00 |
| 101-900 · PRINTING & PUB | 1,178.00 | 1,500.00 | -322.00 | 78.53% | |
| 101-910 · RECORDING SECRETARY | 1,442.50 | 2,600.00 | -1,157.50 | 55.48% | |
| 101-956 · MISCELLANEOUS | 0.00 | 250.00 | -250.00 | 0.0% | |
| Total 6101 · TOWNSHIP BOARD | 23,597.52 | 42,450.00 | -18,852.48 | 55.59% | |



Livingston County Department of Planning

January 31, 2018

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

Bob Hanvey, Supervisor
Marion Township
2877 W. Coon Lake Road
Howell, MI 48843

Dear Bob,

Livingston County has made significant progress on Phase I park development at Fillmore County Park, which is a \$172,000 project that is 50% funded by a federal Land and Water Conservation Fund (LWCF) grant.

Construction plans and specifications for the project have been completed and they are currently being reviewed by the Department of Natural Resources. We expect to put the project out to bid in the spring with construction to follow in summer 2018.

Marion Township is one of three local units of government (along with Livingston County), which generously committed funds toward the project as part of the local match. At this time we would like to request the \$3,000 contribution from Marion Township and we have attached a Contribution Agreement for your use if desired.

We sincerely appreciate your contribution toward this project which will expand recreational opportunities in the Livingston County community. If you have any questions, please feel free to contact me at (517) 540-8734.

Sincerely,

Kathleen J. Kline-Hudson, Director
Livingston County Planning Department

cc: Gary Childs, Chair, Livingston County Parks & Open Space Advisory Committee
Don Parker, Chair, Livingston County Board of Commissioners

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

(517) 546-7555
Fax (517) 552-2347

Web Site
livgov.com

PARTICIPATION AGREEMENT

This is an agreement between Marion Township, a Michigan Municipal Corporation (hereinafter referred to as "TOWNSHIP"), located at 2877 W. Coon Lake Road, Howell, Michigan 48843, and County of Livingston, a Michigan Municipal Corporation (hereinafter referred to as "COUNTY"), located at 304 E. Grand River Avenue, Howell, Michigan 48843.

WHEREAS, the County of Livingston has been approved by the MDNR for a Land and Water Conservation Fund grant for Phase I development of Fillmore County Park pending final approval by the National Park Service; and,

WHEREAS, the Fillmore County Park is available to the residents of the Township and the Township wishes to support the development of Fillmore Park to provide recreation and open spaces to residents of the Township and County.

NOW THEREFORE, the Township and the County agree to the following:

1. The Township shall pay the sum of \$3,000 to the County in match assistance for the Land and Water Conservation Grant for Phase I funding of Fillmore County Park. These monies shall be payable upon execution of this agreement.
2. The County shall use the money from the Township solely for the costs associated with the Land and Water Conservation Grant for Phase I funding of Fillmore County Park.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have entered into this Participation Agreement as of this ____ day of _____, 2018.

COUNTY OF LIVINGSTON

By: _____
Don Parker, Chairman
Livingston County Board of Commissioners

Dated: _____

| |
|---|
| <p>Approved as to Form for County of Livingston: COHL, STOKER & TOSKEY, P.C. By: Richard McNulty On: April 5, 2017</p> |
|---|

MARION TOWNSHIP

By: _____
Robert Hanvey, Supervisor

Dated: _____

By: _____
Tammy Beal, Clerk

Dated: _____

Signatures authorized by Marion Township
Township Board of Trustees Resolution
_____, 2018

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Noise, Nuisance, and Motor Braking General Ordinances
Date: February 8, 2018

At the November meeting of the Marion Township Planning Commission a motion was made to send three ordinances to the Township Board for review.

MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 28, 2017
7:30 P.M.

- 5) General Ordinances proposed
- #01-17 Land Division
 - #02-17 Nuisance *(New)*
 - #03-17 Noise *(New)*
 - #04-17 Motor Braking *(New)*
 - #05-17 Combine Lake Ordinance's, Change Cemetery, Change Park & Rec

Cheryl Range motioned to send **GO# 02-17**, **GO# 03-17** and **GO# 04-17** to the Board for approval. Bruce Powelson seconded. **Motion carried 4-0**

Attached are versions of the proposed general ordinances for your review and comment. The version prepared by Carlisle-Wortman combines all three issues into a single general ordinance. The emails have a stand-alone version for Motor Braking and combined noise/nuisance ordinance.

Dave Hamann

From: Christopher Atkin <catkin@cwaplan.com>
Sent: Friday, November 17, 2017 4:03 PM
To: Dave Hamann; John Enos
Subject: Proposed Draft Nuisance - Noise Ordinance
Attachments: Public Nuisances - Noise Ordinance.pdf

Dave,

Attached is draft language for noise/nuisance ordinance. It is a bit more involved than what you sent last week, however, I was able to incorporate most of the requested language. This language will replace the current ordinance of Section 4.04 A., all subsequent subsection will remain. I would recommend all of Section 4.04 and Section 4.05 be place in the townships general ordinance.

I reviewed the proposed regulations for decibel levels, as stated in Section 17.09 D. 15, *The intensity level of sounds shall not exceed seventy (70) decibels (dba) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards;* unfortunately, the maximum 70 decibel level may be too restrictive for a passenger car. Below is the decibel scale I referenced.

| Noise Source | Decibel Level | Decibel Effect |
|--|---------------|---|
| Jet take-off (at 25 meters) | 150 | Eardrum rupture |
| Aircraft carrier deck | 140 | |
| Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB). | 130 | |
| Thunderclap, chain saw, Oxygen torch (121 dB). | 120 | Painful. 32 times as loud as 70 dB. |
| Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB). | 110 | Average human pain threshold. 16 times as loud as 70 dB. |
| Jet take off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB). | 100 | 8 times as loud as 70 dB. Serious damage possible in 8 hr exposure. |
| Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB). | 90 | 4 times as loud as 70 dB. Likely damage in 8 hour exposure. |
| Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB). | 80 | 2 times as loud as 70 dB. Possible damage in 8 hour exposure. |
| Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB). | 70 | Arbitrary base of comparison. Upper 70s are annoyingly loud to some people. |
| Conversation in restaurant, office, background music, Air conditioning unit at 100 feet. | 60 | Half as loud as 70 dB. Fairly quiet. |
| Quiet suburb, conversation at home. Large electrical transformers at 100 feet. | 50 | One-fourth as loud as 70 dB. |
| Library, bird calls (44 dB); lowest limit of urban ambient sound | 40 | One-eighth as loud as 70 dB. |
| Quiet rural area. | 30 | One-sixteenth as loud as 70 dB. Very Quiet. |

| | | |
|--------------------------|----|----------------|
| Whisper, rustling leaves | 20 | |
| Breathing | 10 | Barely audible |

Please let John or I know if you have any questions.

Have a good weekend and Happy Thanksgiving.



Carlisle | Wortman
ASSOCIATES, INC.

Chris Atkin

Planner

PH: 734.662.2200

Fax: 734.662.1935

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

SECTION 1. MODIFY SECTION 3.02 DEFINITIONS

[Amend the following definition]

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. A continuing or repeated act or continuing or repeated occurrence which annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities, is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

SECTION 2. MODIFY SECTION 4.04 VIOLATIONS

[Amend the following]

- A. Violations are Nuisances Per Se: Violations of any provisions of this Ordinance are declared to be nuisances per se. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be nuisances per se:
1. No person shall throw, place, or leave; or permit the throwing, placing, or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
 - a. On the premises of another without permission.
 - b. On any public street, highway, lane, road, alley, public place, square, sidewalk, sewers, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
 - c. in any river, lake, stream, or other body of water.
 - d. No person shall maintain or permit to remain on their premises, so owned, occupied, or possessed by another, substances that constitute a dangerous

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin.

2. The emission of noxious fumes or gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
3. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.
4. Abandoning, leaving, keeping, or maintaining a junk or abandoned motor vehicle, as provided in the Michigan Vehicle Code (MCL 257.1 et seq.), unless such vehicle body or chassis is enclosed in a building or is not visible from surrounding properties.
5. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.
6. Violating the following noise regulations:
 - a. General Regulation. It shall be unlawful for the owner of any premises within the Township of Marion, or for the occupant or person in possession of any premises within the Township of Marion, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the Township of Marion.
 - b. Specific Noise Violations. The following recurring noise disturbances are hereby declared to be a violation of this Ordinance provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:
 - (i) The playing of any radio, television, or other electronic or mechanical sound-producing device, including any musical instrument.
 - (ii) Yelling, shouting, singing or other noise making at any time or place.
 - (i)(iii) The keeping of any animal, bird or fowl that emanates frequent or extended noise such as allowing or permitting any dog to bark repeatedly.
 - (iv) The operation of any automobile, motorcycle or other vehicle in such disrepair; or modified, enhanced, upgraded, or improved with aftermarket products, beyond manufacturer standards, which cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

- (v) The use of compression release engine brakes, commonly known as or referred to as Jake Brakes.
 - (vi) The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 - (vii) The construction, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.
 - (viii) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.
 - (ix) The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.
 - (x) The operation of any race track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the Township.
- c. Exceptions. None of the prohibitions enumerated above shall apply to the following:
- (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (ii) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Marion Township, or the County of Livingston, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 - (iii) Warning devices emitting sound for warning purposes as authorized by law.
 - {#}(iv) Activities permitted by Township actions.
 - {##}(v) Home owners performing ordinary property maintenance (i.e. lawn mowing, general repairs, gardening, snow removal...etc.)

Dave Hamann

From: pcrange@mariontownship.com
Sent: Wednesday, November 08, 2017 12:14 PM
To: supervisor@mariontownship.com; Sandi Longstreet; za; larrygrunn@yahoo.com
Subject: Fwd: Proposed Motor Braking Ordinance
Attachments: Forwarded Message (1.02 KB)

----- Forwarded message from pcrange@mariontownship.com -----

Date: Wed, 25 Oct 2017 15:30:09 +0000
From: pcrange@mariontownship.com
Subject: Proposed Motor Braking Ordinance
To: supervisor@mariontownship.com

Proposed Motor Braking Ordinance

An ordinance to ensure appropriate and considerate operation, at all times, of large diesel truck vehicle (s) on any Marion Township roadway. If said truck vehicle (s) has repurposed or modified exhaust system, illegally modified system, straight pipes, bypass or amplified systems (or similar sound devices resulting in the excessive loud, unusual or explosive noise levels which exceeds the general noise limits (established in township Articles 17.09 D15, 17.13 E9, 17.24E2, 17.27 C1D); or the operator uses motor braking (compression released motor braking); a violation of any provision of this ordinance is a misdemeanor (according to Section 6251C of MI Vehicle Code 1949 PA 300, MCL 257.625) and can carry a fine of \$200.00 - \$500.00 per charged offense.

----- End forwarded message -----

Dave Hamann

From: pcrange@mariontownship.com
Sent: Wednesday, November 08, 2017 12:12 PM
To: supervisor@mariontownship.com; Sandi Longstreet; za; larrygrunn@yahoo.com
Subject: Fwd: Proposed Nuisance Ordinance
Attachments: Forwarded Message (1.64 KB)

----- Forwarded message from pcrange@mariontownship.com -----

Date: Wed, 25 Oct 2017 15:09:03 +0000
From: pcrange@mariontownship.com
Subject: Proposed Nuisance Ordinance
To: supervisor@mariontownshp.com

Purposed Nuisance Ordinance

The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noise and disturbances to the peace, quiet and comfort to the residents and property owners of the township by any person, their possessions, or owned animal. (Please apply, include and review township nuisance definition. Article III pg. 3-15.) It states: Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people-particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

It is recommended:

- A) Offended party to (peaceably) contact the offender to (discuss/inform) of said issue.
- B) Notify the township by a written complaint (containing information of: who, what, when, where).
- C) In the case of the unreasonable resolve, after a possible site visit by township authority, a further resolution may be attempted by:
 - 1) Board of Trustee show/cause hearing
 - 2) Contacting township attorney
 - 3) Other possible agencies relating to the situation and issues involved.

----- End forwarded message -----

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.707c Noise limitations; prohibitions.

Sec. 707c. (1) After April 1, 1978, a motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii):

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

(i) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test at 75 inches.

(c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b):

(i) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe.

(2) A dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:

(a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more—83 DBA.

(b) A motorcycle or a moped—83 DBA.

(c) A motor vehicle not covered in subdivision (a) or (b)—80 DBA.

(3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.

(4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this act.

(5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway.

(6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this act.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978.

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.707b Exhaust system; requirements.

Sec. 707b. (1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act.

(2) For purposes of sections 707a to 707f, a motor vehicle does not include a special mobile equipment.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.



jake braking michigan law



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Michigan State Police has indicated that trucks are not prohibited from having and using engine brakes. The Michigan Vehicle Code does address exhaust noise, which is not an engine brake but is related to vehicle condition. Police cannot enforce engine brake use because it is not in violation of state law. Aug 27, 2014

[Top Ten Questions Asked of Traffic and Safety - State of Michigan](http://www.michigan.gov/.../MDOT_Top_Ten_Questions_Asked_of_Traffic_and_Safety_466...)
www.michigan.gov/.../MDOT_Top_Ten_Questions_Asked_of_Traffic_and_Safety_466...

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2007 Senate Bill 61: Allow local "jake brake" bans - Michigan Votes

michiganvotes.org/2007-SB-61

Introduced by Sen. Jud Gilbert (R) on January 24, 2007. To allow local governments to prohibit the use of truck compression brakes ("jake brakes") on portions of state trunkline highways within their jurisdictions and that are within 200 yards of a residential area. Official Text and Analysis. Referred to the Senate ...

City keeps its foot off tougher brake law - Huron Daily Tribune

www.michiganstumb.com/.../City-keeps-its-foot-off-tougher-brake-law-7290679.ph...

Aug 21, 2012 - By Kate Hessling, Assistant News Editor, BAD AXE — It doesn't appear city council is going to pass an ordinance any time soon to ban compression release engine brakes — often called "Jake brakes," a term that comes from a Jacobs Engine brake. During a public hearing Monday, council heard from ...

Top Ten Questions Asked of Traffic and Safety - State of Michigan

www.michigan.gov/.../MDOT_Top_Ten_Questions_Asked_of_Traffic_and_Safety_4...

Aug 27, 2014 - Michigan State Police has indicated that trucks are not prohibited from having and using engine brakes. The Michigan Vehicle Code does address exhaust noise, which is not an engine brake but is related to vehicle condition. Police cannot enforce engine brake use because it is not in violation of state law.

'Jake brake' signs found to be illegal by state agency | www ...

www.orchardparkbee.com/.../Jake_brake_signs_found_to_be_illegal_by_state_agen.h...

Oct 25, 2012 - Village Board members thought they had the authority to pass a law last fall prohibiting truck drivers from using noisy "Jake" brakes as they passed through village streets, but the state recently told them otherwise. "We felt we had done our homework," said Mayor John Wilson at the village's meeting on ...

Do you find Jake braking on trucks to be rude? - AARoads

<https://www.aaroads.com/forum/index.php?topic=4607.0>

May 14, 2011 - 25 posts - 19 authors

I think that it is totally rude when a truck driver uses his engine instead of his brakes to stop his vehicle for a red stoplight! Does anyone agree with this? I work on a busy truck route (Michigan Street in Orlando, FL) and when the light turns red for Division Street, boy do these truckers let out that annoying ...

Noise Ordinance - Clam Lake Township

www.clamlaketownship.org/noise-ordinance.html

property owners of the Township of Clam Lake, by regulating and where necessary prohibiting noise within said Township and proscribing penalties for the violation thereof. THE TOWNSHIP OF CLAM LAKE, COUNTY OF WEXFORD, STATE OF MICHIGAN, ORDAINS: TITLE Section 1: This ordinance shall be known may ...

City Council won't enact ordinance regulating truck noise - schurz ...

articles.petoskeynews.com/2008-03-26/unmuffled_24073403

Mar 26, 2008 - Also, there is currently no law in the Michigan Motor vehicle Code or Uniform Traffic Code that would support prohibiting engine braking. While the City does have the authority to enact such an ordinance, Doan said it is doubtful courts would recognize the law because it is not recognized by the state.

Municipalities Seek Noise Ordinances Against Jake Brakes - Trucks.com

<https://www.trucks.com/.../municipalities-seek-noise-ordinances-against-jake-brakes/>

Nov 11, 2015 - Just a brief Internet search can turn up hundreds of online newspaper articles centered around one issue: the use of commercial truck "jake brakes" in and around small towns. Wherever

people live close to truck-access roads, the problem can come up: Truck drivers use these loud braking systems to slow ...

Using Your Jake Brake Could Land You In Jail For 3 Months In This ...

<https://www.thetruckersreport.com/using-jake-brake-land-jail-3-months-town/> ▼

A small city in Missouri has created a new law which prohibits truckers from using their jake brakes in certain areas. Our insurance just informed us that Michigan is going to target drivers who have a cell phone mounted on the dash, windshield, or within reach, and a Bluetooth not be currently connected. The law states ...

PDF Regulatory Ord. No. 40 - Blendon Township

www.blendontownship-mi.gov/.../Regulatory%20Ord.%20No.%2040%20%281%29.... ▼

property owners of Blendon Township, Ottawa County, Michigan, by the regulation. ... system installed on motor vehicles, including on "trucks" and "truck tractors," as those terms are used in the Michigan Motor Vehicle Code. "Engine Brakes" are discharge of the firearms was authorized under Michigan law and all local.

Searches related to jake braking michigan law

- [jake brake laws](#)
- [why is engine braking illegal](#)
- [jake brake noise ordinance](#)
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Lansing MI 48917-2495
Telephone: (517) 316-1500
Fax: (517) 316-1501
Website: www.misda.org

To Whom It May Concern,

I write today regarding evangelistic work that the Family Health and Education Resources ministry of the Seventh-day Adventist Church will soon be conducting in your community. Student literature evangelists will soon be going door-to-door distributing free religious literature, praying with community members, enrolling interested individuals in Bible Studies, and seeking donations to support the program.

The Literature evangelistic program of the Adventist Church has been in existence for well over 100 years and is an important part of the Church's missionary work and evangelism. As student literature evangelists they are following the Great Commission that Christ gave His followers in Matthew 28:18-20.

In order not to disturb the community or be bothersome this program usually runs from 10:00am to 9:00pm, June 3 – August 11. Further, all of our students carry identification recognizing them as part of the Family Health and Education Resources Program. They also carry radios or cell phones to contact their onsite leader who can provide more information while in the field.

Some communities have ordinances governing door-to-door sales, canvassing or solicitations. However, the Supreme Court has protected door-to-door advocacy based upon the free exercise and speech clauses of the First Amendment. The Court has been particularly suspicious of any prior restraint on these activities such as requiring permit or registration process. If your city has an ordinance that it believes applies to our activities I ask that you contact us as soon as possible so we can discuss this.

We believe our evangelistic activities fall squarely within the protected zone of the First Amendment. Unless we hear differently we do not plan on applying for any permit or registering prior to beginning our missionary work.

It is our desire to work with local communities to avoid any potential problems. We are happy to provide more specific information regarding the program if you desire.

We look forward to working in your community and with your office as necessary.

PLEASE FORWARD THIS INFORMATION TO YOUR LOCAL POLICE/SHERIFF DEPARTMENT.

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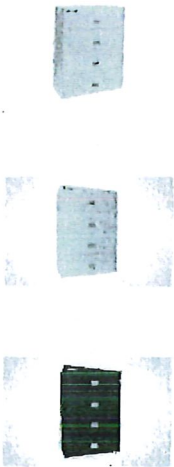
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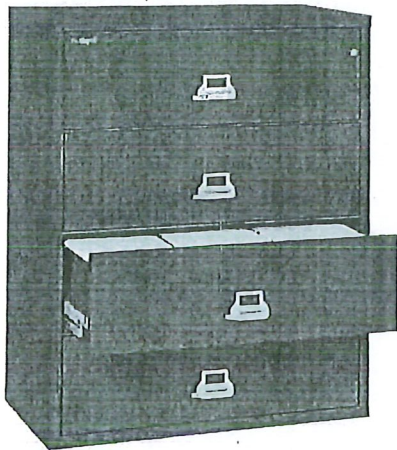
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