

**PLAINFIELD CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
ORDINANCE NO. 2023-05**

**AN ORDINANCE TO ENACT CHAPTER 32,  
ARTICLE IV, SECTIONS 32-81 THROUGH 32-110 OF  
THE CODE OF ORDINANCES, CHARTER  
TOWNSHIP OF PLAINFIELD, KENT COUNTY,  
MICHIGAN, TO CONTROL OBSTRUCTIONS IN AND  
GRANT LICENSES AND PERMITS FOR WORK IN  
PUBLIC RIGHTS-OF-WAY.**

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township offices on April 24, 2023, beginning at 6:00 p.m., the following Ordinance was offered for adoption by Township Board Member Batey, and was seconded by Township Board Member Brinkman:

THE CHARTER TOWNSHIP OF PLAINFIELD (the "Township") ORDAINS:

**Section 1. Enactment of Chapter 32, Article IV, Sections 32-81 through 32-110.** That Chapter 32, Article IV, Section 32-81 through 32-110 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan, are hereby created to read as follows:

**Sec. 32-81. - Enforcement official.**

All authorized township officials, as defined under Sec. 20-31, are authorized to enforce this article. Nothing herein shall be construed or interpreted as lessening the authority of the official appointed or designated to issue and enforce traffic control and similar orders and codes to the extent authorized by law.

**Sec. 32-82. - Definition for and prohibition on encumbrance or use of public right-of-way.**

- (a) For the purposes of this article, the term "public right-of-way" means that area included within, on, below, or above the improved portion of a public road, highway, street, alley, or easement, as well as the area outside the improved portion which remains subject to the township or other governmental entity's legal authority for right-of-way or easement purposes.
- (b) With the exception of mailbox receptacles, except as otherwise provided for herein, no person shall place, install, locate, maintain, allow to remain, or otherwise permit any

structure, fixture, personal property, object, or any other obstruction or encroachment of any kind or character in any public right-of-way within the township without first securing a permit or other written approval as provided in this article. To the extent authorized by law, should it be necessary to remove any permitted structure, fixture, personal property or object from within an existing public right-of-way to facilitate right-of-way improvements or to otherwise compel compliance with this article, the same shall be removed without reimbursement to the burdened property owner or adjoining property owners for loss of any kind.

- (c) No person shall perform property maintenance activities (to include, but not limited to lawn mowing, tree trimming, landscaping, or snow removal/plowing) that results in the placement of clippings, trimmings, refuse, or snow pile accumulations upon the improved portion of any public right-of-way, nor allow the same to remain thereon, within the township.
- (d) Nothing in this article shall be deemed to prohibit parking in a public right-of-way to the extent otherwise authorized under this Code.

**Sec. 32-83. - Township rights remain.**

All public rights-of-way which have at any time been dedicated, acquired, or purchased shall be and remain a street, highway, or public right-of-way of the width so dedicated, acquired or purchased, and no encroachments by fences, buildings, objects, or otherwise which may have been made since the purchase, dedication or acquisition, nor any encroachments which were within the limits of such right-of-way at the time of such purchase, dedication or acquisition, and no encroachments which may hereafter be made, shall give the party or parties, firm or corporation so encroaching, any title or public right to the right-of-way so encroached upon.

**Sec. 32-84. - Removal of encroachment.**

Any person or persons, firm, or corporation violating any of the provisions of this article shall, upon written demand of the township, remove such encroachments, pipelines, wires, cables, poles, fences, personal property or similar structures or objects. Following reasonable written notice to the adjacent property owner, as indicated by the most recent township tax roll, the township superintendent or township superintendent's agent is authorized to remove the object creating the encroachment in the public right-of-way and the person, persons, firm or corporation so violating shall be liable for the amount of expense incurred by the township in making such removal, to be assessed upon the property of such person, persons, firm or corporation.

**Sec. 32-85. - Violations and penalties.**

- (a) A violation of this article constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this article, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this article, shall be in violation of this article

and shall be responsible for a civil infraction. Each day during which any violation continues shall be deemed a separate offense.

(b) Any and all remedies available to the township shall be deemed cumulative and not mutually exclusive.

**Sec. 32-86 – 32-110. – Reserved.**

**Section 2.** Severability. The Ordinance and the various articles, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or work is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions of applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

**Section 3.** Effective Date. This Ordinance shall become effective upon the expiration seven days after its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

The vote to approve and enact this Ordinance was as follows:

Yeas: Batey, Brinkman, Hagedorn, Morrow, Pfaff, Coleman, Postmus

Nays: None

Absent: None

Abstain: None


Ordinance No. 2023-05 declared adopted.

THIS ORDINANCE IS HEREBY DECLARED ADOPTED AND ENACTED.

**CERTIFICATION**

I certify that the above is an ordinance adopted by the Township Board for Plainfield Charter Township on the date and time specified above pursuant to the required statutory procedures.

Respectfully submitted,

By   
Cathleen Postmus  
Plainfield Charter Township Clerk