AGENDA
HAYES TOWNSHIP BOARD OF TRUSTEES
November 9, 2026, 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
https://us02web.zoom.us/j/88001640434?pwd=QkdkY3AzN1dmKzZpajZQNEkwMkZ5dz09
Meeting ID: 880 0164 0434
Passcode: 251468
+1 312 626 6799 US (Chicago)

1. Call to Order
2. Pledge of Allegiance
3. Declaration of Conflict of Interest
4. Review and Approval of Agenda
5. Closed Session to Discuss Attorney Written Opinion of September 10, 2026 and Recent Developments
6. Public Comment
7. Approval of Meeting Minutes: October 12th 2026 BOT Regular Meeting
8. Treasurer's Report
9. Clerk's Report: Approval of Warrants
10. Reports: County Commissioner, Zoning Administrator, Planning Commission, Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

NEW BUSINESS

11. STR issues and Direction
12. Hunting on Township Property
13. Planning Commission Nomination
14. ZBA Alternate Position
15. Set December Board of Review Date
16. Franchise Ordinance Discussion
17. Public Comment
18. Board of Trustees Comment

ADJOURN MEETING

Public Comment at Meetings of the Hayes Township Board of Trustees

The Hayes Township Board of Trustees values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Board of Trustees the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Board of Trustee members or any staff in discussion or debate.

Board of Trustee members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Board of Trustees:

1. A person wishing to speak will indicate on the sign in sheet that they would like to be called on at Public Comment. All persons in attendance in person will be called on first. Zoom attendees can indicate they would like to speak by raising their hand icon.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Board of Trustees. Public comment is NOT to be addressed to individual Board of Trustee members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Board of Trustee members present. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Board of Trustee member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Board of Trustees
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
October 12th 2026 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720

Supervisor William Conklin called the October 12th, 2026, meeting of the Hayes Township Board to order at 7:00 pm.
Board members present were Matt Cunningham (Trustee), William Conklin (Supervisor), Doug Kuebler (Trustee), and Julie Collard (Treasurer)
Excused: Kristin Baranski (Clerk),
Audience Members signed in: David Zipp, Roy Griffitts, Diane Conklin, Bobby Han, Luanne Kozma, Ellis Boal, David Zipp, Linda Ambroso, Lindsey Dotson, Paul Hoadley, Anne Kontola, Patricio Trevino, Carol Umlor, Steve Hassell, Jeremy McKay, Mandy McKay, Kathy Simon, Brandon Vigliarolo, and Ann Hamlin.

CALL TO ORDER:

Supervisor William Conklin called the meeting to order at 7:00 pm.

DECLARATION OF CONFLICT OF INTEREST:

NONE.

REVIEWED & APPROVED AGENDA

Mr. Kuebler moved, with support from Mr. Cunningham. Baranski, to approve the agenda as presented.
Yays: Matt Cunningham, Doug Kuebler, Julie Collard, and William Conklin.
Nays: None Motion Carried

PUBLIC COMMENTS:

Public comment opened at 7:01 pm.
Comments included:

- Sentinel newsletter, Eastern Avenue Beach, Eastern Avenue Beach natural area, and Fowler Dock placement, and nuisance violation discussion.

Closed at 7:11 pm

APPROVAL OF SEPTEMBER 14TH 2026 BOT REGULAR MEETING MINUTES:

Mr. Cunningham moved, with support from Mr. Kuebler, to approve the September 14th, 2026, Board of Trustees regular meeting minutes as corrected.
Yeas: William Conklin, Matt Cunningham, Doug Kuebler, and Julie Collard.

Nays: None **Motion Carried**

APPROVAL OF SEPTEMBER 23, 2026, BOT SPECIAL MEETING MINUTES:

Ms. Collard moved, with support from Mr. Cunningham, to approve the September 23, 2026, Board of Trustees Budget Hearing minutes as corrected.

Yeas: William Conklin, Matt Cunningham, Doug Kuebler, and Julie Collard.

Nays: None **Motion Carried**

TREASURERS REPORT

Ms. Collard presented a written report of all Hayes Township account balances.

CLERK'S REPORT: APPROVAL OF WARRANTS

Deputy Clerk April Hilton presented the warrants for $72,344.15

Ms. Collard made a motion, supported by Mr. Kuebler, to approve Township warrants out of the General Fund for $72,344.15. A roll call was taken.

Yeas: Matt Cunningham, William Conklin, Doug Kuebler, and Julie Collard.

Nays: None **Motion Carried**

Ms. Collard made a motion, supported by Mr. Cunningham, to approve the $10,248.13 installment payment for the EMS building loan. The total installment payment will be offset 100% by the LCEMSA monthly lease payment. A roll call was taken.

Yeas: Matt Cunningham, William Conklin, Doug Kuebler, and Julie Collard.

Nays: None **Motion Carried**

Ms. Collard made a motion, supported by Mr. Kuebler, to approve the amended 2026 L-4029 form as presented, contingent on the Fire Millage passing and for Mr. Conklin and Ms. Baranski to sign. A roll Call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, and Doug Kuebler

Nays: None Motion Carried

COUNTY COMMISSIONER REPORT: Bob Jess was not present.

PARKS AND REC. REPORT: Ms. Collard presented a Parks and Rec. Report.

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
October 12th 2026 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720

PLANNING COMMISSION.
Mr. Cunningham presented the Planning Commission Report. The next regular Planning Commission meeting is on October 20, 2026, at 7:00 pm.

ZONING BOARD OF APPEALS: The ZBA did not meet.

ZONING ADMINISTRATOR REPORT: Ron VanZee presented a Zoning Administrator report.

SUPERVISOR REPORT: William Conklin presented a supervisor report.

NEW BUSINESS

HUNTING ON TOWNSHIP PROPERTY DISCUSSION:
Discussion included:

- Liability questions
- Bow Hunting Only
- Michigan laws for hunting regulations
- EMS concerns
- The township will reach out to Todd Millar for his opinion.

Mr. Kuebler made a motion, supported by Ms. Collard, to table this discussion until the next regularly scheduled meeting to receive Todd Millar's opinion.
Yeas: Matt Cunningham, Julie Collard, William Conklin, and Doug Kuebler.
Nays: None Motion Carried

PLANNING COMMISSION RESIGNATION & NOMINATION:
Board of Trustees accepted Carey Cuddeback's resignation from the Planning Commission.

Mr. Conklin made a nomination for Brandon Vigliarolo to the Hayes Township Planning Commission to fulfill Carey Cuddeback's 3-year term expiring 11.15.2028. Supported by Ms. Collard.

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
October 12th 2026 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720

Mr. Conklin made a motion, supported by Ms. Collard, to appoint Brandon Vigliarolo to the Hayes Township Planning Commission to fulfill Carey Cuddeback's 3-year term expiring 11.15.2028.
Yeas: Julie Collard, Matt Cunningham, Doug Kuebler, and William Conklin.
Nays: None Motion Carried

HISTORIC ROAD: MAJOR DOUGLAS SLOAN ROAD:

Presentation from Lindsay Dotson.
Discussion included:

- Repairs to the road are needed!
- Celebrating the history of Hayes Township
- Grant for the cost of a consultant from the community foundation for research purposes.
- $6500 invest is well worth all the other benefits the township will receive.
- Assistance programs the township may be eligible for road repair costs.
- Lindsay Dotson guarantees their team can designate the road as an historic corridor.
- Research into working with the road commission.
- Emergency services contribute to establishing the historic corridor.

Mr. Cunningham made a motion, supported by Mr. Kuebler, to table this discussion until the November BOT Meeting to allow the board members to research more on this subject.
Yeas: Julie Collard, Matt Cunningham, Doug Kuebler, and William Conklin.
Nays: None Motion Carried

NUISANCE VIOLATION DISCUSSION:

Discussion included:

- Violation located on Villa Road
- Property owner does not have the financial support to cover the cost to clean up the property.
- The Township could cover the cost of cleanup if the property owner agrees to place a lien on the property, and in the sale of the property, the Township would receive its money back.
- Multiple properties within Hayes Township in similar situations, due to the residents being financially challenged.

- If a property never sells, the Township covers a substantial cleanup cost they never receive reimbursement for.
- If the property owner ends up in a nursing home or care facility covered by Medicaid and/or Medicare as they get older, this would lead to the sale of the property.
- The board should consider tabling this discussion until the Health Department has time to respond to the violation.

Mr. Conklin made a motion, supported by Ms. Collard, to table this agenda item until the November BOT regularly scheduled meeting to allow the board members time to reach options and receive feedback from the Health Department.

Yeas: Matt Cunningham, William Conklin, Doug Kuebler, and Julie Collard.
Nays: None **Motion Carried**

PUBLIC COMMENTS: Public comments opened at 8:36 pm.
Comments included:

- Home Office Inspection from the Zoning Department welcome anytime; consider the property owners' side of the Nuisance Violation, especially if they have little to no money and cherish their belongings; Historic Road Presentation for Major Douglas Sloan Road, Blight Enforcement Officer and past enforcement, Concerns for the drawbacks to property owners when making Major Douglas Sloan Road a historic road, Planning Commission nomination.

Public comments closed at 8:41 pm.

BOARD OF TRUSTEES COMMENT:
Mr. VanZee stated most nuisance violations are resolved; however, cases like these get difficult when the property owner refuses to work with the township or does not have the financial support to work with the township.

ADJOURNMENT: Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at 8:43 p.m.
Yeas: Matt Cunningham, William Conklin, Doug Kuebler, and Julie Collard.
Nays: None **Motion Carried**

Respectfully Submitted, April Hilton Hayes Township Deputy Clerk/Recording Secretary

November 2026 Treasurer Report

(As of November 1, 2026)

Charlevoix State Bank

1. General Fund-$591,388.31

   ($381,388.31 available, $210,000 Recommended Reserve)

2. Tax Account-*$122,116.66* *(restricted Treasury Funds)*

3. Township Warrant Checking-$40,709.66

Forefront Credit Union

4. Hayes Township Road Fund-$46,960.49 *(restricted funds)*

Zoning Administrator Report

November 2026

Zoning Administrator work-in-progress report for October includes the following:

- Finalized documents for recording of Fairways Planned Unit Development.
- Issued Violation letter for lighting violation on Eagles Nest Circle.
- Approved restoration plan for property on US 31, tree replacement.
- Communicating with the landowner and association regarding a violation for a non-permitted patio on Oyster Bay Drive. The landowner is submitting a plan to reduce the size of the patio.
- Working with EGLE regarding a driveway that appears to be in a wetlands area on Major Douglas Sloan Road. EGLE has determined a wetlands violation. EGLE has sent an EGLE order to restore.
- Sent the second notice of a violation letter to the property owner on Hemlock Ave for junk accumulation on the property. Reinspection scheduled for next week.
- Mr. Zipp continues to assist by contacting different resource agencies to help the property owner on Villa Road to resolve a violation of the Nuisance Ordinance and a non-compliance complaint. On Board Agenda. Health Department has not responded as of 11/2/2026.
- Zoning permit application for a new single-family residence on Deer Path Drive. A Stop Work Order has been issued for this project until the shoreline protection strip is restored. The property has also been cited for wetland violations by EGLE. EGLE issued a letter to restore.
- Sent a first violation notice letter to the property owner on Upper Bay Shore Road for junk accumulation and more than one mobile home located on a single parcel. Health Department has determined the violation of Article VIII, Garbage and Rubbish, of the district Sanitary Code 8-2.
- Received and reviewing a Variance application from Front yard setback and Shoreline Protection Strip Application for 7645 Mulberry Ln.
- Received and reviewing Variance Application for Accessory Structure on Birdland Dr.
- Received a SUP application to allow for a second dwelling for farm labor located at 7810 Maple Grove Road. Planning Commission will hold a Public Hearing at its November 17th, 2026 Meeting.
- Received a Rezone Application for 8205 Major Douglas Sloan rd. Planning Commission will schedule a public hearing at its November 17th 2026 Meeting.

Reconfiguration	10/7/2026	007-111-017-10 & 007-111-017-10	10367 & 10215 Burnett RD	Gary Ruehle & Bradley Williams	AG

26-10-01	10/14/26 007-540-039-00	11098 N Stonebridge Dr.	Chris & Tammy Ferazzi	New 70'X50' single family dwelling with terrace/ porch
26-10-02	10/14/26 007-301-021-25	6995 Birdland Dr.	William and Pamela Yates	27' X 27' Addition to an Accessory Building
26-10-03	10/14/26 007-114-013-10	7625 Stolt Rd	Shelly Sides	27'X56' New Single Family Dwelling
26-10-04	10/21/26 007-129-009-15	7645 Mulberry Ln	Maureen Parker & Karen Francis	26' X 24' Attached Garage with Breeze Way
26-10-05	10/21/26 007-118-003-15	Fairway View , Fairway Lane	AT/CCF LLC	Approved Planned Unit Development with conditions as approved by Planning Commission on October 6th 2026, Minutes Attached
26-10-06	10/21/26 007-116-005-15	9775 Burgess	Michael & Autumn Barwis	30'x 50' Accessory Structure with walkway and stairs
26-10-07	10/28/26 007-118-011-35	11450 Stonebridge Dr.	Richard & Austin Lobenherz	60'8" X 67'6" New Single Family Dwelling with attached garage.

SUPERVISOR'S REPORT – Bill Conklin **November 9, 2026**

1. Thank you for your vote in favor of the Hayes Township Fire Protection millage. Hayes Township residents graciously approved a .4 mil to pay for Fire Protection over the next three years. Be advised that a fully equipped fire truck is stationed in the Hayes Township fire barn, which helps keep the ISO insurance rates at a minimum for township residents.

2. The short-term rental committee has submitted its recommendations to the Planning Commission. The recommendations have been posted on the Hayes Township website. There will be public hearings scheduled over the next two months to allow residents the opportunity to express their concerns, ideas and suggestions about short-term rentals being allowed in the various residential districts in Hayes Township.

3. The Charlevoix County Road Commission has located and examined four drains which are located under US-31 around/near US-31 and Nine Mile Point Road. The drains are free of debris and are operational. It has yet to be determined why there was such flooding (last spring) in the area of the western lake lots on Nine Mile Point Road. The Charlevoix County Emergency Director has advised that an application for a grant to assist in mitigating flooding issues needs to be submitted before December 15, 2026. The plausibility of making an application for a grant is being considered.

4. Hayes Township has requested the Charlevoix County Road Commission to prepare a written estimate of the costs for each phase required to reconstruct and resurface the entire length of Major Douglas Sloan Rd (a 3-5 year project). By doing so, the Township may be eligible for historical and other grants to assist in matching the projected costs of the different phases in the reconstruction project. The Board has tabled an engagement proposal from a company experienced in gathering data and seeking historical grants.

5. The data center committee has recommended that the Township consider adopting an electric and gas supply franchise ordinance. Pursuant to Section 29 of Article 7 of the Michigan Constitution of 1963, use of the highways, streets, alleys and other public places for operation of a public utility (electric and gas) requires the consent of the Township. A franchise ordinance would provide the process, terms and conditions for suppliers of electricity and natural gas to obtain the required consents and franchises, as required by the Constitution. If a franchise ordinance was adopted, Hayes Township would be able to create a franchise application review committee to evaluate any data center application and make recommendations to the Board of Trustees regarding the application, the proposed project and its potential effect on the township. This will give township residents another level of protection.

Bill Conklin
231-373-0059
supervisorhayestownshipmi@gmail.com

Gmail clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Charelvoix-Hayes Fire Contract

2 messages

Bill Conklin <supervisorhayestownshipmi@gmail.com> Wed, Nov 4, 2026 at 11:33 AM
To: Dan Ulrich <supervisor@charlevoixtownship.gov>
Cc: Kristin Baranski Clerk <clerk@hayestownshipmi.gov>

Hello Dan,

Consistent with our discussions about deferring our fire contract payments if the Fire Millage was approved, be advised that the Hayes Twp Fire Millage passed.

As a result of your agreement allowing us to defer payment, we will pay our 2nd and 3rd quarter payment in January, 2027.

Thank you for your thoughtful consideration.

Bill Conklin
231-373-0059

Dan Ulrich <supervisor@charlevoixtownship.gov> Wed, Nov 4, 2026 at 11:38 AM
To: Bill Conklin <supervisorhayestownshipmi@gmail.com>
Cc: Kristin Baranski Clerk <clerk@hayestownshipmi.gov>

Hi Bill -

Thank you for letting us know. I will update you when I know the status of repairs to and return of the tanker truck to the Hayes Township firebarn.
Should be happening soon, I'm told.

Dan
[Quoted text hidden]
--

Dan Ulrich
Supervisor, Charlevoix Township
12491 Waller Road
Charlevoix, MI 49720
231-547-4611
www.CharlevoixTownship.gov

Gmail clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Hunting on Twp Property

2 messages

Todd Millar <tmillar@parkerharvey.com> Tue, Oct 20, 2026 at 9:24 AM
To: William Conklin <supervisorhayestownshipmi@gmail.com>, "Julie Collard (treasurerhayestownshipmi@gmail.com)" <treasurerhayestownshipmi@gmail.com>, "Kristin Baranski (clerkhayestownshipmi@gmail.com)" <clerkhayestownshipmi@gmail.com>

Folks,

I can find nothing that prohibits a township from regulating hunting on property owned by the township. DNR approval is not required if limited to township owned property. As the owner of the property, the township can control when and how it is used even though it is owned by a public entity.

You need to decide if you want to prohibit hunting totally or limit is somehow. That will dictate the ordinance we pass. I am attaching a similar ordinance from Mikado Township in Alcona County. You could pass a similar police power ordinance, or you could amend your Parks and Road Endings Ordinance.

If you decide to prohibit or regulate hunting on township property, I recommend that you post the property as either no hunting/trespassing or hunting by permit or permission only. See the attached statute regulating recreational activity on private property.

Let me know how you would like to proceed.

Todd

Todd W. Millar
Attorney

DIRECT 231.486.4519 EMAIL tmillar@parkerharvey.com

PARKER HARVEY PLC
901 S. Garfield Ave. Suite 200, Traverse City, MI 49686
MAIN 231.929.4878 FAX 231.929.4182 www.parkerharvey.com

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2 attachments

Ordinance-21.01-Prohibition-of-hunting-on-Towhship-Owned-Property-Effective-Sept-18-2021(2041330.1).pdf
113K

32473102 Entry upon property of another to engage in recreational activity or tr(2041329.1).pdf
119K

Bill Conklin <supervisorhayestownshipmi@gmail.com> Tue, Oct 20, 2026 at 10:40 AM
To: Todd Millar <tmillar@parkerharvey.com>
Cc: "Julie Collard (treasurerhayestownshipmi@gmail.com)" <treasurerhayestownshipmi@gmail.com>, "Kristin Baranski (clerkhayestownshipmi@gmail.com)" <clerkhayestownshipmi@gmail.com>

Thank you Todd.
[Quoted text hidden]

MIKADO TOWNSHIP
ALCONA COUNTY
ORDINANCE NO. 21.01
Adopted: August 9, 2021
EFFECTIVE : September 18, 2021

PROHIBITION OF HUNTING ON TOWNSHIP-OWNED PROPERTY ORDINANCE

SECTION I: Title

This ordinance shall be known as and may be cited as the Mikado Township Prohibition of Hunting on Township-Owned Property Ordinance.

SECTION II: Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOW — A device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.

CROSSBOW — A weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger.

FIREARM — Any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. A pneumatic gun, as defined in Section 1 of 1990 PA 319, MCL 123.1101, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact, is also considered a firearm for the purpose of this article.

HUNT AND HUNTING — To pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

TOWNSHIP EVENT — Any event authorized by the Township which includes activity otherwise prohibited by this article, such as an archery program, the construction and use of a target range on Township property, or other such events as may be implemented by the Township.

SLINGSHOT — A Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

WILD ANIMAL — A mammal, bird, fish, reptile, amphibian, or crustacea of a wild nature indigenous to this state or introduced to this state by the Department of Natural Resources or a species determined by the Department of Natural Resources to be of public benefit.

SECTION III: Hunting or discharging weapons on Township-owned property prohibited; exception.

Hunting or discharging firearms, crossbows, bows and arrows, slingshots, or other hunting, shooting, or archery implements on Township-owned property is prohibited. This prohibition shall not apply to authorized Township events.

SECTION IV: Discharging firearms within 150 yards of dwelling prohibited.

A. An individual shall not discharge a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

B. This section does not apply to any otherwise lawful shooting range or target practice area that exists at the time this article is adopted and is operated in compliance with the Michigan Department of Natural Resources Generally Accepted Operations Practices for Sport Shooting Ranges.

SECTION V: Hunting; discharging weapons in specific area prohibited.
Hunting for a wild animal or wild bird with a firearm or bow and arrow or the discharge of a firearm or bow and arrow is prohibited within the following described area in the Township: any township-owned property, such as any and all baseball diamonds; Bruce Park; the Mikado Civic Center and it's surrounding areas; the walking track; the Mikado Township Cemetery; the Mikado Township Fire Department and the Mikado Township Fire Department properties (smoke house, out-buildings and surrounding properties).

SECTION VI: Determination of violation; seizure.
If a police officer determines that a violation of this article has occurred, the officer may seize any implement used by the offending person, together with any ancillary equipment such as a scope, sling, or cleaning equipment, as evidence of the violation.

SECTION VII: Not applicable to Peace Officers or Armed Services.
The prohibition against discharge of firearms made in this article does not apply to peace officers or members of any branch of the armed forces in the discharge of their proper duties.

SECTION VIII: Violations and penalties.
A violation of this article is a misdemeanor, punishable by up to 90 days in jail and a fine up to $500.

SECTION IX: Severability.
The provisions of this article are hereby declared to be severable. If any clause, sentence. paragraph, section or subsection is declared void or inoperable for any reason by a court of competent jurisdiction, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

SECTION X: Repeal.
All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION XI: EFFECTIVE DATE:
This ordinance shall take effect September 18, 2021.

MIKADO TOWNSHIP
Mandi L. McDonald, Clerk
(989) 736-7721

Michigan Compiled Laws Annotated
Chapter 324. Natural Resources and Environmental Protection
Natural Resources and Environmental Protection Act (Refs & Annos)
Article III. Natural Resources Management
Chapter 4. Recreation
Subchapter 1. Recreation
Recreational Trespass
Part 731. Recreational Trespass

M.C.L.A. 324.73102

324.73102. Entry upon property of another to engage in recreational activity or trapping; circumstances; consent

Currentness

Sec. 73102. (1) Except as provided in subsection (4), a person shall not enter or remain upon the property of another person, other than farm property or a wooded area connected to farm property, to engage in any recreational activity or trapping on that property without the consent of the owner or his or her lessee or agent, if either of the following circumstances exists:

(a) The property is fenced or enclosed and is maintained in such a manner as to exclude intruders.

(b) The property is posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 1 inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than 1 sign at any point of entry upon the property.

(2) Except as provided in subsection (4), a person shall not enter or remain upon farm property or a wooded area connected to farm property for any recreational activity or trapping without the consent of the owner or his or her lessee or agent, whether or not the farm property or wooded area connected to farm property is fenced, enclosed, or posted.

(3) On fenced or posted property or farm property, a fisherman wading or floating a navigable public stream may, without written or oral consent, enter upon property within the clearly defined banks of the stream or, without damaging farm products, walk a route as closely proximate to the clearly defined bank as possible when necessary to avoid a natural or artificial hazard or obstruction, including, but not limited to, a dam, deep hole, or a fence or other exercise of ownership by the riparian owner.

(4) A person other than a person possessing a firearm may, unless previously prohibited in writing or orally by the property owner or his or her lessee or agent, enter on foot upon the property of another person for the sole purpose of retrieving a hunting dog. The person shall not remain on the property beyond the reasonable time necessary to retrieve the dog. In an action under section 73109 or 73110,[1] the burden of showing that the property owner or his or her lessee or agent previously prohibited entry under this subsection is on the plaintiff or prosecuting attorney, respectively.

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(5) Consent to enter or remain upon the property of another person pursuant to this section may be given orally or in writing. The consent may establish conditions for entering or remaining upon that property. Unless prohibited in the written consent, a written consent may be amended or revoked orally. If the owner or his or her lessee or agent requires all persons entering or remaining upon the property to have written consent, the presence of the person on the property without written consent is prima facie evidence of unlawful entry.

Credits

P.A.1994, No. 451, § 73102, added by P.A.1995, No. 58, § 1, Imd. Eff. May 24, 1995. Amended by P.A.1998, No. 546, Eff. March 23, 1999.

Footnotes

1 M.C.L.A. § 324.73109 or 324.73110.

M. C. L. A. 324.73102, MI ST 324.73102

The statutes are current through P.A.2026, No. 114, of the 2026 Regular Session, 104th Legislature. Some statute sections may be more current; see credits for details.

End of Document

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INTERNET, ELECTRIC AND GAS SUPPLY FRANCHISE ORDINANCE

ARTICLE I GENERAL

Short title

This ordinance shall be known and may be cited as the **"Hayes Township Electric and Gas Supply Franchise Ordinance."**

Purpose and findings

(a) Pursuant to Section 29 of Article 7 of the Michigan Constitution of 1963, use of the highways, streets, alleys and other public places for operation of a public utility requires the consent of the Township and the transaction of local business in the Township by a public utility requires that a franchise first be obtained. This ordinance is adopted for the purpose of confirming and providing the process, terms and conditions for suppliers of electricity and natural gas to obtain the required consents and franchises and to fully exercise the Township's constitutional authority which includes the reasonable control of its highways, streets, alleys and public places.

(b) As a result of regulatory changes that have or may occur, and interpretations of existing laws, at the state and federal levels, specifically including the Michigan Public Service Commission (Deregulation), the persons that may be authorized to supply electricity and natural gas to customers in the Township are no longer limited to the public utility that owns and operates the facilities used to deliver electricity and natural gas to customers. This ordinance is adopted in recognition of the deregulation which has and may continue to occur, with the intent and purpose of confirming that all persons supplying electricity or natural gas to customers in the Township are required to have a franchise as provided in this ordinance, regardless of whether it is required as a condition of state or federal regulatory permits, approvals or certificates.

(c) The Township will incur costs and expenses in reviewing and acting on franchise requests, Upon granting a franchise, monitoring and enforcing its terms and conditions, the Township's costs and expenses should be paid by franchise applicants and holders, as provided in this ordinance.

Definitions

When used in this ordinance, the following words, terms and phrases shall have the meanings indicated.

Clerk means the Township Clerk.

Customer means a residential, commercial or industrial end-user of electricity or natural gas in the Township.

Disruption means a physical change, modification, alteration, disturbance, injury and/or damage to or in a right-of-way, including but not limited to, construction, installation, location, maintenance, modification, alteration, replacement or repair of facilities, and the removal or alteration of a right-of-way surface grade or material, tree, sign, marker, hydrant or other material or object.

Facility or ***facilities*** means any overhead or underground cable, wire line, main, pipe, pole, building, structure, equipment and all other man-made or placed materials or objects or combinations thereof, for the transmission or distribution of electricity or natural gas to customers.

Franchise means a nonexclusive limited authorization to transact a local business and the right to incidental use of right-of-way under this ordinance.

Grantee means the holder of a valid and effective franchise granted by the Township.

MPSC means the Michigan Public Service Commission.

Person means a natural person, company, corporation, partnership, joint venture, voluntary association, organization or other form of legal entity.

Right-of-way means any and all public rights-of-way, streets, highways, roads, sidewalks, alleys, thoroughfares, public easements and public places located within the Township.

Supplier means a person that supplies electricity (electric generation) or natural gas to customers in the Township through facilities in the Township in which it has no ownership, operation, leasehold, repair or maintenance rights or responsibilities.

Township means the Township of Hayes.

Utility means a person that owns, operates, and maintains facilities used to provide electricity or natural gas to customers in the Township.

Franchise requirement

Being a supplier of electricity or natural gas to customers in the Township is the transaction of local business of a public utility, which shall not be done without a franchise.

Right-of-way limitations

A franchise granted under this ordinance constitutes the Township's consent to grantee's limited and incidental use of right-of-way to the extent that facilities are located within it.

Secs. 18-006--18-010. Reserved

ARTICLE II FRANCHISE APPLICATION REQUIREMENTS AND PROCESS

Sec. 18-011. Application information

Applications for franchises shall be made to the Clerk by providing the following

written information and documents:

(a) A nonrefundable franchise application fee of three thousand five hundred dollars ($3,500.00).
(b) The name, age if an individual, and address of the applicant, and if the applicant is not a natural person, the date, state and form of business organization.
(c) A description of the local business the applicant proposes to transact.
(d) Copies or certificates, articles, permits, approvals, licenses, last annual report and other written documentation of applicant's lawful incorporation, organization, existence, authorization and good standing to conduct its proposed business in the state. If any of the listed items have not been received, documentation they have been applied for must be provided.
(e) If applicable, applicant's minimum quantity requirements of existing and potential customers.
(f) The length of the franchise term being requested shall not have a duration longer than ten (10) years.
(g) An acknowledgment and agreement to accept and comply with a franchise in the form of an ordinance that contains and incorporates by reference all of the terms and conditions contained in Article III of this ordinance.

Application processing

The township may create a franchise application review committee whose function is to evaluate the proposal and make recommendation to the Board of Trustees regarding the application, proposed project and effect on the township.

(a) Upon receipt of a franchise application, the Clerk shall schedule the application and a proposed ordinance that would grant the franchise requested, for introduction at the first available Township Board of Trustees meeting.
(b) The applicant or its representative shall receive notice and may appear at the meeting when its franchise request is introduced. If the application meets the requirements of this ordinance, the proposed ordinance will be accepted for introduction and scheduled for possible adoption at the first meeting thereafter that allows time to satisfy any publication and legal requirements for adoption of a valid franchise ordinance.
(c) After all publication and other legal requirements for adoption of a valid franchise ordinance have been satisfied, at a regular or special meeting, the Township Board of Trustees may adopt, reject or table adoption of a proposed franchise ordinance.

Franchise approvals

After a franchise ordinance is adopted and all publication and other legal requirements for it to become effective are satisfied, a certified copy of the ordinance shall be delivered or mailed to the approved grantee together with a written acceptance for the approved grantee to sign under oath, confirming its acknowledgement, agreement and acceptance of the franchise and all of its terms and conditions. If the required signed and notarized acceptance is not delivered to the Clerk within thirty (30) days of the delivery or mailing of the franchise ordinance and agreement to grantee, the effectiveness of the ordinance will be automatically terminated. Upon the approved grantee's timely acceptance of the franchise ordinance, it shall constitute a contract between the Township and grantee.

Franchise terms and conditions

Unless amended by the individual franchise ordinance, all of the definitions in Article II, terms and conditions in Articles III and IV and penalties and relief in Article VI of this ordinance shall apply and be incorporated by reference as part of every supplier's individual franchise ordinance. Any amendments to this ordinance shall be automatically included in every franchise.

ARTICLE III GENERAL FRANCHISE TERMS AND CONDITIONS

Franchise rights

Subject to all terms and conditions in this Article III and the individual franchise ordinance, a franchise grants the grantee the right to transact a local business of supplying electricity or gas, as designated in the individual franchise ordinance, to customers in the Township using facilities of an identified utility to the extent that it is lawful under applicable legislation, administrative rules, including those of the MPSC, and express or implied contract or agreement with the utility. A franchise does not grant the right to own, construct, operate, maintain or repair facilities in the Township.

Term, revocation and termination

The term of a franchise, which shall be stated in the individual franchise ordinance, is subject to revocation at the will of the Township and may be surrendered and terminated by the grantee on thirty (30) days' written notice to the Township. Any unsatisfied obligations of grantee to the Township shall survive revocation or termination and be enforceable by the Township as provided in the franchise, as amended.

Non-exclusive

A franchise is non-exclusive and does not restrict the Township from approving additional franchises or establish any priority between grantees to transact local business and the incidental use of right-of-way.

Assignment

A franchise may not be sold, leased, assigned, transferred or used by any person other than the grantee without the written approval of the Township by ordinance amendment.

Compliance with laws and ordinances

A franchise requires grantee compliance with all applicable current and future Township, state and federal ordinances, laws, rules and regulations and any permit, approval, certificate or license requirements and conditions under such laws and shall not be construed as a waiver by grantee of any of its rights under state or federal law.

No right-of-way disruption

Disruption or obstruction of, and physical entry in or upon a right-of-way by a grantee, its personnel or equipment is prohibited.

Township rights paramount

A franchise and the rights granted by it shall at all times be subject to the paramount rights of the Township in its right-of-way, and shall be subject to immediate suspension or termination by the Township in the interest of the public health, safety and welfare.

Vacation

If a right-of-way is vacated, discontinued, abandoned, terminated or released, a grantee's incidental right to use the right-of-way shall immediately terminate.

Public emergencies

Without prior notice, the Township has the right to remove, damage, destroy or otherwise disrupt and/or order a cessation of use of facilities used by grantee or its customers, when necessary due to

a public emergency. Public emergency means any situation which, in the opinion of the Township official authorized to declare an emergency, presents an immediate threat to persons or property in the Township. The Township shall have no liability or responsibility for repairing or restoring facilities damaged by actions taken under this section.

Interpretation

A franchise shall not be construed in any manner as a waiver or limitation of the Township's discretion and authority or rights to regulate and control the use of right-of-way.

Assumption of risk

A grantee assumes all risks of damages or injuries to its officers, employees, agents and contractors from dangerous right-of-way conditions, if any.

No Township liability

The Township and its officials, employees, agents and contractors shall have no liability for damages or injuries to any person or property, including grantee, that arise from the granting, enforcement or exercise of rights under a franchise.

Indemnity

A grantee shall, at its sole cost and expense, defend, indemnify and hold harmless the Township and its officials, employees, agents, contractors, right-of-way and property from all claims and liability for damages or injury to persons or property caused by or resulting from the actions or omissions of grantee and/or its officers, employees, agents and contractors. This obligation extends to all costs and expenses, including attorney fees that may be incurred by the beneficiaries of grantee's obligation. The Township shall notify grantee of any claim or liability that is covered by grantee's obligation, and shall not be prevented from participating in the defense of any claim by its own attorney, the cost of which shall be grantee's responsibility.

Insurance

The Township reserves the right to require the grantee to have, maintain and provide specified liability insurance coverages.

Disclosures

Grantee shall provide and update written disclosure to the Township of its contact person(s), address, telephone numbers, fax numbers, email addresses, if applicable, and procedures for service requests and complaints, together with a written disclosure of pricing, billing, warranty and contract rates, terms, policies and procedures.

Sec. 18-036. Supply requirements

Grantee shall supply electricity or natural gas in accordance with all applicable laws.

Franchise fees

Every three (3) years commencing after December 31, 2026, the Township has the right, after providing prior notice and an opportunity to comment to grantee, to require the payment by grantee on a periodic basis, of a franchise fee, provided that any such fee is applied equally to all grantees under this ordinance that are supplying the same commodity (electricity or natural gas) as grantee. Such a franchise fee would be an additional franchise term and condition, to be adopted and presented to the grantee for acknowledgement, agreement and acceptance as an ordinance

amendment as provided in Section 2.003. In any such fee review, the grantee shall disclose and the Township may consider if grantee pays a franchise fee, charge or other periodic payment for a franchise to any other state municipalities and the manner in which such fees are computed. It is a condition of a franchise that the grantee notify the Township of any such fees that are paid and the Township shall have the right to inspect grantee's books and records to monitor, enforce and determine grantee's compliance and the accuracy of amounts paid or to be paid by grantee under this section.

Township costs

Grantee shall reimburse the Township for any costs it incurs, including reasonable attorney fees, in enforcing franchise terms and conditions.

Reservation of Township rights

A franchise shall at all times be subject to the rights of the Township, which are hereby reserved, to make all regulations, take all actions and do all things provided for in the Charter Township Act or by law.

ARTICLE IV FRANCHISE TERMS AND RENEWALS

Franchise term

No franchise granted under this ordinance shall be for longer than ten (10) years. The term of each franchise shall be stated in the individual franchise ordinance.

Sec. 18-042. Renewals and extensions

There is no right to a franchise renewal or extension. Franchise renewal or extension may be applied for and approved as provided in Article II.

ARTICLE V VIOLATIONS AND PENALTIES

Transaction of business without franchise; Civil infraction

Any person transacting business without a franchise required by this ordinance shall be responsible for a municipal civil infraction, and shall pay a fine in the following amount:

(a) First offense $ 3,500.00

(b) Second or subsequent offense $ 5,000.00

Right-of-way restoration

Any person in violation of the franchise requirement of this ordinance or a franchise issued under it who damages a right-of-way shall be responsible for restoration of the right-of-way to the condition that existed prior to the violation. If such person fails or refuses to restore the right-of-way after thirty (30) days' notice from the Township, and if the Township determines that the civil infraction remedy is inadequate under the circumstances, the Township may initiate proceedings in the appropriate court to recover the cost estimated to accomplish the restoration, or recover such costs as have been actually expended by the Township in achieving the restoration, as the case may be. Such costs shall include finance and reasonable administrative costs estimated or incurred.

Separate offense

Each occurrence of a violation, and each day a violation exists, shall constitute a separate offense.

Injunctive relief

Violations of this ordinance or a franchise issued under it, are considered to be a nuisance per se with such violations and correction of any conditions resulting from violations subject to abatement by injunctive or other appropriate order by a court of competent jurisdiction.

Election of remedies

Violations of this ordinance and franchises issued under it subject the violator to franchise revocation, if applicable, and Township enforcement through one or more of the remedies provided in this article, and the election by the Township to pursue one form of remedy does not waive or restrict the Township's option to pursue other remedies at the same or later time.

ARTICLE VI MISCELLANEOUS

No waiver

Nothing in this ordinance shall be construed as a waiver of any of the rights, remedies and/or authority of the Township pursuant to any laws, ordinances, codes or regulations of the Township, and the Township reserves the right to exercise all authority and take any and all action granted to it by any constitution, law, Township ordinance, code and/or regulation. Nothing is this article shall be construed to limit and/or preclude the Township from exercising its right of eminent domain.

Notices

Any notices required to be sent to the grantee by this ordinance may be delivered, or may be sent by first-class mail to the grantee at the address listed in the franchise application or such other address as grantee has provided to the Clerk in writing.

Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Repealer

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.

Savings

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 when they were commenced.

Gmail clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Re: Questions re new construction observed at 8120 Susan Shores Dr.

1 message

Patricio Trevino <patricio.j.trevino@gmail.com> Mon, Nov 2, 2026 at 10:03 PM
To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
Cc: "clerk@hayestownshipmi.gov" <clerk@hayestownshipmi.gov>

Ron and Kristin,

Thank you, Ron, for forwarding this correspondence and bringing the concerns to our attention. I appreciate your continued communication and willingness to help clarify matters involving our home. I've included Kristin to ensure the Township has a complete record of both the concerns raised and our response.

First, I want to clarify that the work pictured has absolutely nothing to do with our septic system or any effort to increase the occupancy of our home. We are installing a standby generator, and the work completed to date consists of preparing the generator pad and installing conduit. The generator has not yet been connected or placed into operation. We have engaged a local electrical contractor who, as outlined in their quote, is responsible for coordinating the necessary permitting and installation requirements.

What may not be fully understood is that our family uses this home throughout the entire year, including the winter months. Our home is an important part of our family's life in every season. After experiencing a loss of power during extremely cold winter nights, we decided to invest in a standby generator to ensure our family's safety and comfort during future outages. This improvement has nothing to do with expanding rental activity or increasing occupancy.

While I recognize and respect the right of neighbors to raise legitimate concerns, I must also express my growing frustration with the continued scrutiny and assumptions being made about our home.

In this instance, photographs of a routine home improvement project have prompted questions not only about the work itself, but also about alleged past occupancy violations and our intentions as homeowners. These assumptions were made without first seeking a straightforward explanation of what was actually taking place.

When considered alongside the previous complaints and allegations involving our home, this latest incident only reinforces our growing concern that we are being subjected to disproportionate scrutiny. There is an important distinction between raising legitimate concerns and repeatedly drawing negative conclusions about a homeowner's actions without first establishing the facts.

As I recently communicated to the Board of Trustees, we have made considerable efforts to be responsible and respectful homeowners. We have proactively implemented noise monitoring, established clear guest expectations and quiet hours, prohibited parties and unauthorized gatherings, and taken an active role in overseeing our home and addressing concerns. We have also consistently expressed our willingness to work collaboratively with the Township and comply with applicable regulations.

What has become frustrating is the apparent disconnect between those efforts and the continued allegations being directed toward us.

We have no desire to create conflict with our neighbors or Township officials. Our family simply wants to enjoy the home we have invested in, continue being responsible and respectful members of the community, and be afforded the same fairness, respect, and consideration that we extend to others and reasonably expect are extended to all homeowners throughout the Township.

I trust this explanation clarifies the nature of the work being performed. If there are any remaining questions regarding the generator installation or applicable permitting requirements, I would welcome the opportunity to address them directly.

Kristin, I would also appreciate your ensuring that this response is retained with the original correspondence and made available to the Board of Trustees as appropriate, so that any consideration of these allegations includes both the concerns raised and the facts provided in response.

We remain committed to working constructively with the Township. In return, we simply ask that concerns involving our home be evaluated objectively, consistently, and on the basis of verified facts rather than speculation.

Thank you both for your time and consideration.

Respectfully,

Patricio and Stephanie Trevino
Owners, 8120 Susan Shores Drive

From: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>
Date: Monday, November 2, 2026 at 9:40 AM
To: Patricio Trevino <patricio.j.trevino@gmail.com>
Subject: Fwd: Questions re new construction observed at 8120 Susan Shores Dr.

Patrico,
Received this over the weekend.

--------- Forwarded message ---------
From: **Michael Ambroso** <mtambroso@gmail.com>
Date: Sat, Oct 31, 2026 at 4:19 PM
Subject: Questions re new construction observed at 8120 Susan Shores Dr.
To: Ron Van Zee <zoning@hayestownshipmi.gov>
Cc: Bill Conklin <supervisor@hayestownshipmi.gov>, Linda Ambroso <lindatambroso@gmail.com>

Dear Mr. Van Zee (Ron),

Yesterday a concerned neighbor on Susan Shores Dr. sent us three photos (attached) of what looks like new construction at the Short Term Rental (STR) next door at 8120 Susan Shores. The photos appear to show construction related to the septic system at that STR.

Could you please tell us:

1. Do the photos show installation of increased septic capacity? Or could this be maintenance of the existing septic? In either event, did the owner obtain the necessary permits to do this work?