

## COMPILATION OF GENERAL AND ZONING ORDINANCES

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TOWNSHIP OF  
DORR  
COUNTY OF  
ALLEGAN  
STATE OF MICHIGAN

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Published in 1994 by Order of the Township Board  
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## PREFACE

This is a republication of the Compilation of General and Zoning Ordinances of the Township of Dorr, originally published by Municipal Code Corporation in 1994. This revised and republished compilation includes currently operative ordinances, compiled with all amendments through an ordinance adopted December 8, 2004.

The chronological listing of all ordinances, including title and location within the compilation, reflects all ordinances adopted, amended or repealed, thus providing a valuable record of the municipality's ordinance history. Ordinances which are printed in their entirety are classified by subject matter and assigned to one of eleven basic categories. Each of these categories is indicated by a tab; except in the zoning portion where each chapter is indicated by a tab. Every ordinance is introduced with a part number, a title concerning the content, the ordinance number, and the adoption date.

Section headings in boldface type have been provided, if not supplied in the original copy, to facilitate usage. Sections that are subsequently amended are followed by a history note indicating the adoption date of the amendment. Cross reference notations are included to provide quick referral to other ordinances and/or sections dealing with similar subjects.

Running heads at the top of the page contain an abbreviated title, the ordinance number and section numbers to provide a guide for locating specific information quickly. The section number appearing in the running head on the left-hand page cites the section material beginning the page; the number on the right-hand page cites the section material concluding the page.

The exact wording of the ordinances has been preserved. Since ordinances are legal documents, editorial changes in a compilation are minor, limited primarily to correction of obvious typographical errors and resolving, upon specific instructions from the municipality, any duplications and inconsistencies brought to their attention during the preparation of the proof copy of the compilation. Any additions to text by the editor appear in brackets.

*Numbering System*

Each ordinance is assigned a part number. The part number is used to identify the ordinance primarily for indexing and cross reference purposes. Each succeeding article and/or section deriving from that ordinance will have the same number on the left-hand side of the decimal point. For example, section number 12.004 refers to section 4 of the ordinance assigned to part 12. Part numbers allow for expansion within each of the categories and within the compilation as a whole.

*Page Numbering System*

The page numbering system used in this compilation is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a part of the compilation, the number to the left of the colon indicates the number of the part. The following are typical parts of compilations and their corresponding prefixes:

PART	PT1:1
INDEX	IX:1

*Index*

The alphabetical index permits easy location of ordinances by subject. Main entries are in all uppercase letters. Under the entry for each ordinance, the catchlines of all sections appear in lowercase, indented and alphabetized. Cross references and additional entries are provided where necessary to direct the user to a particular topic. In preparing the index the proper balance has been achieved between creating an index comprehensive enough to be useful and yet not so detailed that it requires extensive revision each time an ordinance is enacted, repealed, or amended.

*Looseleaf supplements*

Since an ordinance compilation, unlike a bound book, is constantly in a state of evolution, a special feature of this compilation is the looseleaf system of binding. With this system, the compilation can easily be kept up-to-date by submitting copies of new ordinances or amendments as they are enacted. These will then be incorporated by the editor into the compilation, and the appropriate pages will be revised or created for distribution to the holders of copies, with specific instructions for the manner of removing obsolete pages and inserting the current ones. Through regular supplementation, the compilation will continue to remain current and useful.

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04-14O	Rezoning .....	<u>300.2000(63)</u>
01-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.032A—300.032F,</u>
		<u>300.043, 300.044</u>
		<u>300.046C—300.046F</u>
		<u>300.049—300.052</u>
		<u>300.052A.01—300.052A.04</u>
		<u>300.055, 300.055A</u>
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		<u>300.078A</u>
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		<u>300.103—300.106</u>
		<u>300.105A</u>
02-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.602—300.608</u>
03-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.237</u>
		<u>300.292—300.296</u>
04-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.332—300.337</u>
05-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.194</u>
		<u>300.635</u>
06-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.239</u>
07-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.238</u>
08-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.220—300.224</u>
		<u>300.224A—300.224C</u>
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		<u>300.206</u>
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		<u>300.233, 300.234</u>
		<u>300.254</u>
09-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.372</u> —300.377
10-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.632</u> —300.642
11-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.604</u>
		<u>300.614</u>
12-16O	Amendment to Zoning Ordinance No. 6 .....	<u>300.206A</u>
		<u>300.217</u>
		<u>300.226, 300.226A</u>
13-16O	Rezoning .....	<u>300.2000(64)</u>
9-26-2018	Solicitation Ordinance (Superseded by Ord. No. 03-18O)	
01-18O	Rezoning .....	<u>300.2000(65)</u>
02-18O	Rezoning .....	<u>300.2000(66)</u>
03-18O	Solicitation Ordinance .....	<u>125.000</u> —125.014
04-18O	Rezoning .....	<u>300.2000(67)</u>
05-18O	Rezoning .....	<u>300.2000(68)</u>
06-18O	Rezoning .....	<u>300.2000(69)</u>
01-19O	Prohibition of Marihuana Establishments Ordinance .....	<u>18.000</u> —18.004
02-19O	Rezoning .....	<u>300.2000(70)</u>
03-19O	Rezoning .....	<u>300.2000(71)</u>
04-19O	Michigan Gas Utilities Franchise .....	<u>54.000</u> —54.009
05-19O	Rezoning .....	<u>300.2000(72)</u>
06-19O	Signs .....	<u>300.240</u> —300.256
07-19O	Rezoning .....	<u>300.2000(73)</u>
08-19O	Amendment to Zoning Ord. No. 6 .....	300.5.D.04(e)
01-2020	Rezoning .....	<u>300.2000(74)</u>
02-20O	Rezoning .....	<u>300.2000(75)</u>
03-20O	Lot area requirements within the B-2 Zoning District .....	<u>300.375</u>
04-20O	Regulation of accessory structures in general and in the F-Agricultural, RA-Rural Agricultural, and RE-Rural Estates Zoning Districts .....	<u>300.194, 300.605, 300.614, 300.635</u>
05-20O	Rezoning .....	<u>300.2000(76)</u>

1.000 - ORDINANCE ENFORCEMENT OFFICER Ord. No. 23 Effective: March 7, 1991

1.001 - Ordinance Enforcement Officer.

Sec. 1. There is hereby established the office of Ordinance Enforcement Officer within the Township of Dorr, Allegan County, Michigan.

1.002 - Appointment.

Sec. 2. The Township Board of Dorr is hereby authorized by resolution, at any regular meeting of said Board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. Said Board may further, by resolution, remove any person from said office, in the discretion of said Board.

1.003 - Duties.

Sec. 3. The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of the Township of Dorr, whether heretofore or hereafter enacted, and whether such Ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such Ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested in the Township Supervisor by state statute. The Ordinance enforcing authority of the Township Supervisor and the other officers specifically designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance.

#### 1.004 - Definitions.

Sec. 4. The Ordinance enforcement duties herein authorized shall include, among others, the following: Investigation of Ordinance violations; serving notice of violations; serving appearance tickets as authorized under Chapter IV of Public Act 175 of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of Ordinance violators, and such other Ordinance-enforcing duties as may be delegated by the Township Supervisor or assigned by the township attorney.

#### 1.005 - Saving clause.

Sec. 5. The provisions of the within Ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or Ordinance.

#### 1.006 - Effective date.

Sec. 6. This Ordinance shall take immediate effect. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance.

### 2.000 - PENSION PLAN ORDINANCE Ord. No. 24

#### 2.001 - Title.

Sec. I. This Ordinance shall be known and cited as the "Township of Dorr Pension Plan Ordinance."

#### 2.002 - Establishment of plan.

Sec. II. Pursuant to Act #27 of the Public Acts of 1960, as amended, the Township of Dorr hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and, for such purposes, also authorizes the Township Clerk and the Township Supervisor to contract, in the name of the Township subject to approval of the Township Board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

#### 2.003 - Persons covered.

Sec. III. The annuity or pension plan created, established and contracted for under this Ordinance shall cover each person within the following classes of officers and employees: (X) All employees who meet minimum premium requirements based on annual compensation of the employee.

#### 2.004 - Contribution; eligibility.

Sec. IV.

- A. The Township of Dorr shall annually contribute fifty (50) per centum of that portion of the premium or charges arising under annuity or pension contract for each person within the class of officers and employees enumerated in Section III [2.003] he contributions shall be secured from the general fund of the township. Each person within such class of officers and employ be responsible for the remainder of the premium or charges and the township treasurer is hereby authorized to deduct the from each person's pay, salary or compensation and to apply the same to such person's responsibility.
- B. Each employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided he or she then meets the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them:
  - 1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.
  - 2. He or she has completed at least -0- years of continuous employment.
- C. Every employee who becomes subsequently employed shall be eligible on the first policy anniversary on which he or she meets the following requirements:
  - 1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.
  - 2. He or she has completed at least -0- years of continuous employment.
- D. An employee's normal retirement date shall be the policy anniversary of the annuity or pension plan nearest his or her 65th birthday.
- E. Any person desiring not to be so covered shall give written notice to the township clerk that he desires not to be covered, and if the notice is received before the person has become covered under the contract, he shall not be covered thereunder. If the notice is received after the individual has become covered, his coverage under the contract shall cease as provided for in the contract.

#### 2.005 - Vesting.

Sec. V. Each person so covered under the annuity or pension plan shall have a vested right or interest in such plan -0- months from the date the plan becomes effective for such person.

#### 2.006 - Ratification of plan.

Sec. VI. The Township of Dorr hereby ratifies and confirms the validity of any annuity or pension plan in existence on the effective date of this Ordinance.

#### 2.007 - Effective date.

Sec. VII. This Ordinance shall take effect on the date of its publication. All ordinances or parts of any ordinances in conflict herewith are hereby repealed.

#### 3.000 - MUNICIPAL CIVIL INFRACTIONS Ord. of 10-17-2002 Adopted: October 17, 2002

#### 3.001 - Definitions.

Sec. 1. For purpose of their use in this Ordinance, the following words and terms are herein defined. Any word or term not herein defined shall be considered to be defined in accordance with its common or standard definitions.

- A. "Act" means Act No. 236 of Public Acts of 1961, as amended.
- B. "Authorized Township official" means a police officer or other personnel of the Township authorized by Ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- C. "Municipal civil infraction" means an act or omission that is prohibited by Ordinance of the Township, but which is not a

crime under this Ordinance or other Ordinances of the Township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of the Act, as amended. A municipal civil infraction is not a lesser included offense of a violation of the Ordinances of the Township which is a criminal offense.

- D. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- E. "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Township official, directing a person to appear at the appropriate courts regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- F. "Municipal civil infraction determination" means a determination that a defendant is responsible for a municipal civil infraction by one of the following: (i) An admission of responsibility for the municipal civil infraction, (ii) An admission of responsibility for the municipal civil infraction "with explanation", (iii) A preponderance of the evidence at an informal hearing or formal hearing, (iv) A default judgment for failing to appear as directed by citation or other notice.

### 3.002 - Municipal civil infraction action: Commencement.

Sec. 2. A municipal civil infraction may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court.

### 3.003 - Municipal civil infraction citations: Issuance and service.

Sec. 3. Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

- A. The time for appearance specified on a citation shall be within a reasonable time after the citation is issued.
- B. The place for appearance specified on a citation shall be the Allegan County District Court unless the person cited for a municipal civil infraction is under the age of 17 at the time of the occurrence of the violation at which time the matter shall be referred to the Allegan County Circuit Court, Family Law Division.
- C. Each citation shall be numbered consecutively, shall be in the form approved by the state court administrator and shall consist of the following parts:
  - (1) The original, which is a complaint and notice to appear, shall be filed with the Allegan County District Court;
  - (2) The first copy shall be retained by the Township and/or the ordinance enforcing agency;
  - (3) The second copy shall be issued to the alleged violator if the violation is a municipal civil infraction; and
  - (4) The third copy shall be issued to the alleged violator if the violation is a misdemeanor.
- D. A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."*
- E. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- F. An authorized Township official may issue a citation to a person if:
  - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Township attorney approves in writing the issuance of the citation.



G. Municipal civil infraction citations shall be served by an authorized Township official as follows:

- (1) Except as provided in subsection 3(g)(2) below, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
- (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the municipal civil infraction citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. A citation served in accordance with this subsection for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation serviced personally upon a defendant.

3.004 - Municipal civil infraction citations: Contents.

Sec. 4.

- A. A municipal civil infraction citation shall contain the name of the plaintiff and the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. A municipal civil infraction citation shall inform the alleged violator that he or she may do one of the following:
  - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance;
  - (2) Admit responsibility for the municipal civil infraction "with explanation" by mail, in person, or by representation, by the time specified for appearance.
  - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
    - (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
    - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney. A party requesting a formal hearing shall notify the court and the other party or parties of the request at least ten days before the hearing date, which request may be made in person, by representatives, by mail or by telephone.
- C. The citation shall also inform the alleged violator of all of the following:
  - (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified to appear for a hearing, unless a hearing date is specified on the citation.
  - (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
  - (4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
  - (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- D. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of

a default judgment against the alleged violator on the municipal civil infraction. Return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of citation with an admission of responsibility with explanation and with full payment of applicable civil fines and costs, or timely application to the court for a scheduled date and time for an appearance under subsection 4(c)(1) or a hearing under subsection 4(c)(2) constitutes a timely appearance.

- E. If an authorized Township official issues a citation as set forth in this section, the court may accept an admission with explanation or an admission or denial of responsibility without the necessity of a sworn complaint. If the defendant denies responsibility for the municipal civil infraction, further proceedings shall not be held until a sworn complaint is filed with the court. A warrant for arrest for failure to appear on the municipal civil infraction citation shall not be issued until a sworn complaint relative to the municipal civil infraction is filed with the court.

### 3.005 - Municipal civil infractions: Sanctions, continuing violations, injunctive relief.

#### Sec. 5.

- A. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act, as amended, and other applicable laws.
- (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by Ordinance, the civil fine for a violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction.
- (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of the Ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provisions (i) committed by a person within any 12 month period (unless some other period is specifically provided by Ordinance), and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by Ordinance for a particular municipal civil infraction violation, the increased fine and a repeat offense shall be as follows:
- (a) The fine for any offense which is a first repeat offense shall be no less than \$200.00, plus costs;
- (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$300.00, plus costs.
- B. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by Ordinance; and any omission or failure to act where the act is required by Ordinance.
- C. Each day on which any violation of Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- D. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of Township Ordinance.

### 3.006 - Authorized Township officials.

Sec. 6. Any Allegan County Deputy Sheriff, the Allegan County Sheriff, any Michigan State Trooper, the Township Supervisor and the Township Zoning Administrator are hereby designated as authorized Township officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Bureau) as provided by this Ordinance.

### 3.007 - Severability and captions.

Sec. 7. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The options included at the beginning of each

Section are for convenience only and shall not be considered a part of this Ordinance.

3.008 - Repeal.

Sec. 8. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

3.009 - Administrative liability.

Sec. 9. No officer, agent, employee or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in discharge of his or her duties and responsibilities pursuant to this Ordinance.

3.010 - Immediate effect.

Sec. 10. This ordinance shall be given immediate effect upon adoption. This ordinance or a summary of this ordinance shall be published in a newspaper which circulates in Dorrr Township as provided by law.

4.000 - IDENTITY THEFT PREVENTION PROGRAM Resolution 03-09R Adopted: Aug. 6, 2009

ARTICLE 1

4.000 - Identity Theft Prevention Program

4.001 - Short title.

Sec. 1. This Article shall be known as the Identity Theft Prevention Program.

(Res. No. 03-09R, 8-6-2009)

4.002 - Purpose.

Sec. 2. The purpose of this Article is to comply with 16 CFR §681.2 in order to detect, prevent, and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

(Res. No. 03-09R, 8-6-2009)

4.003 - Definitions.

Sec. 3. For purposes of this Article, the following definitions apply;

- a. "Covered account" means:
  - i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
  - ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- b. "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its

payment or to purchase property or services and defer payment therefore.

- c. "Creditor" means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
- d. "Customer" means a person that has a covered account with a creditor.
- e. "Identity theft" means a fraud committed or attempted using identifying information of another person without authority.
- f. "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- g. "Personal Identifying Information" means a person's credit card account information, debit card information, bank account information, and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
- h. "Red flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- i. "Service provider" means a person that provides a service directly to the Township.
- j. "Township" means the Township of Dorr.

(Res. No. 03-09R, 8-6-2009)

#### 4.004 - Findings.

##### Sec. 4.

1. The Township is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
2. Covered accounts offered to customers for the provision of Township services include utility accounts.
3. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts have been identified as potential processes in which identity theft could occur.
4. The Township limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered account. Information provided to such employees is entered directly into the Township's computer system and is not otherwise recorded.
5. The Township determines that there is a moderate risk of identity theft occurring in the following ways:
  - a. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
  - d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Res. No. 03-09R, 8-6-2009)

#### 4.005 - Process of establishing a covered account.

##### Sec. 5.

1. As a precondition to opening a covered account in the Township, each applicant shall provide the Township with personal identifying information of the customer including a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agenda

opening the account. Such applicant shall also provide any information necessary for the Township providing the service for which the covered account is created to access the applicant's consumer credit report, such information shall be entered directly into the Township computer system and shall not otherwise be recorded.

2. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The Township may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Res. No. 03-09R, 8-6-2009)

#### 4.006 - Access to covered account information.

##### Sec. 6.

1. Access to customer accounts shall be password protected and shall be limited to authorized Township personnel.
2. Such password(s) shall be changed by the Director of the Department providing the service for which the covered account is created, or by the director of information technology on a regular basis, shall be at least eight (8) characters in length and shall contain letters and numbers.
3. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Township Treasurer and the password changed immediately.
4. Personal identifying information included in customer accounts is considered confidential and any request to demand for such information shall be immediately forwarded to the Township Treasurer.

(Res. No. 03-09R, 8-6-2009)

#### 4.007 - Credit card payments.

##### Sec. 7.

1. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate theft prevention program in place that is applicable to such payments.
2. In the event credit card payments [are] made over the telephone or the township's website[, they] shall be entered directly into the customer's account information in the computer data base.
3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Res. No. 03-09R, 8-6-2009)

#### 4.008 - Sources and types of red flags.

Sec. 8. All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include, but are not limited to:
  - a. A fraud or active duty alert that is included with a consumer report;
  - b. A notice of credit freeze in response to a request for a consumer report;
  - c. A notice of address discrepancy provided by a consumer reporting agency;
  - d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- i) A recent and significant increase in the volume of inquiries;
  - ii) An unusual number of recently established credit relationships;
  - iii) A material change in the use of credit, especially with respect to recently established credit relationships; or
  - iv) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
2. Suspicious documents. Examples of suspicious document include:
  - a. Documents provided for identification that appear to be altered or forged;
  - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
  - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
  - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or recent check; or
  - e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
  - a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
    - i) The address does not match any address in the consumer report; or
    - ii) The social security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
  - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth;
  - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor;
  - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity;
  - e. The SSN provided is the same as that submitted by other applicants or customers;
  - f. The address or telephone number provided is the same as, or similar to, the account number or telephone number submitted by an unusually large number of applicants or customers;
  - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete;
  - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor;
  - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report;
4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
  - a. Shortly following the notice of a change of address for an account, Township receives a request for the addition of authorized users on the account.
  - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - i) The customer fails to make the first payment or makes an initial payment but no subsequent payments.
  - c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is,

for example:

- i) Nonpayment when there is no history of late or missed payments;
  - ii) A material change in purchasing or spending patterns.
- d. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage, and other relevant factors).
  - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  - f. The Township is notified that the customer is not receiving paper account statements.
  - g. The Township is notified of unauthorized charges or transactions in connection with a customer's account.
  - h. The Township is notified by a customer, law enforcement, or another person that it has opened a fraudulent account for a person engaged in identity theft.
- 5. Notice from customers, law enforcement, victims, or other reliable sources regarding possible identity theft, or phishing relating to covered accounts.

(Res. No. 03-09R, 8-6-2009)

#### 4.009 - Prevention and mitigation of identity theft.

##### Sec. 9.

- 1. In the event that any Township employee responsible for, or involved in, restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Township Treasurer. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Township Treasurer, who may in his or her discretion determine that no further action is necessary. If the Township Treasurer, in his or her discretion, determines that further action is necessary, a Township employee shall perform one or more of the following responses, as determined to be appropriate by the Township Treasurer:
  - a. Contact the customer;
  - b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
    - i) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - ii) Close the account.
  - c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
  - d. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  - e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  - f. Take other appropriate action to prevent or mitigate identity theft.
- 2. In the event that any Township employee responsible for or involved in opening a new covered account becomes aware

of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Township Treasurer. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Township Treasurer, who may, in his or her discretion, determine that no further action is necessary. If the Township Treasurer, in his or her discretion, determines that further action is necessary, a Township employee shall perform one or more of the following responses, as determined to be appropriate by the Township Treasurer:

- a. Request additional identifying information from the applicant;
- b. Deny the application for the new account;
- c. Notify law enforcement of possible identity theft; or
- d. Take other appropriate action to prevent or mitigate identity theft.

(Res. No. 03-09R, 8-6-2009)

#### 4.010 - Updating the program.

Sec. 10. The Township Board shall annually review and, as deemed necessary by the Board, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the Township and its covered accounts from identity theft. In so doing, the Township Board shall consider the following factors and exercise its discretion in amending the program:

1. The Township's experiences with identity theft;
2. Updates in methods of identity theft;
3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
4. Updates in the types of accounts that the Township offers or maintains; and
5. Updates in service provider arrangements.

(Res. No. 03-09R, 8-6-2009)

#### 4.011 - Program administration.

Sec. 11. The Township Treasurer is responsible for oversight of the program and for program implementation. The Township Treasurer is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Township Treasurer, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Township Board for consideration by the Township Board.

1. The Township Treasurer will report to the Township Board at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
  - a. The effectiveness of the policies and procedures of the Township in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - b. Service provider arrangements;
  - c. Significant incidents involving identity theft and management's response; and
  - d. Recommendations for material changes to the Program.
2. The Township Treasurer is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account, or accepting payment for a covered account with respect to



the implementation and requirements of the Identity Theft Prevention Program. The Township Treasurer shall exercise his or her discretion in determining the amount and substance of training necessary.

(Res. No. 03-09R, 8-6-2009)

#### 4.012 - Outside service providers.

Sec. 12. In the event the Township engages a service provider to perform an activity in connection with one or more covered accounts, the Township Treasurer shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

(Res. No. 03-09R, 8-6-2009)

## ARTICLE 2

#### 4.020 - Treatment of Address Discrepancies

#### 4.021 - Short title.

Sec. 1. [This Article shall be known as the] Treatment of Address Discrepancies.

(Res. No. 03-09R, 8-6-2009)

#### 4.022 - Purpose.

Sec. 2. Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the Township will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the Township has received a notice of address discrepancy.

(Res. No. 03-09R, 8-6-2009)

#### 4.023 - Definitions.

Sec. 3. For purposes of this Article, the following definitions apply:

1. "Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
2. "Township" means Township of Dorr.

(Res. No. 03-09R, 8-6-2009)

#### 4.024 - Policy.

Sec. 4. In the event the Township receives a notice of address discrepancy, the Township employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
  - a. Information the Township obtains and uses to verify a consumer's identity in accordance with the requirements of

the Customer Information Program rules implementing 31 U.S.C. § 5318(1);

- b. Information the Township maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
  - c. Information the Township obtains from third-party sources that are deemed reliable by the relevant Township employee.
2. Verify the information in the consumer report with the consumer.

(Res. No. 03-09R, 8-6-2009)

#### 4.025 - Furnishing consumer's address to consumer reporting agency.

##### Sec. 5.

1. In the event that the Township reasonably confirms that an address provided by a consumer to the Township is accurate, the Township is required to provide such address to the consumer reporting agency from which the Township received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
  - a. The Township is able to form a reasonable belief that the consumer report relates to the consumer about whom the Township requested the report;
  - b. The Township establishes a continuing relation with the consumer; and
  - c. The Township regularly, and in the ordinary course of business, provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the Township to such agency for the reporting period in which the Township establishes a relationship with the customer.

(Res. No. 03-09R, 8-6-2009)

#### 4.026 - Methods of confirming consumer addresses.

Sec. 6. The Township employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the Township's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.

(Res. No. 03-09R, 8-6-2009)

#### 5.000 - INVESTMENT POLICY Res. No. 02-13R Adopted: January 17, 2013

##### 5.001 - Purpose.

It is the policy of Dorr Township to invest its funds in a manner which will ensure the preservation of principal and provide the highest investment return with the maximum security while meeting the daily cash flow needs of the township and complying with all state statutes governing the investment of public funds.

##### 5.002 - Scope.

This investment policy applies to all financial assets of the township. These assets are accounted for in various funds of the township and include the general fund, special revenue funds, debt service funds, internal service funds, trust and agency funds, and any new funds established by the township.

#### 5.003 - Objectives.

The primary objectives of the township's investment activities in priority order shall be:

*Safety* - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

*Diversification* - The investments will be diversified by security type and institution in order to reduce overall portfolio risk while obtaining market average rates of return.

*Liquidity* - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

*Return of Investment* - The investment portfolio shall be designed with the objective of obtaining a reasonable rate of return throughout the budgetary and economic cycles, while taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

#### 5.004 - Delegation of authority.

Management responsibility for the investment program is hereby delegated to the Township Treasurer pursuant to MCL 41.76 who shall establish written procedures and internal control policies for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

#### 5.005 - Authorized investments.

The township is limited to investments authorized by Act 20 of 1943 MCL 129.91 as amended from time to time, and by way of illustration may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
- (c) Commercial paper rated at the time of purchase within the two highest classification established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in subdivision (a) above. Repurchase agreements shall be negotiated only with dealers or financial institutions with whom Dorr Township has negotiated a Master Repurchase Agreement.\* Repurchase agreements must be signed with the bank or dealer and must contain provisions comparable to those outlined in the Public security Association's model Master Repurchase Agreement.
- (e) Banker's acceptance of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than one standard rating service.
- (g) Mutual funds registered under the Investment Company Act 1940, Title 1 of Chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment solely

by reason of either of the following:

- (i) The purchase of securities on a when-issued or delayed delivery basis.
- (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
- (iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
- (iv) Investments in mutual funds shall be limited to securities whose intention is to maintain a net asset value of \$1.00 per share.\*
- (h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Corporations Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (i) Investment pools organized under the Surplus Funds Investment Pool Act, 1982 PA 367, MCL 129.111 to 129.118.
- (j) The investment pools organized under the Local Government Investment Pool Act, 1985 PA 121, MCL 129.141 to 129.150.
- (k) Certificates of Deposit as authorized by MCL 129.91(5) including Certificate of Deposit Account Registry Service (CDARS).
- (l) Insured Cash Sweep under Enrolled House Bill No. 5289, AN ACT to amend 1943 PA 20, Entitled "An Act Relative to the investment of funds of public corporation of the state: and to validate certain investments, by amending section 1 (MCL 129.91) as amended by 2009 PA21.

\* This is a requirement of this policy but not required under MCL 129.91.

#### 5.006 - Safekeeping and custody.

All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Treasurer shall be on a cash or delivery vs. payment basis. Securities may be held by a third party custodian designated by the Treasurer and evidenced by safekeeping receipts as determined by the Treasurer.

#### 5.007 - Prudence.

Investments shall be made with judgment and care, under circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs. These decisions are not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

#### 5.008 - Reporting.

The Treasurer shall provide quarterly (or more often) written investment reports to the Township Board which provide a clear picture of the status of the current investment portfolio. In addition, the Treasurer shall, as required by law, present an annual written report to the Board.

#### 5.009 - Conflict of interest and ethics.

Officials and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and Board Members shall disclose to the Treasurer, and the Treasurer shall disclose to the Board, any material financial interest in financial institutions that conduct business with the Township. And further, the Board, Employees, and the Treasurer shall disclose any material financial investment position related to the performance of the Township's portfolio.

#### 5.010 - Authorized financial institutions and dealers.

A list will be maintained of financial institutions authorized to provide investment services to Dorr Township. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services to Dorr Township.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must first be provided with a copy of the Township's Investment Policy and return to the Township a signed copy of the agreement to comply (appendix #1).

#### 5.011 - Adoption and review.

The Township's investment policy shall be adopted by the Township Board. The policy shall be reviewed annually by the Treasurer and any modifications must be approved by the Township Board.

#### 6.000 - CREDIT CARD USE POLICY Res. No. 04-13R Adopted: August 15, 2013

##### 6.001 - Generally.

- A. The Township Clerk is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.
- B. Township credit cards may be used only by an officer or employee of the township for the purchase of goods or service for the official business of the township.
- C. Township officers and employees who use a township credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the Township Clerk. All credit card slips shall include the name of vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows all of the above information and shall also include a statement why a credit card slip was not obtained.
- D. An official or employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the Township Clerk shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.
- E. An officer or employee issued a credit card shall return the credit card to the Township Clerk upon termination of his or her employment or service with the township.
- F. The Township Clerk shall maintain a list of all credit cards owned by the township, along with the name of the officer and employee who has been issued the credit card, the credit limit established, the date issued, and the date returned. Each employee shall sign the list beside his or her name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy.
- G. The township board shall not approve a payment to the entity issuing the credit card until all transactions has been verified, including the approval of all transactions invoices if issued.
- H. The balance, including interest due on an extension of credit under the credit card arrangement, shall be paid for within not more the 60 days of the initial statement date.
- I. Officers and employees who use a township credit card in a manner contrary to this policy shall be subject to the following disciplinary actions, as deemed appropriate by the township board:
  - Verbal counseling
  - Written reprimand
  - Suspension

- Termination
- Reimbursement to the township for unauthorized expenditures

#### 15.000 - LIQUOR CONTROL ORDINANCE Ord. No. 1

##### 15.001 - Title.

Sec. 1. This Ordinance shall be known and cited as the Dorr Township Liquor Control Ordinance.

##### 15.002 - Liquor Control Act of the State of Michigan.

Sec. 2. All alcoholic liquor traffic, including among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within Dorr Township, Allegan County, Michigan, shall comply with the provisions of the Michigan Liquor Control Act, being Act No. 8 of the Michigan Public Acts of 1933, as amended.

##### 15.003 - Enforcement.

Sec. 3. For the purpose of the enforcement of said Michigan Liquor Control Act within said Township, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of said Act and the rules and regulations of the Michigan Liquor Control Commission, adopted pursuant to said act, are enforced within said Township. Such Department shall consist of not less than one Constable or Deputy Sheriff appointed by the Township Board and such other personnel as the Township Board may, in its discretion, appoint. The personnel in such Department shall be entitled to such compensation as the Township Board may determine. Such Department or a member thereof shall be available at all times to investigate complaints received under this Ordinance, and enforce the provisions hereof.

##### 15.004 - Inspection.

Sec. 4. The Township Liquor Control Enforcement Department shall inspect not less than monthly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of all inspections promptly to the Township Board. The Township Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act, or improper operations and practices concerning alcoholic liquor traffic within the Township, and report the same to the Township Board and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All Inspectors shall carry appropriate cards issued by the Township Clerk, clearly identifying them as Township Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the Township where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported, or where the Inspector suspects the same is being thus manufactured, sold, offered for sale, kept for sale, possessed, or transported. Whenever possible, all inspection reports shall be made on Liquor Law Enforcement Inspection forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the Township Liquor Control Enforcement Department.

##### 15.005 - Appropriation.

Sec. 5. For the purpose of carrying out the provisions of this Ordinance and establishing the Liquor Control Enforcement Department herein provided for, the Township Board hereby appropriates the sum of \$450.00 for such use, and is hereby authorized and directed to annually appropriate such an amount as will, in its discretion, be sufficient to maintain and operate such Liquor Control

Enforcement Department for the ensuing fiscal year of the Township, not exceeding, however, 10 mills of the assessed valuation of the Township in any one year for vehicles, apparatus and equipment and housing for the same, and not exceeding 2½ mills of the assessed valuation of the Township per year for the maintenance and operation of the Department.

#### 15.006 - Penalties.

Sec. 6. Any person, other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Any licensee who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the Township Liquor Control Enforcement Department shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 90 days or by a fine of not more than \$100.00, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

It is the intent of the Township Board that the court, in imposing punishment under the provisions of this Ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this Ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Act.

#### 15.007 - Effective date.

Sec. 7. This Ordinance shall take effect on the 15th day of March, 1960. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted: February 4, 1960

Published: February 11, 1960

### Part 16

#### 17.000 - BASIC CABLE TV RATE REGULATION Ord. No. 28

##### 17.001 - Definitions.

Sec. 1. For purposes of this Ordinance, "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time; "FCC" shall mean the Federal Communications Commission; "FCC Rules" shall mean all rules of the FCC promulgated from time to time pursuant to the Act; "basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the City pursuant to the Act and the FCC Rules; "associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR § 76.923; and an "increase" in rates shall mean an increase in rates or a decrease in programming or customer services as provided in the FCC Rules. All other words and phrases used in this Ordinance shall have the same meaning as defined in the Act and FCC Rules.

##### 17.002 - Purpose; interpretation.

Sec. 2. The purpose of this Ordinance is to: 1) adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation, and 2) prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the City. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

## 17.003 - Rate regulations promulgated by FCC.

Sec. 3. In connection with the regulation of rates for basic cable service and associated equipment, the Township of Dorr shall follow all FCC Rules.

## 17.004 - Filing; additional information; burden of proof.

## Sec. 4.

- (a) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall file ten copies of the schedule or proposed increase with the Township Clerk. For purposes of this Ordinance, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the Township Clerk. The Township Board may, by resolution or otherwise, adopt rules and regulations, as allowed by law, prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.
- (b) In addition to information and data required by rules and regulations of the Township pursuant to Section 4(a) above, a cable operator shall provide all information requested by the Township Supervisor that is related and helpful in connection with the Township's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The Township Supervisor may establish reasonable deadlines for submission of the requested information and the cable operator shall comply with such deadlines.
- (c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC § 543 and 47 CFR §§ 76.922 and 76.923.

## 17.005 - Proprietary information.

## Sec. 5.

- (a) If this Ordinance, any rules or regulations adopted by the Township pursuant to Section 4(a), or any request for information pursuant to Section 4(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the Township determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The Township shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, (1) where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or (2) the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.
- (b) Any interested party may file a request to inspect material withheld as proprietary with the Township. The Township shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.
- (c) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC



regarding requests for confidentiality including, without limitation, 47 CFR § 0.459.

17.006 - Public notice; initial review of rates.

Sec. 6. Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to Section 4(a) above, the Township Clerk shall publish a public notice in a newspaper of general circulation in the Township which shall state that: 1) the filing has been received by the Township Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and 2) interested parties are encouraged to submit written comments on the filing to the Township Clerk not later than seven days after the public notice is published. The Township Clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the Township Board, then the Township Clerk shall mail a copy of the report by first-class mail to the cable operator at least three days before the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase.

17.007 - Tolling order.

Sec. 7. After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under Section 4(a) above unless the Township Board (or other properly authorized body or official) tolls the 30 day deadline pursuant to 47 CFR § 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The Township Board may toll the 30 day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.

17.008 - Public notice; hearing on basic cable service rates following tolling of 30 day deadline.

Sec. 8. If a written order has been issued pursuant to Section 7 and 47 CFR § 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the Township any additional information required or requested pursuant to Section 4 of this Ordinance. In addition, the Township Board shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150 day period, as the case may be. The Township Clerk shall publish a public notice of the public hearing in a newspaper of general circulation within the Township which shall state: 1) the date, time, and place at which the hearing shall be held, 2) interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and 3) copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than 15 days before the hearing. In addition, the Township Clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.

17.009 - Staff or consultant report; written response.

Sec. 9. Following the public hearing, the Supervisor shall cause a report to be prepared for the Township Board which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the Township Board pursuant to Section 10. The Township Clerk shall mail a copy of the report to the cable operator by first-class mail not less than 20 days before the Township Board acts under Section 10. The cable operator may file a written response to the report with the Township Clerk. If at least ten copies of the response are filed by the cable operator with the Township Clerk within ten days after the report is mailed to the cable operator, the Township Clerk shall forward it to the Township Board.

17.010 - Rate decisions and orders.

Sec. 10. The Township Board shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the Township Board issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR § 76.933. The order specified in this Section shall be issued within 90 days of the tolling order under Section 7 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under Section 7 in all cases involving a cost-of-service showing.

17.011 - Refunds; notice.

Sec. 11. The Township Board may order a refund to subscribers as provided in 47 CFR § 76.942. Before the Township Board orders any refund to subscribers, the Township Clerk shall give at least seven days written notice to the cable operator by first-class mail of the date, time and place at which the Township Board shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the Township Board.

17.012 - Written decisions; public notice.

Sec. 12. Any order of the Township Board pursuant to Section 10 or Section 11 shall be in writing, shall be effective upon adoption by the Township Board, and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the Township which shall: 1) summarize the written decision, and 2) state that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the Township Clerk shall mail a copy of the text of the written decision to the cable operator by first-class mail.

17.013 - Rules and regulations.

Sec. 13. In addition to rules promulgated pursuant to Section 4, the Township Board may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

17.014 - Failure to give notice.

Sec. 14. The failure of the Township Clerk to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decisions or proceedings of the Township Board so long as there is substantial compliance with this Ordinance.

17.015 - Additional hearings.

Sec. 15. In addition to the requirements of this Ordinance, the Township Board may hold additional public hearings upon such reasonable notice as the Township Board, in its sole discretion, shall prescribe.

17.016 - Additional powers.

Sec. 16. The Township shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this Ordinance shall be in addition to powers conferred by law or otherwise. The Township may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.

17.017 - Failure to comply; remedies.

Sec. 17. The Township may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the Township) for failure to comply with the Act, the FCC Rules, any orders or determinations of the Township pursuant to this Ordinance, any requirements of this Ordinance, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the Township pursuant to this Ordinance, any requirements of this Ordinance, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of a cable operator's franchise.

17.018 - Severability.

Sec. 18. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

17.019 - Conflicting provisions.

Sec. 19. In the event of any conflict between this Ordinance and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this Ordinance shall control.

17.020 - Effective date.

Sec. 20. This Ordinance shall take effect 30 days after publication thereof.

Adopted: September 22, 1993

Published: September 29, 1993

Part 18

18.000 - PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE Ord. No. 01-190

18.001 - Title.

SEC. I This ordinance shall be known as and may be cited as the Dorr Township Prohibition of Marihuana Establishments Ordinance.

18.002 - Definitions.

SEC. II Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27953 *et seq.*, as may be amended.

18.003 - No Marihuana Establishments.

SEC. III Dorr Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27956 *et seq.*, as may be amended.

18.004 - Violations and Penalties.

SEC. IV

1. Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this

ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

50.000 - C-TEC CABLE SYSTEMS OF MICHIGAN, INC. CABLE TELEVISION FRANCHISE Ord. of 1-5-1995 Adopted: January 5, 1995

THIS FRANCHISE made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 1994, by and between DORR TOWNSHIP, a municipal corporation duly organized under the laws of the State of Michigan (hereinafter called "Municipality") and C-TEC CABLE SYSTEMS OF MICHIGAN, INC. a corporation organized and existing under the laws of the State of Pennsylvania with its Principal office located at 701 South Airport Road, West, Traverse City, Michigan (hereinafter referred to as "Company").

WITNESSETH

WHEREAS, Company currently provides cable service in Municipality under a preexisting cable franchise or similar rights, and

WHEREAS, application or request has been duly made by Company for renewal of such franchise with amendments such as to conform said franchise to federal statutes, rules and regulations governing cable television systems; and

WHEREAS, Company represents that it will provide adequate service to the residents of Municipality; and

WHEREAS, Municipality has negotiated this franchise renewal jointly with those other municipalities served by Company that are listed on Exhibit H, and in such negotiations has reached agreement with Company on this form of franchise, and

WHEREAS, Municipality has duly considered and concluded that renewal of the franchise on the terms set forth herein is in the public interest and would meet the needs and interest of the community;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

50.001 - Definitions.

[Part] 1.

- 1.1 *Additional Insureds* shall have the meaning defined in Part 6 [50.006].
- 1.2 *Authorized Area* shall mean the entire area from time to time within the corporate limits of the municipality, excluding, however, (a) all areas that are within such limits solely due to agreements executed under the authority of Michigan Act 425 of 1984, and (b) all areas not served by Company on the Effective Date (shown generally on Exhibit G) unless Company notifies Municipality in writing of its intent to serve such areas and does so within 6 months of such notice.
- 1.3 *Cable Services* shall mean only
  - 1.3.1 the one-way transmission to all subscribers of (i) video programming, or (ii) other programming services, such as digital cable radio service, and
  - 1.3.2 subscriber interaction, if any, which is required for the selection of such video programming or other programming service,

where "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

- 1.4 *Cable Television Business* shall mean the provision by the Company of Cable Services solely by means of the Cable Television System.
- 1.5 *Cable Television System* or *System* shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed and used solely to provide Cable Services to subscribers within the Authorized Area, but such term does not include (i) a facility that serves only to re-transmit the television signals of one or more television broadcast stations; (ii) a facility that serves only subscribers in 1 or more multiple unit dwellings unless such facility uses any public right of way, (iii) a facility of a common or private carrier which is subject in whole or in part to the provisions of Title II of the Communications Act of 1934, as amended, except that such a facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers.

The term "Cable Television System" when used to refer to the system of Company authorized by this franchise shall in addition mean a system meeting the description set forth on Exhibit A.

- 1.6 *Company* shall mean C-TEC Cable Systems of Michigan, Inc.
- 1.7 *County* shall mean the County of Allegan, a municipal corporation, including but not limited to its Road Commission.
- 1.8 *E and G Channels* shall have the meaning set forth in Part 5 [50.005].
- 1.9 *Effective Date* shall be the date in Section 14.14.
- 1.10 *Event of Default* shall have the meaning defined in Part 11 [50.011].
- 1.11 *Excluded Services* shall mean the direct or indirect provision of services other than Cable Services.
- 1.12 *FCC* shall mean Federal Communications Commission.
- 1.13 *Franchise* shall mean this document.
- 1.14 *Gross Revenues* shall mean all amounts earned or accrued by Company, or any entity in any way affiliated with Company, in whatever form and from all sources which are in connection with or attributable to the operation of the Cable Television System within Municipality or Company's provision within Municipality of Cable Services.
- 1.14.1 *Gross Revenues* shall include, without limitation, all subscriber and customer revenues (including those for basic cable services; additional tiers; premium services; pay per view; program guides; deposits (net of any deposits returned to subscribers in the applicable time period); installation, disconnection or service call fees; fees for the provision, sale, rental or lease of converters, remote controls, additional outlets and other customer premises equipment), revenues from the use of leased access channels, advertising revenues (national, regional or local); leased access rentals, commissions, per inquiry fees and all other monies or consideration received from home shopping services, entities providing programming used on the Cable Television System or the like.
- 1.14.2 *Gross Revenues* shall include amounts earned or accrued during a period regardless of whether (1) received or not; (2) the amounts are to be paid in cash, in trade, or by means of some other benefit to Company or any entity in any way affiliated with Company; (3) the goods or services with which the revenue is associated are provided at cost or the revenue amount can be matched against an equivalent expenditure; (4) the amounts are characterized, separately identified, or accounted as being for goods, services, or fees to be paid to units of government or government agencies; or (5) the amounts are initially recorded or received by Company or by an entity in any way affiliated with Company. However, *Gross Revenues* shall exclude uncollected accounts during the period, computed on a fair basis consistently applied.
- 1.14.3 *Gross Revenues* shall be computed at the level where first received from an entity not in any way affiliated with Company and shall not be net of (1) any operating expense; (2) any accrual, including without limitation, any accrual for commissions; or (3) any other expenditure.

- 1.14.4 Advertising revenues, tower rental revenues, Home Shopping Network revenues or other revenues whose source cannot specifically identified with a particular subscriber shall be allocated among the units of government served by Company system "headend" serving Municipality in proportion to the number of subscribers in each.
- 1.15 *Indemnitees* shall have the meaning defined in Part 6 [50.006].
- 1.16 *Municipality* shall mean Dorr Township.
- 1.17 *Municipal Charter* shall mean Municipality's charter, if Municipality has a locally adopted charter.
- 1.18 *Municipal Manager* shall mean Village President.
- 1.19 *Normal Business Hours* shall have the meanings set forth in Sections 4.12 and 4.13. of Part 4 [50.004].
- 1.20 *Normal Operating Conditions* shall mean those service conditions which are within the control of Company. Those conditions which are not within the control of Company include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of Company include, but are not limited to, special promotions, pay-per-view events, rate increases, regular or seasonal demand periods, changes in the billing cycle, and maintenance or upgrade of the Cable Television System.
- 1.21 *Public Ways* shall mean all dedicated public rights-of-way, streets, highways, and alleys. "Public Ways" shall not include property of Municipality which is not a dedicated public right-of-way, street, highway, or alley.
- 1.22 *School System* shall mean Wayland Area Schools.
- 1.23 *Service Interruption* shall have the meaning set forth in Section 4.18.
- 1.24 *Transfer or Transferred* shall mean any form of sale, conveyance, assignment, lease, sublease, merger, pledge, deed, grant, mortgage, transfer in trust, encumbrance or hypothecation in whole or in part, whether voluntary or involuntary, other than to secure indebtedness, of any right, title or interest of Company in or to this Franchise or to the Cable Television System, excluding, however, the replacement of portions of the Cable Television System in the course of ordinary operation and maintenance.
- 1.25 *Uncured Event of Default* shall have the meaning defined Part 11 [50.011].

#### 50.002 - Grant of rights.

##### [Part] 2.

- 2.1 *Permission/Franchise*: Subject to all the terms and conditions contained herein, to the Municipal Charter and to Municipal ordinances as from time to time in effect, Municipality hereby grants Company permission to erect, construct, install and maintain a Cable Television System in, over, under, along and across the Public Ways in the Authorized Area and to transact a Cable Television Business in such area. The permission and rights hereby granted do not include the following:
- 2.1.1 Leasing or subleasing wires, poles, conduits or space or spectrum on or in same (except as may be required by the so-called leased access provisions of 47 U.S.C. § 532); allowing wires or any other facilities to be overlashed, affixed or attached to any portion of the Cable Television System; or other actions with a similar result.
- 2.1.2 Any connection of the Cable Television System, electronically or physically with any other public utility, private utility, common carrier, private carrier, telecommunications system or telecommunications provider other than (i) with a subscriber for the provision of service to that subscriber, (ii) pole attachments and conduit rentals by Company necessary for it to string and run its lines, and (iii) obtaining electricity and telephone service to run the Cable Television System.
- 2.1.3 Any Excluded Services.
- 2.2 *Nonexclusive*: This Franchise and all rights granted thereunder are nonexclusive. Municipality reserves the right to grant such other and future franchises as it deems appropriate. This Franchise does not establish any priority for the use of the public rights of way by Company or by any present or future franchisees or other permit holders. In the event of any

dispute as to the priority of use of the public rights of way, the first priority shall be to the public generally, the second priority to Municipality, County, the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter, as between franchisees and other permit holders, as determined by Municipality (or where applicable, the County Road Commission) in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

2.3 *Programming Services:* Company shall include in the video programming it offers subscribers the following:

2.3.1 All television stations whose Grade B signal contour encompasses part or all of Municipality or which have "significantly viewed" status in Municipality, excluding, however,

2.3.1.1 Stations 30% or more of whose programming consists of home shopping networks, infomercials or the like, and

2.3.1.2 Stations which utilize the retransmission consent provisions of the Cable Television Consumer Protection and Competition Act of 1992, and

2.3.1.3 Stations whose programming substantially duplicate each other, such as more than two affiliates of the same network, and

2.3.1.4 Stations from other communities that are little viewed in the community (e.g.—Lansing stations in the Grand Rapids area).

2.3.2 At least one channel each for the following categories of programming:

2.3.2.1 Weather channel with both video and audio coverage of weather matters nationwide.

2.3.2.2 24 hour news channel

2.3.2.3 Channels providing coverage of the U.S. House, U.S. Senate and other major governmental activities.

2.3.2.4 Sports channel

2.3.2.5 Religious channel

2.4 *Access to Service:* Company shall not deny service, deny access, or otherwise discriminate on the availability or rates, terms or conditions of Cable Services provided to subscribers on the basis of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, location within Municipality, or status with regard to public assistance. Company shall comply at all times with all applicable federal, state and local laws and regulations relating to nondiscrimination. Company shall not deny or discriminate against any group of actual or potential subscribers in Municipality on access to or the rates, terms and conditions of Cable Services because of the income level or other demographics of the local area in which such group may be located.

2.5 *Universal Service:* Subject to the next section and its rates for service as from time to time in effect, Company shall provide Cable Services to any and all persons requesting same at any location within the Authorized Area.

2.6 *Line Extension:* No line extension charge or comparable charge shall be imposed on any current or potential subscriber for

2.6.1 "Drops" from the distribution portion or tap on the Cable Television System to the subscriber's residence premises which

2.6.1.1 Are less than 300 feet if the System has less than 330 Mhz of usable bandwidth in use, and

2.6.1.2 Are less than 200 feet if the System has more than 330 Mhz of usable bandwidth in use. In addition, if the System is upgraded to more than 330 Mhz existing customers and installations will not be charged for any modifications or extensions to the System necessary to reduce the length of the drop serving them or otherwise provide Cable Service in compliance with this Franchise and applicable FCC standards.

2.6.2 Extensions of the Cable Television System (excluding drops to dwelling units) of 300 feet or less, or

2.6.3 Extensions of the Cable Television System where the extension would pass "X" occupied dwelling units per cable mile of distribution or trunk cable (excluding drops to dwelling units) where "X" is as set forth below. The preceding figures shall be pro-rated for distances more or less than one mile. "X" shall be the smaller of:

2.6.3.1 30 through calendar 1997; 25 in 1998 and 1999; and 20 after calendar 1999,

2.6.3.2 The homes per mile figure for Municipality (if any) set forth on Exhibit B.

2.6.4 A potential subscriber located beyond the area where the Cable Television System is extended free of charge under the preceding provisions may obtain service by making a contribution in aid of construction to extend the System to a point at which such potential subscriber is entitled to service without additional charge for line extensions. Annually during the five-year period commencing at the completion of such a subscriber-funded line extension, as new subscribers are added to such line extension, Company shall collect funds from such new subscribers and refund shall be made by Company to subscribers who made such contribution in aid of construction. The amount of the collection and refund shall be determined by applying the provisions of this Section 2.6 to compare what the contribution (if any) would have been with the new subscribers compared to the contribution actually made, with the difference reduced to zero at the rate of 20% per year over the five years. Examples of the application of this section are set forth in Exhibit I.

The preceding shall apply whether the cable would be located in Public Ways or in private ways/easements (the latter being generally available to Company under its statutory ability to use existing utility easements for cable purposes). For line extensions or drops exceeding the preceding standards the subscriber(s) shall only be charged for the increment by which the extension/drop exceeds the standard. Unless waived in writing by Municipality, for all new plats, planned unit developments or subdivisions (collectively "plats") within 1.5 miles of Company's existing Cable Television System or where Company is paid or reimbursed for same by the owner/developer Company shall install the portion of the Cable Television System to be physically located in such plats at the same time as other utilities are installed.

2.7 *Construction Timetable:* On or before September 1, 1995 Company shall extend its Cable Television System to all areas of Municipality which as of September 1, 1994 meet the dwelling units/mile standard set forth in the preceding section.

2.7.1 As new or additional areas of Municipality meet the dwelling units/mile standard, Company shall extend the Cable Television System to such areas within 90 days of their meeting the standard (or longer if due to circumstances beyond Company's control).

2.7.2 As Municipality may from time to time reasonably request, Company shall investigate and respond in writing whether areas within Municipality do/do not meet the standard of the preceding section.

2.8 *Free Service:* Where the following are within 500 feet of Company's Cable Television System, Company will provide without any installation charge (except as specified below) or monthly charge one free outlet in each Municipal building or facility; in each public, private and parochial K-12 school or college; and will allow Municipality and each such school without additional charge, to extend such service to some or all rooms, classrooms and auditoriums, but not to dormitories. Company shall give each such customer a credit towards installation charges of \$1,000, escalated by the Gross National Product Price Index (GNP-PI) from the Effective Date, and the customer shall pay the amount by which actual charges exceed such credit. None of the preceding shall be charged any fee during the term of this Franchise for the greater of those channels comprising (1) basic service, (2) expanded basic service, or (3) Premium Customer Choice channels.

2.9 *Uniform Rates:* Company's rates for service shall be the same at all times in all areas of Municipality.

2.10 *System Changes:* Company's Cable Television System shall not deviate from the general description set forth on Exhibit A except as follows: Company shall notify Municipality in writing in advance of any proposed change and its effect (if any) on the rates to be paid by subscribers for Cable Services. Such change shall be deemed approved unless rejected by Municipality within 120 days of Municipality's receipt of such notice. A proposed change can be rejected by Municipality only if it will materially increase Company's rates.

2.11 *Interconnection:* The existing interconnection (if any) of the Cable Television System with another cable television system (such as for E and G Channels or public access purposes) shall continue, and Company shall continue under the terms presently in effect for same, including responsibilities for the maintenance and repair of the interconnect.



- 2.12 *Continuity of Service:* Company shall interrupt the provision of service only with good cause and for the shortest time possible except in emergency situations, only after periodic cablecasting notice of service interruption, including at the same time as anticipated interruption. Services may be interrupted between 1:00 a.m. and 5:00 a.m. for routine testing, maintenance and without notification, any night except Friday, Saturday, or Sunday, or the night preceding a holiday.
- 2.13 *Emergencies:* Municipality may remove or damage the Cable Television System in the case of fire, disaster, or other emergencies, as determined by the Mayor, Municipal Manager, Police Chief, Fire Chief or Director of Public Safety. In such event neither the Municipality nor any agent, contractor or employee thereof shall be liable to the Company for any damages caused to the Company or the Cable Television System, such as for, or in connection with, protecting, breaking through, moving, removal, altering, tearing down, or relocating any part of the Cable Television System.
- 2.14 *Alert System:* If and when the Cable Television System, which for the purposes of this Section, the following Section and Section 14.2 shall include all other portions of Company's system served from the same "headend" which feeds this System, serves more than 15,000 subscribers, Company shall include an all channel alert system so as to allow simultaneous audio and character generated emergency announcements on all channels. Municipality and Company will agree on the procedures for Municipality or the applicable County Emergency Director to follow to expeditiously use such facility in the event of an emergency and Municipality shall hold Company harmless for any harm caused Company by the improper use of such alert system by Municipality.
- 2.15 *Backup Power:* Company shall provide continuous backup or standby electric power (such as from batteries or from electric generators) at locations on Company's Cable Television System which experience more than 12 hours of outages per year, excluding storms and major outages, such that that portion of the Cable Television System will operate for at least two hours even if electric service from conventional utility lines is interrupted. If the System (as defined in the prior Section) serves more than 15,000 subscribers it shall have an electric generator with automatic start capability to provide electric service to the head-end and associated equipment. If certain areas served by the Cable Television System experience persistent outage problems, Company will promptly take action to prevent such problems from recurring.
- 2.16 *Compliance with Applicable Law:* In constructing, maintaining and operating the Cable Television System, Company will act in a good and workmanlike manner, observing high standards of engineering and workmanship and using materials of good and durable quality. Company shall comply in all respects with the National Electrical Safety Code (latest edition) and National Electric Code (latest edition); all standards, practices, procedures and the like of the FCC and National Cable Television Association; the requirements of other utilities whose poles and conduits it uses, and all applicable federal, state and local laws.
- 2.17 *Maintenance and Repair:* Company will keep and maintain a proper and adequate inventory of maintenance and repair parts for the Cable Television System, and a workforce of skilled technicians for its repair and maintenance. Company by 1995 will complete the "sweep" currently being conducted of this and other Cable Television Systems in Michigan to bring their design, construction and operation into compliance with FCC, industry and Company standards.
- 2.18 *Other Permits:* This Franchise does not relieve Company of the obligation to obtain permits, licenses and other approvals from Municipality or other units of government, such as the County Road Commission, which are necessary for the construction, repair or maintenance of the Cable Television System or provision of Cable Services; or from compliance with applicable municipal ordinances such as zoning and land use ordinances, Pavement Cut Ordinances, curb cut permits, building permits and the like.

50.003 - Public ways.

[Part] 3.

- 3.1 *No Burden on Public Ways:* Company shall not erect, install, construct, repair, replace or maintain its Cable Television System in such a fashion as to unduly burden the present or future use of the Public Ways. If Municipality or the County Road Commission in its sole judgment determines that any portion of the Cable Television System is an undue burden,

Company at its expense shall modify its system or take such other actions as the Municipality or Road Commission may determine is in the public interest to remove or alleviate the burden, and Company shall do so within the time period established by the Municipality or Road Commission.

- 3.2 *Minimum Interference:* The Cable Television System shall be erected and maintained by Company so as to cause the minimum interference with the use of the Public Ways and with the rights or reasonable convenience of property owners who adjoin any of the Public Ways.
- 3.3 *Restoration of Property:* Company shall immediately restore at its sole cost and expense, in a manner approved by Municipality, any portion of the Public Ways that is in any way disturbed by the construction, operation, maintenance or removal of the Cable Television System to as good or better condition than that which existed prior to the disturbance, and shall at its sole cost and expense immediately restore and replace any other property, real or personal, disturbed, damaged or in any way injured by or on account of Company or by its acts or omissions, to as good or better the same condition as such property was in immediately prior to the disturbance, damage or injury.
- 3.4 *Tree Trimming:* Company may trim trees upon and overhanging the Public Ways so as to prevent the branches of such trees from coming into contact with the Cable Television System. No trimming shall be performed in the Public Ways without previously informing Municipality. Except in emergencies all trimming of trees on public property shall have the advance approval of Municipality and all trimming of trees on private property shall require notice to the property owner.
- 3.5 *Relocation of Facilities:* Company shall, at its own cost and expense, protect, support, disconnect, relocate in or remove from the Public Ways any portion of the Cable Television System when required to do so by Municipality or County due to street or other public excavation, construction, repair, grading, regrading, traffic conditions; the installation of sewers, drains, water pipes, or municipally-owned facilities of any kind; the vacation, construction or relocation of streets; or other public improvements by a unit of government.
- 3.6 *Joint Use:* Company shall permit the joint use of its poles, conduits and facilities located in the Public Ways by utilities and by the Municipality or other governmental entities to the extent reasonably practicable and upon payment of a reasonable fee.
- 3.7 *Easements:* Any easements over or under private property necessary for the construction or operation of the Cable Television System shall be arranged and paid for by Company. Any easements over or under property owned by Municipality other than the Public Ways shall be separately negotiated with Municipality. Municipality shall not unreasonably withhold the grant of such easements.
- 3.8 *Compliance with Law:* Company shall be subject to all laws, ordinances or regulations of Municipality in the course of constructing, installing, operating or maintaining the Cable Television System in Municipality. Company shall comply with all zoning and land use restrictions as may exist or may hereafter be amended.
- 3.9 *Underground Facilities:* If Municipality in the future requires that, in a specific area of Municipality, public utilities shall place their cables, wires, or other equipment underground, then Company also shall in a reasonable period of time place its existing and its future cables, wires, or other equipment in such area underground without expense or liability therefore to Municipality.
- 3.10 *Temporary Relocation:* Upon 4 business days notice, Company shall either temporarily raise or lower its wires or other equipment upon the request of any person, including without limitation, a person holding a building moving permit issued by Municipality or for good cause may specify a time certain within 30 days when the preceding shall occur. Company may charge a reasonable rate for this service, not to exceed its actual direct costs.
- 3.11 *Vacation:* If a Public Way is vacated, eliminated, discontinued or closed, all rights of Company under this Franchise to use same shall terminate and Company at its expense shall immediately remove the Cable Television System from such Public Way unless Company obtains easements from the property owners to use the former Public Way.
- 3.12 *As-Builts:* Company shall keep accurate, complete and current maps and records of the Cable Television System and its facilities. Company shall furnish two complete sets of "as-built" maps and records to Municipality or County upon

request, and upon request by either entity as soon as possible but no more than 1 business day from the request shall inform Municipality or County of any changes. Such maps and records shall be available for inspection by the public at the offices of Municipality.

- 3.13 *Location of Facilities/Miss Dig:* Company shall provide Municipality and Road Commission upon request copies of any new "as-built" or comparable drawings as and if they are generated for portions of Company's facilities and Cable Television System located within Municipality. Upon request by Municipality or County Company shall mark up maps provided by Municipality or County so as to show the location of Company's facilities and Cable Television System. Company shall notify Municipality in advance of any underground construction by it in Municipality if Municipality is not part of Miss Dig.
- 3.14 *Discontinuance and Removal of the Cable Television System:* Upon the revocation, termination, or expiration of this Franchise, Company either (a)—by mutual agreement of Municipality and Company, (b)—by Company's acquiescence or failure to challenge same, or (c)—by a final order of a court which Company either does not appeal or from which there is no further right of appeal then the following shall occur: Company shall immediately discontinue the provision of Cable Services and all rights of Company to use the Public Ways shall cease. Company, at the direction of Municipality, shall remove its Cable Television System, including all supporting structures, poles, transmission and distribution system and other appurtenances, fixtures or property from the Public Ways, in, over, under, along, or through which they are installed within six (6) months of the revocation, termination, or expiration. Company shall also restore any property, public or private, to the condition in which it existed prior to the installation, erection or construction of its Cable Television System, including any improvements made to such property subsequent to the construction of its Cable Television System. Restoration of Municipal property, including, but not limited to, the Public Ways, shall be in accordance with the directions and specifications of Municipality, and all applicable laws, ordinances and regulations, at Company's sole expense. If such removal and restoration is not completed within six (6) months after the revocation, termination, or expiration, all of Company's property remaining in the affected Public Rights-of-Way shall, at the option of Municipality, be deemed abandoned and shall, at the option of Municipality, become its property or Municipality may obtain a court order compelling Company to remove same. In the event Company fails or refuses to remove its Cable Television System or to satisfactorily restore all areas to the condition in which they existed prior to the original construction of the Cable Television System, Municipality, at its option, may perform such work and collect the costs thereof from Company. No surety on any performance bond nor any letter of credit shall be discharged until Municipality has certified to Company in writing that the Cable Television System has been dismantled, removed, and all other property restored, to the satisfaction of Municipality.
- 3.15 *Failure to Discontinue Service:* In the event that Company fails to discontinue the provision of Cable Services pursuant to the terms set forth in Section 3.14 then Company shall deposit into an escrow account acceptable to Municipality one half of all Gross Revenues generated from such continuing operations. Such monies shall be deposited into such escrow account immediately upon receipt of such Gross Revenues by Company. Company consents to Municipality obtaining court orders in aid of this provision. This obligation shall survive the revocation, termination, or expiration of this Franchise.

50.004 - Customer service.

[Part] 4.

- 4.1 *Customer Standards:* Company will comply with the more stringent of the customer service and consumer protection provisions of this Franchise; those from time to time adopted by the Company; those from time to time adopted by the FCC; or the service and consumer protection standards from time to time adopted by the National Cable Television Association.
- 4.2 *Reservation:* Municipality reserves the right by ordinance to alter or amend the customer service and consumer protection matters set forth in this Part, including adopting ordinances stricter than or covering items not presently set

forth in this Part. Municipality agrees to meet with Company on the matters in question prior to taking such action, and to provide Company with one at least two weeks notice of such action. Company may challenge any action taken by Municipality under this section in court if it is unreasonable, unduly burdensome or prohibited by law.

- 4.3 *Undergrounding*: For new installations, if a subscriber requests underground cable service, Company may charge the subscriber the differential between the cost of aerial and underground installation of the drop to the subscriber. This provision shall not apply where undergrounding is required by Municipal ordinance or policy for all utilities.
- 4.4 *Seasonal Service*: Company shall offer seasonal service at a significant reduction, computed annually, from its standard rates for subscribers desiring only seasonal service. The seasonal rate currently offered by Company (described on Exhibit F) constitutes such a significant reduction and any future seasonal rates shall have comparable reductions. Customers selecting seasonal service shall not be subjected to annual disconnection and reconnection charges.
- 4.5 *Lockout Device*: Company shall provide all subscribers with the option of obtaining a device by which the subscriber can prohibit the viewing of a particular cable service during periods selected by the subscriber.
- 4.6 *Pay Per View*: Subscribers shall be given the option of not having pay per view or per program service available at all or only having such service provided upon the subscriber providing a security number selected by an adult representative of subscriber.
- 4.7 *Blocking*: Upon request by a subscriber, Company shall entirely block such subscriber from receiving both the audio and video portion of a channel on which programming is provided on a per program or pay per view basis. Scrambling of the signal shall be insufficient to comply with this provision.
- 4.8 *Hearing Impaired*: Municipality may require and regulate the installation, sale or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.
- 4.9 *Notification*: Company will provide written information on at least each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request.
- 4.9.1 Products and services offered.
- 4.9.2 Prices (rates) and options for Cable Services and conditions of subscription to Cable Service. Prices shall include those for programming, equipment rental, program guides, installation, disconnection, late fees and other fees charged by Company.
- 4.9.3 Installation and service maintenance policies.
- 4.9.4 Instructions on how to use the Cable Service, including procedures and options for pay per view and premium channels.
- 4.9.5 Channel positions of programming carried on the Cable Television System.
- 4.9.6 Billing and complaint procedures, including the address and phone number of the person or position at Municipality responsible for cable matters.
- 4.9.7 Applicable privacy requirements as set forth in this Franchise or otherwise provided for by law.
- 4.10 *Notice of Changes*: Subscribers and Municipality will be notified of any changes in rates, Cable Services or channel positions as soon as possible through announcements on the Cable Television System and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Company and as soon as possible if not within the control of Company. In addition, Company shall notify subscribers and Municipality thirty (30) days in advance of any significant changes in the other information required by the preceding section.
- 4.11 *Negative Options*: Company will not engage in the practice of "negative option" marketing, and will not charge a subscriber for any premium service or equipment beyond basic and expanded basic service which the subscriber has not affirmatively requested.
- 4.12 *Office*: Company shall maintain offices in or near Municipality as follows:
- 4.12.1 An office in Wayland to serve the purpose of paying bills; receiving and responding to requests for service; receiving

and resolving subscriber complaints regarding Cable Service, equipment malfunctions, billing and collection disputes; and similar matters. Such office of Company shall be open to receive inquiries or complaints in person and/or by telephone during "Normal Business Hours" which for purposes of this Section 4.12 shall mean 8 AM to 5 PM, Monday through Friday and one evening until 9 PM per week, excluding the holidays listed in the next section.

#### 4.13 *Telephone Service*

- 4.13.1 Company shall have a local telephone number or 800 number for use by subscribers toll-free 24 hours per day, 7 days per week.
  - 4.13.2 Company's numbers shall be listed in bold type, with appropriate explanations, in the directory published by the local telephone company (Michigan Bell, GTE and the like) and Company shall make reasonable efforts to be listed in significant private directories (Talking Directories and the like).
  - 4.13.3 Trained Company representatives will be available to respond to subscriber telephone inquiries 24 hours per day, although after Normal Business Hours such representatives shall only be required to respond to inquiries relating to outages, repairs or service calls, with other matters deferred until the next business day (unless low workload allows them to be handled then).
  - 4.13.4 After Normal Business Hours, calls relating to matters other than outages, repairs and service calls may be answered by a service or automated response system, including an answering machine. Such inquiries received after Normal Business Hours must be responded to by a trained Company representative on the next business day.
  - 4.13.5 Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a quarterly basis.
  - 4.13.6 Company shall provide reports to Municipality quarterly (monthly if Municipality shall request same) showing on a consistent basis, fairly applied, the number of telephone calls originating from within Municipality or other appropriate area, and in addition measuring Company's compliance with the standards of this section. Such report shall show Company's performance excluding periods of abnormal operating conditions, and if Company contends any such conditions occurred during the period in question, it shall also describe the nature and extent of such conditions and show Company's performance excluding the time periods such conditions were in effect.
  - 4.13.7 Under Normal Operating Conditions, the subscriber will receive a busy signal less than (3) percent of the time.
  - 4.13.8 Normal Business Hours for the purpose of this Section 4.13 shall mean from 8:00 am to 8:00 pm, Monday through Friday and 9 to 1 on Saturday, excluding Christmas, New Years Day, the Fourth of July, Labor Day, Memorial Day, Good Friday, December 24 and Thanksgiving.
- 4.14 *Identification:* All service personnel of Company or its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing their name and photograph. Company shall account for all identification cards at all times. In addition, such service personnel of Company shall wear uniforms with Company's name and logo. Every service vehicle of Company, its contractors or subcontractors shall be clearly identified as such to the public: Company vehicles shall have Company's logo and phone number plainly visible; those of contractors and subcontractors working for Company shall have the contractors/subcontractors name and phone number plus markings (such as a magnetic door sign) indicating they are under contract to Company and Company's phone number.
- 4.15 *Installations:* Under Normal Operating Conditions, installations located up to 125 feet from the existing distribution system will be performed within seven (7) business days after an order has been placed at least 95% of the time on a quarterly basis. Installations shall be available from 8 AM to noon and 1 PM to 6 PM weekdays; on a first call of the day or a last call of the day basis (each first come, first served); on a call to meet basis, and; by appointment on Saturday and in the evening. The reports described in the preceding section shall also measure and report on Company's compliance with this section.

- 4.16 *Service Calls:* The following shall apply to subscribers requesting installations or service: Company shall at the subscriber's request either (1) schedule the subscriber to be the first call of the day or last call of the day on a first come, first served basis, (2) schedule an appointment for a date certain on a "call to meet" basis where as the service technician finishes his/her prior task, the technician shall contact the subscriber and arranges to meet the subscriber shortly thereafter, or (3) establish a four hour appointment window with the subscriber (or adult representative of the subscriber). Such four hour window shall be entirely in the AM or entirely in the PM unless the subscriber requests and Company agree to the contrary.
- 4.16.1 Company shall respond to the request for service in accordance with the option selected by the subscriber.
- 4.16.2 Company may not cancel an appointment with a subscriber after 4 PM on the business day prior to the scheduled appointment.
- 4.16.3 If Company's technician is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will promptly be contacted. The appointment will be rescheduled, as necessary, at a time certain which is convenient for the subscriber.
- 4.16.4 In the event access to the subscriber's premises is not made available to Company's technician when the technician arrives during the established appointment window, the technician shall leave written notification stating the time of arrival and requesting that Company be contacted again to establish a new appointment window. In such case, the required response time for the request for service shall be twenty-four (24) hours from the time Company is contacted to establish the new appointment window.
- 4.16.5 Notwithstanding the foregoing, if Company's technician telephones the subscriber's home during the appointment window and is advised that the technician will not be given access to the subscriber's premises during the appointment window, then the technician shall not be obliged to travel to the subscriber's premises or to leave the written notification referred to above, and the burden shall again be upon the subscriber (or adult representative of the subscriber) to contact Company to arrange for a new appointment window, in which case the required response time for the request for service shall again be twenty-four (24) hours from the time Company is contacted to establish the new appointment window.
- 4.16.6 Except as otherwise provided above, Company shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives at the service location.
- 4.16.7 A violation by Company of the provisions of this section shall entitle the subscriber to one month's free basic service.
- 4.17 *Service Call Charges:* No charge shall be made to the subscriber for any service call unless the problem giving rise to the service request can be demonstrated by Company to have been:
- 4.17.1 Caused by subscriber negligence, or
- 4.17.2 Caused by malicious destruction of cable equipment, or
- 4.17.3 A problem previously established as having been non-cable in origin.
- 4.18 *Service Interruptions:* Under Normal Operating Conditions, Company will meet the following standard no less than 95% of the time measured on a quarterly basis:
- 4.18.1 Excluding conditions beyond Company's control, Company will begin working on a Service Interruption promptly and in no event later than 24 hours after the interruption becomes known.
- 4.18.2 "Service Interruption" means the loss of picture or sound on one or more cable channels, affecting one or more subscribers.
- 4.18.3 Company's report described above shall also measure and report on Company's compliance with this standard.
- 4.19 *Response Times:* For purposes of this Section, "subscriber problem" shall mean any malfunction affecting a single subscriber; "outage" shall mean a complete loss of picture and/or sound affecting more than two subscribers in a geographically compact area; "system problem" shall mean any problem other than an outage which affects more than

one subscriber. With respect to matters within Company's control, Company shall maintain a repair force of technicians so as to respond to and start work on a subscriber request for service or to repair any malfunction within the following time frames:

- 4.19.1 For an outage: Within five (5) hours, including weekends and holidays, after receiving knowledge of such malfunction.
- 4.19.2 For a subscriber problem: As soon as reasonably possible, but no later than the end of the next business day after Company receives the subscriber's request for service.
- 4.19.3 For a system problem: Within forty-eight (48) hours, including weekends and holidays, of receiving a request for service identifying a problem concerning picture or sound quality affecting any two or more subscribers.
- 4.20 *Log of Complaints:* Company shall maintain a written log, or an equivalent stored in computer memory and capable of access and reproduction in printed form, of all subscriber complaints. Such log shall list the date and time of such complaints, identifying to the extent allowed by law the subscribers and describing the nature of the complaints and when and what actions were taken by Company in response thereto. Such log shall be kept at Company's local or state office, reflecting the operations to date for a period of at least three (3) years, and shall be available for public inspection during regular business hours and to Municipality upon request.
- 4.21 *Payment Options:* Company will provide all subscribers with the option of paying for service by (1) an automatic payment plan, where the amount of the bill is automatically deducted from a checking account designated by subscriber, or (2) by major credit card on a preauthorized basis.
- 4.22 *Prepayment:* Company will provide all subscribers with the option of prepaying for service 12 months in advance with a prepayment discount of 5%.
- 4.23 *Bills:* Company shall comply with the following:
  - 4.23.1 Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and, credits and late charges.
  - 4.23.2 In the case of a billing dispute, Company must respond to a written complaint from a subscriber within thirty (30) days.
  - 4.23.3 Company may not disconnect a subscriber for failure to pay the contested charges during a billing dispute.
- 4.24 *Refunds:* Refund checks will be issued promptly, but no later than either:
  - 4.24.1 The subscriber's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
  - 4.24.2 Where applicable the return of the equipment supplied by Company if service is terminated.
- 4.25 *Credits:* Credits for service will be issued no later than the subscriber's next billing cycle following a determination that a credit is warranted.
- 4.26 *Late Payment*
  - 4.26.1 Late payment charges imposed by Company upon subscribers shall be fair and shall be reasonably related to Company's cost of administering delinquent accounts.
  - 4.26.2 Late payment charges shall not exceed \$5, adjusted for inflation from 1993.
- 4.27 *Disconnection*
  - 4.27.1 Company may only disconnect a subscriber for failure to pay if at least 60 days have elapsed after the due date for payment of the subscriber's bill and Company has provided at least 10 days written notice to the subscriber prior to disconnection, specifying the effective date after which cable services are subject to disconnection.
  - 4.27.2 Company may not disconnect a subscriber for failure to pay amounts that are in dispute during a billing dispute.
  - 4.27.3 Company may disconnect a subscriber at any time if Company in good faith believes that the subscriber has tampered with or abused Company's equipment, that there is a signal leakage problem (or other non-compliance with FCC or other standards which poses a risk to lives or property) on subscriber's premises, or that subscriber is or

may be engaged in the theft of Cable Services.

- 4.27.4 Company shall promptly disconnect any subscriber who so requests disconnection. No period of notice prior to requested termination of service may be required of subscribers by Company. No charge may be imposed upon the subscriber for any cable service delivered after the effective date of the disconnect request (unless there is a delay in returning Company equipment). If the subscriber fails to specify an effective date for disconnection, the effective date shall be deemed to be the day following the date the disconnect request is received by Company.
- 4.28 *Privacy and Monitoring:* Neither Company and its agents nor Municipality and its agents shall tap or monitor, or arrange for the tapping or monitoring, or permit any other person to tap or monitor, any cable, line, signal, input device, or subscriber facility for any purpose, without the written authorization of the affected subscriber. Such authorization shall be revocable at any time by the subscriber without penalty by delivering a written notice of revocation to Company; provided, however, that Company may conduct system-wide or individually addressed "sweeps" solely for the purpose of verifying system integrity, checking for illegal taps or billing.
- 4.29 *Subscriber Information:* Company shall not record or retain any information as to the programming actually watched by a subscriber. Company shall destroy all subscriber information of a personally-identifiable nature after a reasonable period of time except as authorized not to do so by the affected subscriber. Company shall not sell or otherwise provide to other persons, without the specific written authorization of the subscriber involved, or otherwise make available to any person or entity, lists of the names and addresses of subscribers.
- 4.30 *Performance Bond:* Company shall obtain a performance bond in favor of the municipalities listed on Exhibit H with the portion of the bond allocated solely to Municipality (and the only portion and amount on which Municipality can draw) being the dollar amount set forth by Municipality's name on Exhibit H. Company shall post the bond at or before the time of acceptance of this Franchise. Company shall provide Municipality with a copy of such bond and Company shall continuously maintain such bond during the term of this Franchise. Such bond shall be issued by a bonding company licensed to do business in the State of Michigan. Such bond shall secure Company's faithful performance in accordance with the terms and conditions of this Franchise.
- 4.31 *Small Claims Court:* If a subscriber files a claim with the Small Claims division/branch of Michigan's State District Courts that is within such division/branch's jurisdiction (as from time to time revised), Company agrees as follows:
- 4.31.1 Company will not appear by counsel in or use lawyers in such court unless the subscriber/plaintiff is represented by counsel.
- 4.31.2 Company will not remove or transfer such claim to District Court or any other court.
- 4.31.3 Company will not appeal any such judgment rendered by the Small Claims branch/division.
- 4.31.4 Municipality agrees to encourage cable subscribers to adhere to the same guidelines as Company and as set forth in Sections 4.31.1, 4.31.2 and 4.31.3 above.
- 4.32 *FCC Technical Standards:* The following shall apply to Company's implementation of and compliance with the rules and regulations relating to cable television technical standards adopted by the FCC in MM Dockets 91-169 and 85-38 on February 13, 1992 and subsequent amendments thereto:
- 4.32.1 All testing for compliance with the FCC technical standards shall be done by a person with the necessary expertise and substantial experience in cable television matters.
- 4.32.2 Upon request Company shall provide Municipality with a report of such testing.
- 4.32.3 Company shall establish the following procedure for resolving complaints from subscribers about the quality of the television signal delivered to them: All complaints shall go initially to the manager of Company's local office. All matters not resolved by the manager shall at Company's or the subscriber's option be referred to Municipality for it to resolve. All matters not resolved by Municipality shall be referred to the FCC for it to resolve.
- 4.32.4 Company shall annually notify its subscribers of the preceding.
- 4.32.5 Municipality at its expense may test the Cable Television System for compliance with the FCC technical standards



twice per year and more frequently if it has received complaints or otherwise has reason to believe the standards are not being met. Company will reimburse Municipality for the expense of any test which shows a non-compliance with such standards if Municipality gave Company 5 days notice in advance of the test and its location.

50.005 - Access to the system.

[Part] 5.

- 5.1 *Channels Made Available:* Company shall provide on the Cable Television System in the basic tier of service (and in the lowest tier of service, if different) the greater of the following non-commercial channel options:
  - 5.1.1 Such public, educational and governmental channels as were provided on the system in June, 1993, or,
  - 5.1.2 At Municipality's option one channel (if the System has 330 MHz or less capability), and two channels (when the System has more than 330 MHz capability) for (at Municipality's option) educational, governmental, or a combined educational/governmental channels (collectively "E and G Channels")
  - 5.1.3 Municipality acknowledges that all municipalities served (as the case may be) downstream of a given fiber node, microwave relay point or headend through the comparable point (if any) downstream where different program insertion on such channels is possible must make (or not disagree with) the same election and share the same channel(s) Municipality agrees to share the E and G channels on an equitable basis with the other municipalities and school districts served by such channels. Company will advise Municipality when changes in fiber nodes or other changes on the System allow it or other municipalities served by the E and G channels to change their elections as to such channels.
  - 5.1.4 For the purpose of these sections,
    - 5.1.4.1 "Government channel" shall mean a channel administered by Municipality and on which the programming shall be provided by Municipality, Municipality's designee or such other units of state or local government as Municipality may from time to time appoint, and
    - 5.1.4.2 "Educational channel" shall mean a channel administered by the School System or its designee, and on which the programming shall be provided by the School System, its designees or other educational institutions upon each such entity both entering into a contract with Municipality regarding the provision of same and such agreements relating to indemnity and insurance with Company as Company may reasonably request.
- 5.2 *Company Use:* Municipality may from time to time adopt and revise rules and procedures as to when and how Company may use the E and G Channels for the provision of video programming when the E and G Channels are not being used for their respective purposes. Company will use the E and G Channels solely in accordance with such rules and procedures and otherwise shall have no responsibility or control with respect to the operation of such channels.
- 5.3 *Grants:* Upon request by Municipality Company will provide a one-time grant in an amount to be agreed on to Municipality to be used by it to purchase video and audio equipment for use in producing programming for distribution on the E and G Channels and prior to providing such grant shall advise Municipality, whether, to what extent, and in what manner such costs will or may be included in the rates and charges paid by cable subscribers, including the amount per subscriber per month, and how it may appear (if at all) on the subscriber's bill.
- 5.4 *Character Generator:* Company at no cost to Municipality shall provide and maintain a character generator (which may be located either at Company or at Municipality) able to generate and transmit information 24 hours per day for immediate distribution on the E and G Channels, and if necessary, to be used on other channels in conjunction with the emergency alert system.
- 5.5 *Leased Access:* Company shall make available suitable channel capacity for leased access by third parties unaffiliated with Company to the extent from time to time required by federal law and regulations. Company shall have the sole responsibility for all operating aspects and for the fixing of rates and conditions for leased access use.

50.006 - Indemnity and insurance.

## [Part] 6.

- 6.1 *Disclaimer of Liability:* Municipality shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of Company's construction, maintenance, repair, use, operation, condition or dismantling of Company's Cable Television System or Company's provision of Cable Service.
- 6.2 *Indemnification:* Company shall, at its sole cost and expense, indemnify and hold harmless Municipality and all associated, affiliated, allied and subsidiary entities of Municipality, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:
- 6.2.1 Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of Company, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, tradename, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance or condition of the Cable Television System (including those arising from any matter contained in or resulting from the transmission of programming over the System), the provision of Cable Services or the Company's failure to comply with any federal, state or local statute, ordinance or regulation.
- 6.2.2 Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants), which is imposed upon, incurred by or asserted against the Indemnitees by reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to Company, its contractors or subcontractors, for the installation, construction, operation or maintenance of the Cable Television System or provision of Cable Services, and, upon the written request of Municipality, Company shall cause such claim or lien covering Municipality's property to be discharged or bonded within fifteen (15) thirty (30) days following such request.
- 6.2.3 Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any financing or securities offering by Company or its affiliates for violations of the common law or any laws, statutes, or regulations of the State of Michigan or United States, including those of the Federal Securities and Exchange Commission, whether by Company or otherwise; excluding therefrom, however, claims which are solely based upon and shall arise solely out of information supplied by Municipality to Company in writing and included in the offering materials with the express written approval of Municipality prior to the offering.
- 6.3 *Assumption of Risk:* Company undertakes and assumes for its officers, agents, contractors and subcontractors and employees (collectively "Company" for the purpose of this section), all risk of dangerous conditions, if any, on or about any Municipality-owned or controlled property, including Public Ways, and Company hereby agrees to indemnify and hold harmless the Indemnitees against and from any claim asserted or liability imposed upon the Indemnitees for personal injury or property damage to any person arising out of the Company's installation, operation, maintenance or condition of the Cable Television System or Company's failure to comply with any federal, state or local statute, ordinance or regulation.
- 6.4 *Defense of Indemnitees:* In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Company shall, upon notice from any of the Indemnitees, at Company's sole cost and expense, resist and defend the same with legal counsel mutually selected by Company and Municipality; provided further, however, that Company shall not admit liability in any such matter on behalf of the Indemnitees without the written consent of Municipality.

- 6.5 *Notice, Cooperation and Expenses:* Municipality shall give Company prompt notice of the making of any claim or the comm of any action, suit or other proceeding covered by the provisions of this Section. Nothing herein shall be deemed to preven Municipality from cooperating with Company and participating in the defense of any litigation by Municipality's own counse Company requests Municipality to assist it in such defense then Company shall pay all expenses incurred by Municipality in thereto, including defending itself with regard to any such actions, suits or proceedings. These expenses shall include all ou expenses such as attorney fees and shall also include the cost of any services rendered by the Municipality's attorney, and expenses of Municipality's agents, employees or expert witnesses, and disbursements and liabilities assumed by Municipal connection with such suits, actions or proceedings.
- 6.6 *Insurance:* During the term of the Franchise, Company shall maintain, or cause to be maintained, in full force and effect and at its sole cost and expense, the following types and limits of insurance:
- 6.6.1 Worker's compensation insurance meeting Michigan statutory requirements and employer's liability insurance with minimum limits of One Hundred Thousand Dollars (\$100,000) for each accident.
- 6.6.2 Comprehensive commercial general liability insurance with minimum limits of Five Million Dollars (\$5,000,000) as the combined single limit for each occurrence of bodily injury, personal injury and property damage. The policy shall provide blanket contractual liability insurance for all written contracts, and shall include coverage for products and completed operations liability, independent contractor's liability; coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage.
- 6.6.3 Broadcasters liability coverage for loss or damage arising out of publications or utterances in the course of or related to advertising, broadcasting, telecasting or other communication activities conducted by or on behalf of Company with minimum limits of Ten Million Dollar (\$10,000,000) as the combined single limit for each occurrence of bodily injury, personal injury and property damage.
- 6.6.4 Automobile liability insurance covering all owned, hired, and nonowned vehicles in use by Company, its employees and agents, with personal protection insurance and property protection insurance to comply with the provisions of the Michigan No-Fault Insurance Law, including residual liability insurance with minimum limits of Two Million Dollars (\$2,000,000) as the combined single limit for each occurrence for bodily injury and property damage.
- 6.6.5 At the start of and during the period of any construction, builders all-risk insurance, providing coverage on all building and structures which will be installed or constructed as part of the Cable Television System together with an installation floater or equivalent property coverage covering cables, materials, machinery and supplies of any nature whatsoever which are to be used in or incidental to the construction of the Cable Television System. Upon completion of the construction of the Cable Television System, Company shall substitute for the foregoing insurance policies of fire, extended coverage and vandalism and malicious mischief insurance on the entire Cable Television System. The amount of insurance at all times shall be representative of the insurable values installed or constructed.
- 6.6.6 Business interruption insurance coverage in an amount sufficient to cover such loss of revenues, for the period of time which it would take, under normal circumstances, to repair or replace that part(s) of the Cable Television System which is damaged and caused the loss of revenue.
- 6.6.7 All policies other than those for Worker's Compensation shall be written on an occurrence and not on a claims made basis.
- 6.6.8 The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.
- 6.7 *Named Insureds:* All policies, except for business interruption and worker's compensation policies, shall name "Dorr Township, a municipal corporation of the State of Michigan, all associated, affiliated, allied and subsidiary entities of the municipality now existing or hereafter created, and their respective officers, boards, commission, employees, agents and contractors, as their respective interests may appear" as additional insureds (herein referred to as the "Additional Insureds"). Each policy which is to be endorsed to add Additional Insureds hereunder, shall contain cross-liability wording, as follows:

"In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the same manner as if separate policies had been issued to each insured hereunder."

- 6.8 *Evidence of Insurance:* A certificate of insurance evidencing the preceding coverages is attached as Exhibit E. Certificates of insurance for each insurance policy required to be obtained by Company in compliance with this Section, along with written evidence of payment of required premiums shall be filed and maintained with Municipality annually during the term of the Franchise. Company shall immediately advise Municipality of any claim or litigation that may result in liability to Municipality.
- 6.9 *Cancellation of Policies of Insurance:* All insurance policies maintained pursuant to this Franchise shall contain the following endorsement:
- "At least sixty (60) days prior written notice shall be given to Municipality by the insurer of any intention not to renew such policy or to cancel, replace or materially alter same, such notice to be given by registered mail to the parties named in Section 6 of the Franchise."
- 6.10 *Insurance Companies:* All insurance shall be effected under valid and enforceable policies, insured by insurers licensed to do business by the State of Michigan or surplus line carriers on the Michigan Insurance Commissioner's approved list of companies qualified to do business in Michigan. All insurance carriers and surplus line carriers shall be rated A- or better by A.M. Best Company.
- 6.11 *Deductibles:* All insurance policies may be written with deductibles, not to exceed \$50,000 unless approved in advance by Municipality. Company agrees to indemnify and save harmless Municipality, the Indemnitees and Additional Insureds from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished by this Franchise.
- 6.12 *Contractors:* Company shall require that each and every one of its contractors and their subcontractors carry, in full force and effect, workers' compensation, comprehensive public liability and automobile liability insurance coverages of the type which Company is required to obtain under the terms of this Section with appropriate limits of insurance.
- 6.13 *Review of Limits:* Once during each calendar year during the term of this Franchise, Municipality may review the insurance coverages to be carried by Company. If Municipality determines that higher limits of coverage are necessary to protect the interests of Municipality or the Additional Insureds, Company shall be so notified and shall obtain the additional limits of insurance, at its sole cost and expense.

#### 50.007 - Fees and payments.

##### [Part] 7.

- 7.1 *Franchise Fee:* Company shall pay Municipality throughout the term of this Franchise a franchise fee in an amount equal to 5% of Company's Gross Revenues. Such payments shall be made by January 30 and July 31 based upon Gross Revenues in the preceding two calendar quarters.
- 7.1.1 Each payment shall be accompanied by a written report to Municipality, verified by an officer of Company, containing an accurate statement in summarized form of Company's Gross Revenues and the computation of the payment amount.
- 7.1.2 Municipality (by itself or in combination with other municipalities served by Company) may audit Company (or any entity affiliated with Company) to verify the accuracy of franchise fees paid Municipality. Any additional amount due Municipality shall be paid within 30 days of Municipality's submitting an invoice for such sum, and if such sum shall exceed 5% of the total franchise fee which the audit determines should have been paid for any calendar year, Company shall pay Municipality's cost of auditing that calendar year as well.
- 7.2 *Fee Reduction:* Municipality may elect to temporarily reduce the amount of the franchise fee to a lesser or no percentage. If Municipality so elects, it shall give Company at least 60 days written notice of same, and thereafter

Company shall pass through to subscribers the amount of any decrease in the franchise fee pursuant to Section 622 (e) of the Cable Act. Municipality may revoke the election upon similar notice.

- 7.3 *Election:* If Company requests that this Franchise be submitted for approval in a referendum, then Company shall pay the cost of any special election to approve this Franchise and shall pay its share of the cost of any general election at which this Franchise is referred to the people for their approval.
- 7.4 *Other Payments:* The preceding fees and payments are in addition to all sums which may be due Municipality for property taxes (real and personal), income taxes, license fees, permit fees or other fees, taxes or charges which Municipality may from time to time impose.
- 7.5 *Interest:* All sums not paid when due shall bear interest at a rate which is 1% over the prime rate then being charged by First of America Bank, and computed monthly.

#### 50.008 - Rates and regulation.

##### [Part] 8.

- 8.1 *Rates:* Company's rates and charges for the provision of Cable Services (and for related services, such as equipment rental, deposits, disconnect fees and downgrade fees) shall be subject to regulation by Municipality to the full extent from time to time authorized by Federal law. Municipality may from time to time elect not to regulate Company's rates and charges, and any such election shall not waive Municipality's rights to regulate in the future.
- 8.1.1 As to Cable Services, Municipality acknowledges that as of the date of this Franchise its ability to regulate rates and charges is limited by the Cable Communications Policy Act of 1984, as amended, and applicable FCC regulations.
- 8.2 *Regulation:* Municipality reserves the right to regulate Company, the Cable Television System, and the provision of Cable Services to the maximum extent from time to time permitted by Federal law.

#### 50.009 - Term.

##### [Part] 9.

- 9.1 *Term:* The term of this franchise shall be until December 31, 2003 except that this Franchise shall be revocable at the will of Municipality unless during the term thereof it is approved by a three-fifths vote of the electors voting thereon in a general or special election, as provided in the Municipal Charter.
- 9.2 *Termination:* This Franchise and all rights of Company thereunder shall automatically terminate on the expiration of the term of this franchise. No action by Municipality is necessary to effect such termination.
- 9.2.1 Municipality acknowledges that as of the date of this Franchise its ability to enforce the preceding two sentences is limited by the Cable Communications Policy Act of 1984, as amended, and applicable FCC regulations.
- 9.3 *Reopeners:* Municipality at its option may reopen this Franchise as follows:
- 9.3.1 Within six months of either (i) the passage of Federal cable television legislation or (ii) the adoption of FCC regulations if such legislation or regulations affect Municipality's ability to (a) regulate Company in any respect or (b) act to protect subscribers (such as on customer service matters, customer service standards or consumer protection matters). Such reopener shall be limited to the matters described in (a) and (b).

#### 50.010 - Transfers, ownership and control.

##### [Part] 10.

- 10.1 *Management of the Cable Television System:* Company shall personally manage the Cable Television System and the provision of Cable Services within Municipality. It shall not directly or indirectly contract for, subcontract or assign in whole or in part, the management of the Cable Television System or the provision of Cable Services.
- 10.2 *Transfers Prohibited:* Neither this Franchise nor the Cable Television System may be transferred without the prior

written consent of Municipality, which will not unreasonably be withheld. Municipality's granting of consent in one instance shall not require it to consent in other instances. The preceding prohibition shall not apply to:

- 10.2.1 The replacement or sale of components of the Cable Television System in the course of ordinary maintenance or day-to-day operation, or
  - 10.2.2 A transfer to an entity 100% owned and controlled by C-TEC Cable Systems, Inc. where the new entity assumes all of Company's obligations and liabilities under this Agreement, has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, and Company is in no way relieved of its obligations to perform under this Agreement. Municipality shall be advised in writing of such transfer and of the new entity's qualifications at least thirty (30) days before such transfer occurs.
- 10.3 *Ownership, Encumbrances:* Company represents and warrants that its current ownership is as set forth on Exhibit C; that it currently has full legal and equitable title to the Cable Television System, subject only to those liens and encumbrances described on Exhibit D; and that the only liens and encumbrances on this or any prior Franchise are described on Exhibit D.
- 10.4 *Transfer of Ownership and Control:* There shall be no change in, transfer of or acquisition of control of Company or of any entity, at any tier or level, which directly or indirectly controls Company (including, but not limited to, C-TEC Cable Systems, Inc. and C-TEC Corporation, collectively "C-TEC Companies") without the prior written consent of Municipality. The prior written consent of Municipality, in any of the foregoing instances, shall be evidenced by the formal adoption of an ordinance granting such consent.
- 10.4.1 For the purposes of this Franchise, "... change in, transfer of or acquisition of control of Company ..." shall mean any change in the identity of the entities, individuals or group which directly or indirectly directs, or has the power to direct, the management and policies of Company, whether through the ownership of voting securities or other equity interest, by contract or otherwise. Without limiting the generality of the foregoing, for the purposes hereof, such a change shall be deemed to have occurred at any point in time when there is (1) a change in working or effective voting control, in whatever manner effectuated, of Company or the C-TEC Companies; (2) an agreement of the holders of voting stock or rights of Company or the C-TEC Companies which effectively vests or assigns policy decision-making in any person or entity other than Company; or (3) a sale, assignment or transfer of any shares or interest in Company or the C-TEC Companies which results in a change in the control of Company.
- 10.5 *Applications for Consent:* If Company seeks to obtain the consent of Municipality to any transactions or matters otherwise prohibited by this Part 10 [50.010], Company shall submit an application for such consent in the form required by Municipality and shall submit or caused to be submitted to Municipality all such documents and information as Municipality may request.
- 10.5.1 In determining whether it shall consent to any matter described in the application, Municipality may inquire into such matters as it in its discretion deems relevant, which may include (but are not necessarily limited to) the capability and the experience of the proposed purchaser to provide Cable Services; the nature, quality and extent of the services provided and to be provided; the potential impact of the change, direct and indirect, on the rates, terms and conditions of service, customer service matters and consumer protection matters; and the resulting effect on the ownership, control, operation and management of the Cable Television System and provision of Cable Services; and any impact likely to make effective regulation complicated or difficult.
- 10.5.2 Municipality shall have 120 days from the date of submission of a completed FCC Form 394, (or successor form) together with all exhibits, and any additional information required by this Agreement or applicable state or local law to act upon any such applications for consent. If Municipality fails to act upon such application for consent within 120 days, such application shall be deemed consented to unless the Municipality and Company otherwise agree to an extension of time.

## [Part] 11.

- 11.1 *Events of Default:* The occurrence, at any time during the term of the Franchise, of any one or more of the following events, shall constitute an Event of Default by the Company under this Franchise.
- 11.1.1 The failure of Company to pay the Franchise fee on or before the due dates specified herein.
- 11.1.2 Company's breach or violation of any of the terms, covenants, representations or warranties contained herein or Company's failure to perform any obligation contained herein.
- 11.1.3 Company's failure to pay or cause to be paid any governmentally imposed taxes of any kind whatsoever, including but not limited to real estate taxes, income taxes and personal property taxes on or before the due date for same; provided, however, Company shall not be in default hereunder with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.
- 11.1.4 The entry of any judgment against Company in excess of One Hundred Thousand (\$100,000) Dollars, which remains unpaid and is not stayed pending rehearing or appeal, for forty-five (45) or more days following entry thereof.
- 11.1.5 The dissolution or termination, as a matter of law, of Company or any general partner of Company.
- 11.1.6 If Company (or any general partner in Company) files a voluntary petition in bankruptcy; is adjudicated insolvent; obtains an order for relief under Section 301 of the Bankruptcy Code (11 USC §301); files any petition or fails to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeks or consents to or acquiesces in the appointment of any trustee, receiver, master, custodian or liquidator of Company, or any of Company's property and/or Franchise and/or of any and all of the revenues, issues, earnings, profits or income thereof; makes an assignment for the benefit of creditors; or fails to pay Company's debts generally as they become due.
- 11.2 *Uncured Events of Default:* Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to Municipality or a third party, the Company shall cure such default within thirty (30) days of the date such sum of money was due and payable. Upon the occurrence of an Event of Default by Company which cannot be cured by the immediate payment of money to Municipality or a third party, Company shall have ninety (90) days from written notice from Municipality to Company of an occurrence of such Event of Default to cure same before Municipality may exercise any of its rights or remedies provided for in Part 12 [50.012].
- 11.2.1 If any Event of Default is not cured within the time period allowed for curing the Event of Default, as provided for herein, such Event of Default shall, without notice, become an Uncured Event of Default, which shall entitle Municipality to exercise the remedies provided for in Part 12 [50.012].

## 50.012 - Remedies.

## [Part] 12.

- 12.1 *Remedies:* Upon the occurrence of any Uncured Event of Default as described in Part 11 [50.011], Municipality shall be entitled to exercise any and all of the following cumulative remedies:
- 12.1.1 Municipality shall have the right to forfeit and terminate the Franchise and upon the forfeiture and termination thereof this Franchise shall be automatically deemed null and void and have no force or effect, Company shall remove the Cable Television System from Municipality as and when requested by Municipality and Municipality shall retain any portion of the Franchise Fee and other fees or payments paid to it, or which are due and payable to it, to the date of the forfeiture and termination. Municipality's right to forfeit and terminate the grant of the Franchise pursuant to this section is not a limitation on Municipality's right of revocation.
- 12.1.2 The commencement of an action against Company at law for monetary damages.
- 12.1.3 The commencement of an action in equity seeking injunctive relief or the specific performance of any of the

provisions which, as a matter of equity, are specifically enforceable.

- 12.2 *Remedies Not Exclusive:* The rights and remedies of Municipality set forth in this Franchise shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. Municipality and Company understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by Municipality of any one or more of such remedies, shall not preclude the exercise by Municipality, at the same or different times, of any other such remedies for the same Uncured Event Of Default.

50.013 - Provision of information.

[Part] 13.

- 13.1 *Financial Reports:* Company will provide Municipality on or before May 15 of each calendar year audited financial statements for the prior calendar year certified by a nationally recognized accounting firm such as Coopers & Lybrand as having been prepared in accordance with Generally Accepted Accounting Principles fairly applied on a consistent basis and fairly reflecting the financial condition of Company.
- 13.2 *Filings:* Upon request, Company will provide Municipality or its attorneys with copies of all documents which Company sends to the FCC or Michigan Public Service Commission and all records required by Company to be maintained under § 76 of the FCC regulations (47 CFR §76) or successor sections.
- 13.3 *Books and Records:* The Municipality may review such of Company's books and records, during Normal Business Hours (as defined in Section 4.12) and on a non-disruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, records required to be kept by the Company pursuant to the rules and regulations of the FCC, and financial information underlying the written report accompanying the franchise fee. Notwithstanding anything to the contrary set forth herein, Company is not required to disclose personally identifiable subscriber information without the subscriber's consent in violation of Section 631 of the Cable Act, 47 U.S.C. Section 551, regarding the protection of subscriber privacy. To the extent permitted by law, the Municipality agrees to treat on a confidential basis any information disclosed by the Company to it under this Section. In so according confidential treatment, disclosure of Company's records by the Municipality shall be limited to only those of its employees, representatives and agents that have a need to know, and that are in a confidential relationship with the Municipality.

50.014 - General.

[Part] 14.

- 14.1 *Entire Agreement:* This Franchise, including the Exhibits attached hereto, contain the entire agreement between the parties and all prior franchises, negotiations and agreements are merged herein and hereby superseded, except that Company shall pay all sums due under the prior franchise on or before March 15, 1994.
- 14.2 *Most Favored Nations:* If Company on or before January 1, 1996 enters into a franchise agreement with any municipal corporation in Michigan for a Cable Television System which serves a comparable number of subscribers and a comparable average number of subscribers per mile of cable line, compared to the Cable Television System which serves Municipality, and which Municipality deems to contain terms and conditions more beneficial than those contained herein, then Company upon request by Municipality shall within ninety (90) days amend this franchise to include such terms and conditions. For the purpose of this Section, "Cable Television System" shall have the meaning defined in Section 2.14.
- 14.3 *Taxes:* Nothing contained herein shall be construed to except Company from any tax, liability or assessment which may be authorized by law.
- 14.4 *Covenant Not to Sue/Claim:* As a condition of this Franchise, Company agrees to be bound by all the terms of it. In consideration of the substantial benefits they receive from this Franchise, Company and Municipality covenant that they



will not, at any time sue or proceed against each other in any claim or proceeding challenging any term or provision of this Franchise as unreasonable, unlawful or arbitrary or that Municipality or Company did not have the authority to impose or agree to such terms or conditions. Municipality and Company covenant and agree that this Franchise is in accordance with state and Federal law and forever release and discharge each other from any claim that this Franchise is unenforceable as of the date hereof.

14.5 *Notices:* Except as otherwise specified herein, all notices, consents, approvals, requests and other communications (herein collectively "Notices") required or permitted under this Franchise shall be given in writing and mailed by registered or certified first-class mail, return receipt requested, addressed as follows:

If to Company:	Vice President and General Manager C-TEC Cable Systems, Inc. 701 South Airport Road, West Traverse City, MI 49684
With copies to:	General Counsel C-TEC Corporation 46 Public Square P.O. Box 3000 Wilkes-Barre, PA 18703
If to Municipality:	Dorr Township 4196 - 18th Street Dorr, MI 49323

All Notices shall be deemed given on the day of mailing. Either party to this Franchise may change its address for the receipt of Notices at any time by giving notice thereof to the other as provided in this Section. Any notice given by a party hereunder must be signed by an authorized representative of such party.

14.6 *Conferences:* The parties hereby agree to meet at reasonable times to discuss any aspect of this Franchise, the provision of Cable Services or the Cable Television System during the term of this Franchise. Municipality shall first request a meeting with Company's local manager. Thereafter, upon reasonable request by the Manager of Municipality, the Company representative at such meeting shall be the State Vice President for Company. At all meetings Company shall make available personnel qualified for the issues to be discussed and such meetings shall be at Municipality's offices unless otherwise agreed.

14.7 *Governing Law:* This Franchise shall be construed pursuant to the laws of the State of Michigan.

14.8 *Waiver of Compliance:* No failure by either party to insist upon the strict performance of any covenant, agreement, term or condition of this Franchise, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach or such covenant, agreement, term or condition. No waiver of any breach shall affect or alter this Franchise, but each and every covenant, agreement, term or condition of this Franchise shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

14.8.1 Municipality may waive any provision of this Franchise such as upon a claim or showing by Company that the costs associated therewith are an "external cost" which allow Company to increase its rates under the FCC rules.

14.9 *Independent Contractor Relationship:* The relationship of Company to Municipality is and shall continue to be an

independent contractual relationship, and no liability or benefits, such as worker's compensation, pension rights or liabilities, insurance rights or liabilities or other provisions or liabilities, arising out of or related to a contract for hire or employer/employee relationship, shall arise or accrue to either party or to either party's agents or employees as a result of the performance of this Franchise, unless expressly stated in this Franchise.

- 14.10 *Severability*: If any section, paragraph, or provision of this Franchise shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Franchise.
- 14.11 *Reserved Rights*: In addition to all rights provided in this Franchise, Municipality and Company reserve all rights and powers conferred by federal law, the Michigan Constitution, Michigan statutes and decisions, the Municipal Charter and Municipal ordinances which Municipality and Company are allowed to exercise.
- 14.12 *Construction*: This Franchise shall be subordinate to federal law, state law, the Municipal Charter or Municipal ordinances in the event of any conflict between them and this Franchise.
- 14.13 *Execution Copies*: This Franchise is executed in duplicate, each of which shall constitute an original instrument.
- 14.14 *Effective Date*: This Franchise shall be effective on January 1, 1995.

#### 51.000 - ELECTRIC FRANCHISE ORDINANCE Ord. No. 10 Published: October 12, 1983

##### 51.001 - Grant of Franchise.

Sec. 1. The Township of Dorr, Allegan County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the Township of Dorr, Allegan County, Michigan, for a period of 30 years.

##### 51.002 - Grantee responsibility.

Sec. 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of 30 years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

##### 51.003 - Conditions of work.

Sec. 3. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

##### 51.004 - Indemnification.

Sec. 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

##### 51.005 - Rates and charges.

Sec. 5. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates, including minimum charges, as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this Franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

51.006 - Rights not exclusive.

Sec. 6. The rights, power and authority herein granted, are not exclusive.

51.007 - Applicable rules and regulations.

Sec. 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

51.008 - Adoption, acceptance; confirmation.

Sec. 8. This Ordinance shall cease and be of no effect after 30 days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk, subject to confirmation of the grant hereof by at least a majority of the electors of said Township voting thereon at a regular or special township election to be held in the manner provided by law. Upon the acceptance and confirmation thereof, the same shall constitute a contract between said Township and said Grantee for a period of 30 years from the date of such acceptance.

Published: October 12, 1983

52.000 - ELECTRIC SERVICE FRANCHISE AND ORDINANCE Ord. No. 12 Adopted: June 16, 1986

Township of Dorr, Allegan County, Michigan

Granted to:

O & A ELECTRIC COOPERATIVE

June 16, 1986

THE TOWNSHIP OF DORR ORDAINS:

52.001 - Grant of Franchise.

Sec. 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Dorr, Allegan County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

52.002 - Conditions of grant.

Sec. 2. The conditions of the foregoing grant are as follows:

- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized

- person or corporation.
- B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
  - C. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
  - D. No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and the grantee shall at all times conform to all ordinances of the Township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.
  - E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
  - F. Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

#### 52.003 - Acceptance; effective date.

Sec. 3. This grant shall take effect, if said grantee shall within 60 days from the date of the passage of this Ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this Ordinance shall be null and void.

#### 52.004 - Period of Franchise.

Sec. 4. This Franchise and Ordinance shall be and remain in force for 30 years from and after the date of its acceptance, as aforesaid.

#### 52.005 - Rights of Township.

Sec. 5. Nothing in this grant shall be construed to alienate the title or the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of its legislative power with respect to the subject matter whatsoever; nor as in any manner limiting the right of the said Township to regulate the use of any street, alley, or public place, or any avenue or highway within its jurisdiction.

#### 53.000 - UTILICORP UNITED INC. GAS FRANCHISE Ord. No. 26

##### 53.001 - Granting of Franchise to use highways, streets, alleys and public places.

Sec. 1. The Township of Dorr, County of Allegan, State of Michigan, (hereinafter called "Grantor"), hereby grants to UtiliCorp United Inc., a Delaware corporation doing business in the State of Michigan under the assumed name Michigan Gas Utilities, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Township of Dorr, County of Allegan, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Township with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes,

conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Township of Dorr, County of Allegan, State of Michigan, for the purpose of supplying and distributing to said Township and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said Township and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Township and for the purpose of conducting and operating a gas business in said Township subject to the terms and conditions hereinafter provided.

53.002 - Non-disturbance of public travel; restoration; construction; maintenance.

Sec. 2. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

53.003 - Hold harmless.

Sec. 3. Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

53.004 - Rates established by Michigan Public Service Commission.

Sec. 4. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

53.005 - Term; effective date.

Sec. 5. The rights granted in this Franchise shall continue in full force and effect for a period of 30 years from the effective date thereof. The effective date of this Franchise shall be the date of the acceptance of the Franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within 60 days after the enactment of this Ordinance.

53.006 - Franchise revocable; irrevocability upon approval of electors.

Sec. 6. The Franchise herein granted shall be revocable at the will of the governing body of this Township, provided, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

53.007 - Expenses of election paid by grantee.

Sec. 7. In the event of a special election, the expenses thereof shall be deposited with the Clerk of this Township by the Grantee.

53.008 - Ordinance effective date.

Sec. 8. This Ordinance shall take effect on the day following the date of publication of the Ordinance.

53.009 - Publication.

Sec. 9. The Township Clerk is hereby directed to cause a true copy of this Ordinance to be published in the **Allegan County News & Gazette**, a newspaper circulating within the Township within 30 days hereof.

## 53.010 - Recording of Ordinance.

Sec. 10. Within one week after the publication of this ordinance, the Township Clerk shall record the Ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Allegan County Clerk within one week after the publication.

## 54.000 - MICHIGAN GAS UTILITIES FRANCHISE Ord. No. 04-190

## 54.001 - Granting of Franchise to Use Highways, Streets, Alleys and Public Places.

Sec. 1. The Township of Dorr, County of Allegan, State of Michigan, (hereinafter called "Grantor"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the Grantor, for the purpose of constructing, maintaining and operating a gas distribution system within Grantor's corporate limits with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Grantor, for the purpose of supplying and distributing to the Grantor and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of the Grantor, and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond the Grantor's corporate limits and for the purpose of conducting and operating a gas business within Grantor's corporate limits, subject to the terms and conditions hereinafter provided.

## 54.002 - Non-Disturbance of Public Travel: Restoration: Construction Maintenance.

Sec. 2. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

## 54.003 - Hold Harmless.

Sec. 3. Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. However, Grantee need not save the Grantor harmless from claims, losses and expenses arising out of the negligence of the Grantor, its employees or agents.

## 54.004 - Rates Established by Michigan Public Service Commission.

Sec. 4. The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

## 54.005 - Term: Effective Date.

Sec. 5. The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the latter of the date of the acceptance of the franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

54.006 - Franchise Revocable: Irrevocability Upon Approval of Electors.

Sec. 6. The franchise herein granted shall be revocable at the will of the governing body of the Grantor, PROVIDED, however, that the same shall become irrevocable if and when confirmed by a majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

54.007 - Expenses of Election Paid by Grantee.

Sec. 7. In the event of a special election, the expenses thereof shall be deposited with the Clerk of the Grantor by the Grantee.

54.008 - Publication.

Sec. 8. The Township Clerk is hereby directed to cause a true copy of this ordinance to be published in the Allegan County News & Gazette, a newspaper circulating within the Grantor within thirty (30) days hereof.

54.009 - Recording of Ordinance.

Sec. 9. Within one (1) week after the publication of this ordinance, the Township Clerk shall record the ordinance in the Book of Ordinances kept by the Clerk for such purpose. Such record shall include the date of passage hereof, the names of the members voting hereon and how each member voted. An attested copy of the Ordinance shall also be filed with the Allegan County Clerk within one (1) week after the publication.

55.000 - CONSENT AGREEMENT WITH UACC MIDWEST, INC., d/b/a UNITED ARTISTS CABLE OF WEST MICHIGAN

CHAPTER ONE

55.010 - TITLE

55.011 - Title.

Sec. 1.01. This Ordinance shall be known and may be cited as the "Ordinance Adopting Consent Agreement with UACC Midwest, Inc., d/b/a United Artists Cable of West Michigan."

CHAPTER TWO

55.020 - SCOPE OF ORDINANCE

55.021 - Scope of Ordinance.

Sec. 2.01. The Township of Dorr hereby adopts as an Ordinance the Consent Agreement between the Township of Dorr ("Consent Authority") and UACC Midwest, Inc., d/b/a United Artists Cable of West Michigan ("Grantee"), a copy of which is incorporated herein. This Consent Agreement will authorize the Grantee to establish a cable system and provide cable service in the Township of Dorr, including the public rights-of-way located in Dorr Township, as provided therein.

55.022 - Legal basis.

Sec. 2.02. This Ordinance is adopted pursuant to applicable statutes and the provisions of the Michigan Constitution.

CHAPTER THREE

55.030 - ACCEPTANCE AND EFFECTIVE DATE

55.031 - Acceptance by grantee.

Sec. 3.01. The Grantee shall file a written acceptance of the Consent Agreement with the Township Supervisor or Township Clerk within 60 days after the adoption of this Ordinance. The Township Clerk shall notify the Grantee in writing of the date when this Ordinance is adopted, and the date by which a written acceptance of the Consent Agreement must be filed.

55.032 - Execution of consent agreement.

Sec. 3.02. The Township Supervisor and Township Clerk are hereby authorized to execute and approve the Consent Agreement on behalf of the Township of Dorr.

55.033 - Date of adoption.

Sec. 3.03. This Ordinance is adopted this 7th day of February, 1991.

55.034 - Effective date.

Sec. 3.04. This Ordinance shall be effective, if the Consent Agreement is approved in writing by the Grantee, on the 60th day after the date of its adoption.

CHAPTER FOUR

55.040 - PUBLICATION

55.041 - Publication.

Sec. 4.01 A copy of this Ordinance, but not the Consent Agreement, shall be published within 30 days after the date of its adoption. A copy of the Consent Agreement shall be available for public review at the Dorr Township Hall.

55.050 - CONSENT AGREEMENT

This Consent Agreement, by and between the Township of Dorr ("Consent Authority") and UACC Midwest, Inc. d/b/a United Artists Cable of West Michigan ("Grantee"), is made and entered into this 7th day of February, 1991.

**RECITALS**

WHEREAS, the Consent Authority has determined that the Grantee has the financial, legal and technical ability which are reasonably sufficient to provide services, facilities and equipment necessary to meet the future cable-related needs of the community;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and it being the intention of the parties to be legally bound hereby, the Consent Authority and the Grantee agree as follows:

SECTION I

55.051 - DEFINITION OF TERMS



## 55.052 - Terms.

Sec. 1.1. For the purpose of this Ordinance, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number:

- a. *Affiliate* means an entity which owns or controls, is owned or controlled by, or is under common ownership with Grantee.
- b. *Basic Cable Service* is any tier of service which includes the retransmission of local broadcast television signals.
- c. *Cable Act* means the Cable Communications Policy Act of 1984, as amended.
- d. *Cable Service* means (i) the one-way transmission to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.
- e. *Cable System* means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide Cable Service and other service to subscribers.
- f. *FCC* means Federal Communications Commission, or successor governmental entity thereto.
- g. *Consent* shall mean the initial authorization, or renewal thereof, issued by the Consent Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction and operation of the Cable System for the purpose of offering Cable Service or other service to Subscribers.
- h. *Consent Authority* means the Township of Dorr, or the lawful successor, transferee or assignee thereof.
- i. *Grantee* means UACC Midwest, Inc. d/b/a United Artists Cable of West Michigan, or the lawful successor, transferee or assignee thereof.
- j. *Gross Revenues* means the monthly Basic Cable Service revenues received by Grantee from Subscribers of the Cable System in the Township of Dorr; provided, however, that such phrase shall not include any taxes on Cable Service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.
- k. *Person* means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.
- l. *Public Way* shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for the compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Consent Authority in the Service Area which shall entitle the Consent Authority and the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Consent Authority within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Consent Authority and the Grantee to the use thereof for the purposes of installing or transmitting Grantee's Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, compliances, attachments and other property as may be ordinarily necessary and pertinent to the Cable System.
- m. *Service Area* means the present municipal boundaries of the Township of Dorr, and shall include any additions thereto by annexation or other legal means.
- n. *Service Tier* means a category of Cable Service or other services, provided by Grantee and for which a separate charge is made by Grantee.

- o. *Subscriber* means a person or user of the Cable System who lawfully receives Cable Service or other service therefrom with Grantee's express permission.
- p. *Video Programming* means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

## SECTION II

### 55.060 - GRANT OF CONSENT

#### 55.061 - Grant.

Sec. 2.1. The Consent Authority hereby grants to Grantee a non-exclusive Consent which authorizes the Grantee to construct and operate a Cable System and offer Cable Service and other services in, along, among, upon, across, above, over or under any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments and other related property or equipment as may be necessary or appurtenant to the Cable System.

#### 55.062 - Term.

Sec. 2.2. The Consent granted pursuant to this Ordinance shall be for an initial term of 15 years from the effective date of the Consent as set forth in Section 2.3, unless otherwise lawfully terminated in accordance with the terms of this Ordinance.

#### 55.063 - Acceptance; effective date.

Sec. 2.3. Grantee shall file a written acceptance of the Consent granted pursuant hereto with the Township Supervisor or other appropriate official or agency of the Consent Authority within 60 days after the passage and final adoption of this Ordinance. The Consent Authority shall notify Grantee of the date that the Ordinance is finally passed and adopted, as well as the date by which a written acceptance is required to be filed. Subject to the filing of the written acceptance by Grantee, the effective date of this Ordinance shall be the 60th day after its passage and final adoption.

#### 55.064 - Favored nations.

Sec. 2.4. In the event the Consent Authority enters into a consent, franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than the Grantee for the purpose of constructing or operating a Cable System or providing Cable Service to any part of the Consent Area, which contains terms more favorable to such person or entity in any regard than similar provisions of this Ordinance, then this Ordinance shall be deemed amended as of the effective date of the other consent, franchise, permit, license, authorization or other agreement, so as to give the Grantee the benefit of any such more favorable terms.

## SECTION III

### 55.070 - STANDARDS OF SERVICE

#### 55.071 - Conditions of street occupancy.

Sec. 3.1. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said Public Ways.

#### 55.072 - Restoration of Public Ways.

Sec. 3.2. If during the course of Grantee's construction, operation or maintenance of the Cable System there occurs a disturbance of any Public Way by Grantee, it shall, at its expense, replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

55.073 - Relocation at request of consent authority.

Sec. 3.3. Upon its receipt of reasonable advance notice, not being less than five business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the Public Way, or remove from the Public Way, any property of the Grantee when lawfully required by Consent Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Consent Authority; but, the Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee.

55.074 - Relocation at request of third party.

Sec. 3.4. The Grantee shall, on the request of any person holding a building moving permit issued by the Consent Authority, temporarily raise or lower its wires to permit the moving of such building, provided: (a) the expense of such temporary raising or lowering of wires is paid by said person; and (b) the Grantee is given not less than ten business days' advance written notice to arrange for such temporary wire changes.

55.075 - Trimming of trees and shrubbery.

Sec. 3.5. The Grantee shall have the authority to trim trees or other natural growth overhanging any of its Cable System in the Service Area so as to prevent branches from coming in contact with the Grantee's wires, cables or other equipment. Grantee shall be permitted to charge persons who own, or are responsible for, such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the Consent Authority for tree trimming. The Grantee shall reasonably compensate the Consent Authority or property owner for any damages caused by such trimming, or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the Cable System undertaken by Grantee. Such replacement shall satisfy any and all obligations Grantee may have to the Consent Authority or property owner pursuant to the terms of this Section.

55.076 - Use of grantee's equipment by consent authority.

Sec. 3.6. Subject to any applicable state or federal regulations or tariffs, the Consent Authority shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any Public Way; provided that (a) such use by the Consent Authority does not interfere with a current or future use by the Grantee; (b) the Consent Authority holds the Grantee harmless against and from all claims, demands, costs or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including, but not limited to, reasonable attorneys' fees and costs; and (c) at Grantee's sole discretion, the Consent Authority may be required either to pay a reasonable rental fee or otherwise reasonably compensate Grantee for the use of such poles, conduits, or equipment; provided, however, that Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement, or other authorization, relating to the Service Area.

55.077 - Safety requirements.

Sec. 3.7. Construction, installation and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state and local regulations. The Cable System shall not unreasonably endanger or interfere with the safety of persons or property in the Service Area.

## 55.078 - Aerial and underground construction.

Sec. 3.8. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's signal quality. In those areas of the Service Area where the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are both aerial and underground, Grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this Section 3.8 shall require Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals or other related equipment. Notwithstanding anything to the contrary contained in this Section 3.8, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this Ordinance, Grantee shall only be required to construct, operate and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground.

## 55.079 - Required extensions of service.

Sec. 3.9. The Cable System as constructed as of the date of the passage and final adoption of this Ordinance substantially complies with the material provisions hereof. Grantee is hereby authorized to extend the Cable System as necessary, as desirable, or as required pursuant to the terms hereof within the Service Area. Whenever Grantee shall receive a request for service from at least five Subscribers within 660 cable-bearing strand feet (one-eighth cable mile) of its trunk or distribution cable, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for system extension, other than the usual connection fees for all Subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition or market development of the Cable System, or as provided for under Section 3.10 of this Ordinance.

## 55.080 - Subscriber charges for extensions of service.

Sec. 3.10. No Subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a density of less than five Subscribers per 660 cable-bearing strand feet of trunk or distribution cable, Cable Service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by Grantee and Subscribers in the area in which Cable Service may be expanded, Grantee will contribute an amount equal to the construction and other costs per mile multiplied by a fraction whose numerator equals the actual number of potential Subscribers per 660 cable-bearing strand feet of its trunks or distribution cable, and whose denominator equals five Subscribers. Potential Subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require that the payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance.

## 55.081 - Service to public buildings.

Sec. 3.11. The Grantee shall provide without charge one outlet of Basic Service to the Consent Authority's office building(s), fire station, police station, and public school building that is passed by its Cable System. The outlets of Basic Service shall not be used to distribute or sell Cable Services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth in this Section 3.11 [55.081], the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds 150 cable feet, unless it is technically feasible and if it will not adversely affect the operation, financial condition or market development of the Cable System to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of Basic Service are provided to such

buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials. Upon request of Grantee, the building owner may also be required to pay the service fees associated with the provision of Basic Service and the additional outlets relating thereto.

#### 55.082 - Emergency override.

Sec. 3.12. In the case of any emergency or disaster, the Grantee shall, upon request of the Consent Authority, make available its facilities for the Consent Authority to provide emergency information and instructions during the emergency or disaster period. The Consent Authority shall hold the Grantee, its agents, employees, officers, and assigns hereunder harmless from any claims arising out of the emergency use of its facilities by the Consent Authority, including, but not limited to, reasonable attorneys' fees and costs.

### SECTION IV

#### 55.090 - REGULATION BY CONSENT AUTHORITY

##### 55.091 - Consent fee.

Sec. 4.1. Grantee shall pay to the Consent Authority a franchise fee equal to three percent of Gross Revenues received by Grantee from the operation of the Cable System on an annual basis. For the purpose of this Section, the 12-month period applicable under the Consent for the computation of the franchise fee shall be a calendar year, unless otherwise agreed to in writing by the Consent Authority and Grantee. The franchise fee payment shall be due and payable 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of Grantee showing the basis for the computation. In no event shall the franchise fee payments required to be paid by the Grantee exceed five percent of Gross Revenues received by Grantee in any 12-month period.

##### 55.092 - Rates and charges.

Sec. 4.2. The Consent Authority may not regulate the rates for the provision of Cable Service and other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as authorized pursuant to federal and state law including, but not limited to, the Cable Act and FCC Rules and Regulations relating thereto. From time to time, and at any time, Grantee has the right to modify such rates and charges including, but not limited to, the implementation of additional charges and rates; provided, however, that Grantee shall give notice to the Consent Authority of any such modifications or additional charges 30 days prior to the effective date thereof.

In the event that Basic Service rate increases are subject to approval of the Consent Authority, the Grantee may, at its discretion and without consent of the Consent Authority, increase rates relating to the provision of Basic Service by an amount which is at least equal to five percent per year or the amount of any identifiable increase in cost which is attributable to the provision of Basic Service.

##### 55.093 - Renewal of consent.

Sec. 4.3. The Consent Authority and the Grantee agree that any proceedings undertaken by the Consent Authority that relate to the renewal of the Grantee's Consent shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act), unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law.

In addition to the procedures set forth in said Section 626(a), the Consent Authority agrees to notify Grantee of its preliminary assessments regarding the identity of future cable related community needs and interests, as well as the past performance of Grantee under the then-current Consent term. The Consent Authority further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four month period referred to in Subsection (c) of Section 626 is considered to begin.

Notwithstanding anything to the contrary set forth in this Section 4.3, the Grantee and Consent Authority agree that at any time during the term of the then-current Consent, while affording the public appropriate notice and opportunity to comment, the Consent Authority and Grantee may agree to undertake and finalize negotiations regarding renewal of the then-current Consent and the Consent Authority may grant a renewal thereof. The Grantee and the Consent Authority consider the terms set forth in this Section to be consistent with the express provisions of Section 626 of the Cable Act. A reproduction of Section 626 of the Cable Act as such existed as of the effective date of the Cable Act is attached hereto as Schedule 2 and incorporated herein by this reference.

#### 55.094 - Conditions of sale.

Sec. 4.4. If a renewal of Grantee's Consent is denied and the Consent Authority either lawfully acquires ownership of the Cable System or by its actions lawfully effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at fair market value, determined on the basis of the Cable System valued as a going concern, but with no value allocated to the Consent itself.

If Grantee's Consent is lawfully revoked for cause and the Consent Authority acquires ownership of the Cable System or by its actions effects a transfer of ownership of the Cable System to another person, any such acquisition or transfer shall be at an equitable price. Grantee and Consent Authority agree that in the case of a revocation, at Grantee's request, which shall be made in its sole discretion, Grantee shall be given a reasonable opportunity to effectuate a transfer of its Cable System to a qualified third party at fair market value, determined on the basis of the Cable System valued as an ongoing concern. The Consent Authority further agrees that during such a period of time, it shall authorize the Grantee to continue to operate pursuant to the terms of its prior Consent; however, in no event shall such authorization exceed a period of time greater than six months from the effective date of such revocation. If, at the end of that time, Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System, which is reasonably acceptable to the Consent Authority, Grantee and Consent Authority may avail themselves of any rights they may have pursuant to federal or state law; it being further agreed that Grantee's continued operation of its Cable System during the six month period shall not be deemed to be a waiver, or an extinguishment of, any rights of either the Consent Authority or the Grantee. Notwithstanding anything to the contrary set forth in Section 4.4, neither Consent Authority nor Grantee shall be required to violate federal or state law.

#### 55.095 - Transfer of consent.

Sec. 4.5. Grantee's right, title, or interest in the Consent shall not be sold, transferred, assigned or otherwise encumbered, other than to an Affiliate, without the prior consent of the Consent Authority, such consent not being unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the Consent or Cable System in order to secure indebtedness.

### SECTION V

#### 55.100 - COMPLIANCE AND MONITORING

##### 55.101 - Testing for compliance.

Sec. 5.1. The Consent Authority may perform technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the Cable System in order to determine whether or not the Grantee is in compliance with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice thereof, not to be less than two business days, and providing a representative of Grantee an opportunity to be present during such test. In the event that such testing demonstrates that the Grantee has substantially failed to comply with material requirements hereof, the reasonable costs of such tests shall be borne by the Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material

provisions hereof, the cost of such testing shall be borne by the Consent Authority. Except in emergency circumstances, the Consent Authority agrees that such testing shall be undertaken no more than two times a year in the aggregate, and that the results thereof shall be made available to the Grantee upon Grantee's request.

#### 55.102 - Books and records.

Sec. 5.2. The Grantee agrees that the Consent Authority may review such of its books and records, during normal business hours and on a nondisruptive basis, as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Consent Authority agrees to treat any information disclosed by the Grantee to it on a confidential basis, and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof.

### SECTION VI

#### 55.110 - INSURANCE, INDEMNIFICATION, AND BONDS OR OTHER SURETY

##### 55.111 - Insurance requirements.

Sec. 6.1. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Consent, General Comprehensive Liability Insurance in the amount of \$500,000.00 for bodily injuries (including accidental death) to any one person, and subject to the same limit for each person in an amount not less than \$300,000.00 on account of any one occurrence, and Property Damage Liability Insurance in an amount not less than \$500,000.00 resulting from any one occurrence. Said insurance shall designate the Consent Authority as an additional named insured. Such insurance shall be non-cancellable except upon 30 days' prior written notice to the Consent Authority.

##### 55.112 - Indemnification.

Sec. 6.2. The Grantee agrees to indemnify, save and hold harmless and defend the Consent Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System, including, but not limited to, reasonable attorneys' fees and costs.

##### 55.113 - Bonds and other surety.

Sec. 6.3. Except as expressly provided herein, Grantee shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the Consent or continuing its existence. The Consent Authority acknowledges that the legal, financial and technical qualifications of Grantee are sufficient to afford compliance with the terms of the Consent and the enforcement thereof. Grantee and Consent Authority recognize that the costs associated with bonds and other surety may ultimately be borne by the Subscribers in the form of increased rates for Cable Services. In order to minimize such costs, the Consent Authority agrees to require bonds and other surety only in such amounts and during such times as there is a reasonably demonstrated need therefor. The Consent Authority agrees that in no event, however, shall it require a bond or other related surety in an aggregate amount greater than \$10,000.00, conditioned upon the substantial performance of the material terms, covenants, and conditions of the Consent. Initially, no bond or other surety will be required. In the event that one is required in the future, the Consent Authority agrees to give Grantee at least 60 days' prior notice thereof stating the exact reason for the requirement. Such reasons must demonstrate a change in the Grantee's legal, financial or technical qualifications which would materially prohibit or impair its ability to comply with the terms of the Consent or afford compliance therewith.

## SECTION VII

## 55.120 - ENFORCEMENT AND TERMINATION OF CONSENT

## 55.121 - Notice of violation.

Sec. 7.1. In the event that the Consent Authority believes that the Grantee has not complied with the terms of the Consent, it shall notify Grantee of the exact nature of the alleged non-compliance.

## 55.122 - Grantee's right to cure or respond.

Sec. 7.2. Grantee shall have 30 days from receipt of the notice described in Section 7.1 [55.122] to (a) respond to the Consent Authority contesting the assertion of non-compliance, or (b) to cure such default or, in the event that, by the nature of default, such default cannot be cured within the 30 day period, initiate reasonable steps to remedy such default and notify the Consent Authority of the steps being taken and the projected date that they will be completed.

## 55.123 - Public hearing.

Sec. 7.3. In the event that Grantee fails to respond to the notice described in Section 7.1 [55.121] pursuant to the procedures set forth in Section 7.2 [55.122], or in the event that the alleged default is not remedied within 60 days after the Grantee is notified of the alleged default pursuant to Section 7.1 [55.121], the Consent Authority shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the Consent Authority which is scheduled at a time which is no less than five business days therefrom. The Consent Authority shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard.

## 55.124 - Enforcement.

Sec. 7.4. Subject to applicable federal and state law, in the event the Consent Authority, after such meeting, determines that Grantee is in default of any provision of the Consent, the Consent Authority may:

- (a) Foreclose on all or any part of any security provided under this Consent, if any, including, without limitation, any bonds or other surety; provided however, the foreclosure shall only be in such a manner and in such amount as the Consent Authority reasonably determines is necessary to remedy the default;
- (b) Commence an action at law for monetary damages or seek other equitable relief;
- (c) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

The Grantee shall not be relieved of any of its obligations to comply promptly with a provision of the Consent by reason of any failure of the Consent Authority to enforce prompt compliance.

## 55.125 - Acts of God.

Sec. 7.5. The Grantee shall not be held in default or non-compliance with the provisions of the Consent, nor suffer any enforcement or penalty relating thereto, where such non-compliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

## SECTION VIII

## 55.130 - MISCELLANEOUS PROVISIONS



55.131 - Preemption.

Sec. 8.1. If the FCC, or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the Consent, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the Consent Authority, the jurisdiction of the Consent Authority shall cease and no longer exist.

55.132 - Actions of consent authority.

Sec. 8.2. In any action by the Consent Authority or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

55.133 - Notice.

Sec. 8.3. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the Consent Authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service.

The notices or responses to the Consent Authority shall be addressed as follows:

Township of Dorr  
1826 - 144th Avenue  
Dorr, MI 49323

with copies to:

Orton, Tooman, Hale & McKown, P.C.  
ATTN: Stephen B. McKown  
314 Trowbridge Street  
P.O. Box 239  
Allegan, MI 49010-0239

The notices or responses to the Grantee shall be addressed as follows:

Mr. Donald N. Stephan  
Vice President & General Manager  
UA Cablesystems  
955 Century, S.W.  
P.O. Box 200  
Grand Rapids, MI 49501

with a copy to:

United Artists Cable  
Attn: Legal Department  
2930 East Third Avenue  
Denver, CO 80206-9008

The Consent Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

55.134 - Descriptive headings.

Sec. 8.4. The captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text within.

55.135 - Severability.

Sec. 8.5. If any Section, sentence, paragraph, term or provision hereof is determined to be illegal, invalid or unconstitutional, by any court of common jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Consent or any renewal or renewals thereof.

IN WITNESS WHEREOF, the parties have executed this Consent Agreement as of the date first written above.

TOWNSHIP OF DORR	Accepted by:
	UACC MIDWEST, INC.
By: _____ Donald Kaczanowski Township Supervisor	By: _____ Donald N. Stephan Vice President & General Manager
ATTEST:	ATTEST:
_____ Richard E. Dutkiewicz Township Clerk	_____ Bonita L. Way

SCHEDULE 1

BASIC RATES AND CHARGES

(To be supplied)

56.000 - CONSUMERS POWER COMPANY GAS FRANCHISE Ord. of 11-17-1994 Adopted: November 17, 1994

56.001 - Grant, term.

Sec. 1. The Township of Dorr, Allegan County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the Township of Dorr, Allegan County, Michigan, for a period of 30 years.

56.002 - Consideration.

Sec. 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

56.003 - Conditions.

Sec. 3. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

56.004 - Hold harmless.

Sec. 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

56.005 - Extensions.

Sec. 5. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

56.006 - Franchise not exclusive.

Sec. 6. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

56.007 - Rates.

Sec. 7. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

56.008 - Revocation.

Sec. 8. The franchise granted by this Ordinance is subject to revocation upon 60 days' written notice by the party desiring such revocation.

56.009 - Michigan Public Service Commission, jurisdiction.

Sec. 9. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

56.010 - Effective date.

Sec. 10. This Ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between said Township and said

Grantee.

57.000 - TRANSFER OF CABLE TELEVISION FRANCHISE Ord. of 10-7-1999 Adopted: October 7, 1999

An Ordinance granting consent to the transfer of control of a cable television system and franchise.

WHEREAS, the Township of Dorr has granted a cable television franchise pursuant to Dorr Township Nonexclusive 1994 Cable Television Franchise with C-Tec Cable Systems of Michigan, dated January 1, 1994 (the "Franchise") and Cable Michigan, Inc. ("Cable Michigan") is the current grantee under the Franchise, and

WHEREAS, by Agreement and Plan of Merger dated as of June 3, 1998, as amended and restated on July 15, 1998 among Cable Michigan, Inc., Avalon Cable of Michigan Holdings, Inc. and Avalon Cable of Michigan, Inc. ("Agreement and Plan of Merger"), Cable Michigan will merge with Avalon Cable of Michigan, Inc., a Pennsylvania Corporation, with Cable Michigan, Inc. as the surviving entity, resulting in a transfer of control of the Franchise and the cable television system in Municipality, and

WHEREAS, following the merger, Cable Michigan will be a wholly owned subsidiary of Avalon Cable of Michigan Holding, Inc., a Delaware Corporation, which is a wholly owned subsidiary of Avalon Cable Holdings, L.L.C.,

WHEREAS, Cable Michigan and Avalon Cable of Michigan, Inc. and its affiliates submitted additional information and documents relating to the transaction and its effect on the provision of cable television service within Municipality in response to request made by Municipality, and

WHEREAS, Municipality is relying upon such information and documents in acting upon the application for franchising authority consent; and

WHEREAS, Municipality intends to consent to the transfer of control, subject to acceptance of the terms and conditions set forth herein, having determined that such consent is in the best interest of and consistent with the public necessity and convenience of Municipality,

NOW THEREFORE BE IT ORDAINED:

1. Municipality does hereby consent to the transfer of control of the Franchise and the cable television system in Municipality in the manner proposed, subject to execution by the Cable Michigan, Inc., Avalon Cable of Michigan, Inc. and Avalon Cable of Michigan Holdings, Inc. of an Acceptance Agreement in the form presented to the Municipality on October 15, 1998.
2. To the extent that this Ordinance or the attached Acceptance Agreement modify any of the terms and conditions of the Franchise[,] said Franchise is hereby amended. Except as hereby amended, the provisions of the Franchise shall remain unchanged.
3. This Ordinance shall be published in the Penasee Globe within 30 days of adoption.
4. This Ordinance shall be in full force and effect from and after its publication, October 26, 1998, and written acceptance as above specified, provided however that this Ordinance shall expire on July 31, 1999, and shall be of no further force and effect if the transactions described in the Agreement and Plan of Merger have not closed by that date.

58.000 - GREAT LAKES ENERGY COOPERATIVE FRANCHISE Ord. of 8-20-1998 Adopted: August 20, 1998

58.001 - Grant of gas and electric franchise and consent to laying of pipes, etc.

Sec. 1. Subject to all the terms and conditions mentioned in this Franchise, consent, permission, right and authority is hereby given to Great Lakes Energy Cooperative, a corporation organized under the laws of the State of Michigan ("the Company"), and to its successors and assigns to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment, and to lay, maintain, operate and use electric lines, poles, cables, conduits, appliances, buildings and other necessary works in the

highways, streets, alleys and other public places in the Township of Dorr, Allegan County, Michigan, (the "Township") and a non-exclusive franchise is hereby granted to the Company, its successors and assigns, to transact local business in the Township for the purposes of producing, storing, transmitting, selling and distributing gas and electricity in, into and through the Township and all other matters incidental thereto.

#### 58.002 - Use of streets and other public places.

Sec. 2. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Township and shall within a reasonable time after making an opening or excavations, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to the Township and to every owner of property abutting the Company's gas pipelines, electrical lines or other facilities, for all damages and costs arising from the default, carelessness, or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of gas trunk lines or gas lateral mains except upon application to the Highway Commission or the Township or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

#### 58.003 - Force majeure.

Sec. 3. The Company shall not be under any liability for failure to furnish gas or electric service as herein provided, or for any breach of the Company's obligations hereunder, if such failure or breach is caused in any part by acts of God, labor troubles, strikes, shortages of supply, accidents, breakage or repair of pipeline, machinery or equipment, failure of suppliers to deliver, shortages of materials or labor, governmental laws, rulings or regulations, or any other causes or contingencies not reasonably within the control of the Company.

#### 58.004 - Indemnity.

Sec. 4. As part of the consideration for the granting of this Franchise, the Company (indemnitor) shall, at its sole cost and expense, fully indemnify and hold the Township (indemnitee), its officers, boards, commissions, agents and employees, harmless against any and all claims, demands, lawsuits, actions, liability and judgements for damages arising out of the granting or operation of this Franchise, including but not limited to liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this Franchise. In further consideration for the granting of this Franchise, the Company shall pay actual attorney's fees, costs and expenses which may be incurred by the Township in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this franchise or the revocation of prior franchises, whether or not judgment is entered against the Township.

#### 58.005 - Effective date; term of franchise; acceptance by the company.

Sec. 5. This Franchise shall take effect the day following the date of publication thereof, which publication shall be made within 30 days after the date of its adoption, and shall continue in effect for a period of 30 years thereafter; provided, however, that when this Franchise shall become effective the Township Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, within 60 days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

#### 58.006 - Franchise irrevocable if approved.

Sec. 6. This Franchise shall be irrevocable during its term if a majority of the electors of the Township approve of this Franchise as irrevocable at the next election following adoption of this Franchise by the Township Board. If the electors of the Township do not approve this Franchise as irrevocable, this Franchise shall nevertheless remain valid and binding in every other particular, but shall be subject to revocation during its term at the will of the Township.

58.007 - Effect and interpretation of franchise.

Sec. 7. All other franchises, ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Franchise are hereby rescinded. In the case of conflict between this Franchise and any such franchises, ordinances or resolutions, this Franchise shall control. The catch line headings which precede each section of this Franchise are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Franchise.

58.008 - Successors and assigns.

Sec. 8. The words "Great Lakes Energy Cooperative" and the "Company" wherever used herein, are intended and shall be held and construed to mean and include both Great Lakes Energy Cooperative and its successors and assigns, whether so expressed or not.

59.000 - LEIGHTON WATER WORKS LLC FRANCHISE Ord. of 3-22-2000 Adopted: March 22, 2000

59.001 - Title.

Sec. 1. This Ordinance shall be known and cited as the Dorr Leighton Water Works LLC Franchise and Consent Ordinance.

59.002 - Purpose.

Sec. 2. The purpose of this Ordinance is to: (1) regulate the transaction of local business by Dorr Leighton Water Works LLC within Dorr Township; (2) protect and promote the public health, safety and general welfare and the orderly use of scarce resources; (3) regulate the use of public highways, streets, roads, alleys and right-of-ways and other public places by Dorr Leighton Water Works LLC within the Township, for the location of mains, pipes, structures, appurtenances and other utility facilities in order to protect the public health, safety and general welfare; and (4) promote the orderly use of scarce resources and to protect Township scarce resources and to provide financial security. The Township, pursuant to the Michigan Constitution of 1963, Article 7, Section 29 and Section 34 and MSA 5.45(1) and 9.263, as amended, has the duty, power, and authority to exercise reasonable control over the public rights-of-way within Dorr Township as more specifically set forth therein and the Township has determined, in the exercise of its legislative authority and powers thereof that it is reasonably necessary to preserve and protect the health, safety and welfare of the Township and its residents present and future by enacting the provisions hereof.

59.003 - Granting of public utility franchises.

Sec. 3.

- (A) The Township hereby grants to Dorr Leighton Water Works LLC (hereinafter sometimes called the "Grantee"), a Michigan franchise, of 1176 Electric Avenue, Wayland, Michigan 49348, to operate a public utility which supplies, distributes or sells by mains and/or pipes water to the public and which transacts local business within or through Dorr Township, subject to the terms of this Ordinance.
- (B) The franchise granted hereby shall be for a period of 30 years from the date of adoption of this Ordinance. This franchise may be extended for an additional 30 years by action of the Township Board.
- (C) The franchise granted hereby may be revoked at the will of the Township Board. The franchise granted hereby shall not be effective until the Dorr Leighton Water Works LLC has filed with the clerk its unconditional acceptance of all the terms

of this Ordinance.

59.004 - Granting of consent to use the highways, streets, roads, alleys and other public places.

Sec. 4.

- (A) The Township hereby grants to Dorr Leighton Water Works LLC, (hereinafter sometimes called the "Grantee"), of 1176 Electric Avenue, Wayland, Michigan 49348, to operate a utility which supplies, distributes or sells, by mains and/or pipes, water to the public, the right to the use of the highways, streets and alleys of Dorr Township for water mains, pipes, conduits, structures and appurtenances.
- (B) The consent to use the highways, streets and alleys granted hereby shall be for a period of 30 years from the date of adoption of this agreement. This consent may be extended an additional 30 years by action of the Township Board.
- (C) The consent granted hereby shall be subject to revocation at the will of the Township Board, and shall not be effective until Dorr Leighton Water Works LLC has filed with the clerk its unconditional acceptance of all the terms of this Ordinance and the term of this Ordinance.

59.005 - Regulations and conditions concerning the use of streets and other public places.

Sec. 5. The consent granted hereby to use the highways, streets, roads and alleys shall be subject to the following rights of the Township, but this enumeration shall not be exclusive or impair the right of the Township Board to impose or require additional requirements:

- (A) The Grantee shall not unnecessarily obstruct the passage of any of the highways, streets, or alleys within Dorr Township and shall, within a reasonable time after making an opening, excavation or construction, repair the same and leave it in as good condition as before the opening, construction or excavation was made.
- (B) The Grantee shall use due care in exercising the privileges herein contained and shall be liable to and indemnify and hold harmless the Township of Dorr and its boards, commissions, officers, trustees, employees, agents and successors for and from all claims, demands, liabilities, damages and costs of any kind and description including all actual and reasonable attorney fees related to or arising out of any claims, demands, liabilities and/or damages including, but not limited to, fees for defense, investigation and/or review of the same which may be recovered, claimed or demanded against the Township of Dorr or its boards, commissions, officers, trustees, employees, agents and successors arising from the default, carelessness, negligence or in any way related to or arising out of activities of the grantee or its officers, agents, servants or employees permitted herein.
- (C) No road, street, alley, highway or other public place shall be opened or used for the laying, placement or construction of water mains pipes, conduits, structure, appurtenances or other water supply facilities permitted herein except upon application to the Township Board of the Township of Dorr which application shall include plans showing the location and nature of the proposed installation, construction or facility; the height, depth and size thereof; and its proximity to existing improvements and other utility facilities within 300 feet of the same location. Upon receipt of such application, the Township board shall review the application and issue a permit to the grantee to do the work proposed unless the location of such lines or facilities shall conflict with intended plans of use of the location by the Township or other utilities or be contrary to any ordinance adopted by the Township or not be in the best interest of the Township or its inhabitants as determined by the Township Board. The Township Board may refer the application to the Township engineer or such other professionals for review and recommendation, and any such costs incurred by the Township in such review and recommendation shall be reimbursed to the Township by the Grantee. The Township may also impose reasonable conditions upon any such approval.
- (D) No construction or installation shall be permitted which does not comply with the plans and site location, approved by the Township Board or its duly authorized representative, and on file with the Township. Upon completion of the project, certification shall be filed with the Township by the supervisor in charge of the work that the construction did comply

with such approved plans and site location or in what respect the same differed from the approved plans. The Township Board shall have the right to require the correction of any noncompliance.

- (E) All work shall be accomplished in a proper and workmanlike manner and a consentee shall be responsible for any and all injuries or damages resulting from the same during construction and thereafter. The Grantee shall further indemnify the Township, its boards, commissions, officers, trustees, employees, agents and successors and hold them harmless from any and all such injuries or damages and any and all liability therefor.
- (F) In the event such construction or installation causes damage to any other facilities, any portion of the Township, or any public street, alley or right-of-way, the same shall be immediately repaired and replaced to a condition equal to or better than that which existed prior to the damage. In the event that the Grantee, its contractors or subcontractors fail to make such repair within the time specified by the Township, the Township shall be entitled to complete the repair and the Grantee of consent shall pay the costs of the Township for such repair.
- (G) Regulation of Surface Water Diverted by Utility. The Grantee shall not cause, permit or allow surface and/or ground water, directly or indirectly, to drain into the sanitary sewers that there may be whenever work is done by the Grantee within 50 feet of a sanitary sewer line.[.] The Grantee shall certify, by way of a licensed engineer, that after examination and study of all sanitary sewer lines within 50 feet of any work being done by the Grantee, that there is no surface and/or ground water draining into such sanitary sewer from any source that was caused by the work done by the Grantee.
- (H) The grantee shall pay such part of the cost of repair or maintenance of streets, alleys and bridges as shall arise from its use thereof, as determined by the Township Board, and shall indemnify and save harmless the Township and its boards, commissions, officers, trustees, employees, agents and successors harmless from all damages arising from such use. The Grantee may be required by the Township to permit joint use of its property and appurtenances located in the streets and alleys of the Township by the Township and by other grantees utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore by another Grantee. In the absence of agreement and upon application by any grantee of a consent ordinance or resolution similar to this Ordinance, the Township Board may provide for arbitration of the terms and conditions of such joint use in accordance with the rules and procedures of the American Arbitration Association and the compensation to be paid therefore, and the arbitration award shall be final.
- (I) The Township Board may at its sole discretion require that water mains, pipes, conduits, structures, appurtenances and any other facilities and equipment that are permitted and/or installed under this ordinance be relocated as determined by the Township Board. All costs for any such relocation shall be born solely by the grantee of a consent ordinance. This does not apply to such facilities located within private easements.
- (J) The Grantee shall abide by the Dorr Township Zoning Ordinance and all other applicable ordinances as they may exist or as they may be amended or adopted in the future.
- (K) In light of current federal and state drinking water standards, ground and surface water pollution standards and environmental laws and regulations, and because of difficulty in obtaining a safe, potable water supply, and safe and adequate sanitary sewage treatment, it would be contrary to the public health, safety and welfare of citizens and residents of Dorr Township to permit use of the right-of-way for the benefit of other Townships, Cities, Villages or Counties or other entities for sanitary sewer lines and/or potable water lines without benefit to the residents and property owners of Dorr Township. Construction of a line, pipe or main without conditions that assure reasonable access to Township users would have negative effects by using up available area for such water lines, pipes, mains and appurtenances and encouraging strip development; requiring future duplication of facilities, thereby resulting in nonuniform pressure, rates and cost differentials; creating financial impediments to development of a Township water and/or sewer system; and thereby creating long term detrimental effects upon development in the Township. It is



therefore required that any property within Dorr Township that is adjacent or abutted by public highway street, road or alley in which there is a water main or pipe shall be allowed to hook up to the same under the same terms and conditions as applied to all other users as of the time of such hookup.

- (L) Grantee when requesting to use the highways, streets, roads, alleys or other public places of Dorr Township for potable water lines, pipes or other related facilities in addition to any other conditions that may be imposed by the Township Board must do the following:
1. Provide plans and specifications for the proposed potable water line, main, pipe, storage tanks and all appurtenances thereto to the Township for its review at the same time they are provided to the Michigan Department of Public Health or any other governmental agency. The Township Board, with the assistance of its engineer and such other appropriate persons as it shall determine, will cause the same to be reviewed to determine whether same is designed and proposed to be constructed in a way which is consistent with and does not unreasonably interfere with future public utility facilities such as (but not limited to) public sewers and appurtenances. If the Township determines that changes are reasonably necessary to accomplish those purposes, it will so advise the applicant. The changes which the Township shall be empowered to require include (but are not limited to) the right to increase the size of the water main, pipe, lines and appurtenances up to a diameter as determined by the Dorr Township Board.
  2. All residents and property owners in Dorr Township shall be permitted to connect to any such water main, lines, pipes and/or appurtenances under the same terms and conditions as are applicable to all other users of such water mains, lines, pipes and/or appurtenances or any extensions thereof at the time of such connection within Dorr Township or in any other Township, City, Village or County.
  3. All residents and property owners of Dorr Township shall be permitted to connect to water mains, lines, pipes or any appurtenances now owned by an applicant or hereafter constructed and located adjacent to and/or within Dorr Township on the same conditions and on the same terms as are applicable to all other users, persons and/or premises connecting to the water and/or sewer main, lines, pipes or appurtenances or any extension thereof, at the time of such connection.
  4. Grantee shall demonstrate that there is sufficient capacity within the water system lines, pipes and mains to serve reasonably anticipated future need for use of such water services of the Township residents and property.
  5. Grantee shall demonstrate that all licenses and/or permits have been obtained to the activities for which consent is requested.
  6. Grantee shall demonstrate that all necessary easements, right-of-ways and/or other access rights necessary to install lines, pipes, conduit or other such facilities have been obtained.
- (M) Upon request, the Grantee will provide the township or its attorneys with copies of all documents which are sent to any public agency.
- (N) The Township may review such of the Grantee's books and records, during normal business hours (9:00 a.m. to 5:00 p.m.) on a nondisruptive basis, as are reasonably necessary to monitor compliance with the terms hereof.
- (O) Without expense to the Township, the Grantee shall provide Dorr Township with "as-built" maps, records and plans, showing the existing pipelines or other improvements or portion thereof constructed within the Township. Within 15 days of the completion of any extensions, additions or modifications thereto, the Grantee shall provide the Township with "as-built" maps, records and plans showing such extensions, additions or modifications. Notwithstanding the foregoing, the Grantee, without expense to the Township, shall upon 48 hours' notice, permit the Township access to all "as-built" maps, records, plans and specifications showing the pipe lines, towers or other improvements or a portion thereof constructed within the Township.
- (P) The Grantee shall comply with all applicable laws, statutes, ordinances, rules and regulations whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the Township or other

governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits shall be obtained.

- (Q) The Grantee shall agree to pay the Township an annual fee equal to two percent of all gross revenue received from the sale and/or delivery of water to all customers within the Township. The Grantee shall install fire hydrants of such size, specification and location as reasonably determined by the Township Board. The Township Municipal Fire Department or any other Fire Department operating within the Township may hook up to such fire hydrant and use water from the pipes without any change [charge] or cost for the use thereof.
- (R) The Grantee shall obtain and maintain in full force and effect the following insurance covering all insurable risks associated with its ownership and use of any activity conducted.
1. A comprehensive general liability insurance policy, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than \$5,000,000.00.
  2. An Automobile Liability Insurance Policy covering any vehicles used in connection with its activities under this Agreement, in an amount not less than \$1,000,000.00.
  3. Workers' Compensation and Employer's Liability Insurance with statutory limits.

The Township shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be cancelled or modified unless 30 days' prior written notice is given to the Township. The Township should be provided with a certificate of insurance evidencing such coverage. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rates A+ or better by A.M. Best Company.

- (S) The Township Board may impose such other regulations as may be determined by the Township Board to be conducive to protect and promote the public health, safety, and general welfare of the public and property and the orderly use of scarce public resources and to protect the environment.

#### 59.006 - Regulations and conditions of public utility and water franchise.

Sec. 6. The Township Board may require or do any of the following:

- (A) Repeal the franchise and/or consent to use the public highways, streets, roads and alleys for misuse, nonuse or failure to comply with the provisions hereof or for any other reason;
- (B) Require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency, which in any event shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission, Michigan Department of Public Health, Department of Natural Resources and Department of Environmental Quality or their successors;
- (C) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; the rates and charges shall be reasonable when compared with charges other municipalities within Allegan, Kent, Ottawa and Muskegon counties within the State of Michigan for comparable services;
- (D) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof, except for damage by third parties or resulting from acts of God;
- (E) Use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;
- (F) Define the service area and set franchise fees; and
- (G) Impose such other regulations or pass ordinance as may be determined by the Township Board to be conducive to the health, safety, welfare and accommodation of the public.

## 59.007 - Successors and assigns.

Sec. 7. The words "Permittee or Franchisee", wherever used herein, are intended and shall be held and construed to mean and include a franchisee and/or permittee and its successors and assigns, whether so expressed or not.

A franchise and/or permittee may not sell, assign, sublet or allow another to use the rights herein granted and shall not merge or consolidate with another entity unless the Township Board consents. Nothing in this section shall limit the right of a permittee or franchisee to mortgage its property or franchise or shall restrict the right of the purchaser, upon foreclosure sale, to operate the same, except that such mortgage or purchaser shall be subject to the terms of the franchise and provisions of this Ordinance.

## 59.008 - Financial grantee.

Sec. 8. The Grantee must file with the Township and in a form acceptable to the Township, an Irrevocable Letter of Credit in an amount of \$50,000.00 which shall be conditioned upon being payable to Dorr Township in the event of insolvency, inability to operate the utility by the franchisee and/or permittee and/or a determination by the Township, the State of Michigan, the Federal Government or any agency thereof that the franchisee and/or permittee or any of their employees, officers, agents, subcontractors has permitted, caused or allowed any environmental damage of any land within the Township or has violated the terms of this Ordinance or Dorr Township Franchise and Consent Ordinance. The amount of the letter of credit shall be in effect for a period of 12 years from the time that the franchisee first supplies any water to any third party or until the franchisee pays franchisee fees to the Township equaling \$50,000.00 whichever occurs first.

## 59.009 - Penalties.

Sec. 9. Any person, firm, corporation, municipal corporation, commission or entity that violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. Any violation hereof shall also be deemed to be a nuisance per se and the Township shall further have the right and authority to instigate civil proceedings to enjoin construction or installation which does not conform with the provisions of this ordinance and any franchise or consent granted hereunder or to compel compliance with the terms hereof and/or for damages for any noncompliance as an alternative to the criminal penalties herein set forth, or in addition thereto.

## 59.010 - Severability.

Sec. 10. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

## 59.011 - Effective date; additional requirements.

Sec. 11. This Ordinance shall take effect 30 days following the date of publication.

## 60.000 - CHARTER COMMUNICATIONS CABLE TELEVISION FRANCHISE Ord. of 12-8-2004 Adopted: December 8, 2004

## 60.001 - Definitions.

- 1
- 1.1 *Additional Insureds* shall have the meaning defined in Part 6.
  - 1.2 *Affiliate* and *Affiliated* shall mean any entity controlling, controlled by or under common control with the entity in question.

- 1.3 *Authorized Area* shall mean the entire area from time to time within the corporate limits of Municipality, excluding, however that are within such limits solely due to agreements executed under the authority of Michigan Act 425 of 1984 unless the Agreement so provides as to Cable Service and Company agrees.
- 1.4 *Cable Services* shall mean only
- 1.4.1 The one-way transmission to subscribers of (i) video programming, or (ii) other programming services, and
- 1.4.2 Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services
- where "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.
- 1.5 *Cable Television Business* shall mean the provision by the Company of Cable Services by means of the Cable Television System.
- 1.6 *Cable Television System* or *Cable System* or *System* shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Services but such term does not include (i) a facility that serves only to re-transmit the television signals of one or more television broadcast stations; (ii) a facility that serves only subscribers in 1 or more multiple unit dwellings unless such facility uses any public right of way, (iii) a facility of a common carrier which is subject in whole or in part to the provisions of Title II of the Communications Act of 1934, as amended, except that such a facility shall be considered a Cable System (other than for purposes of Section 621(c) of such Act, 47 U.S.C. Section 541(c)) to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (iv) an open video system that complies with Section 653 of Title VI of the Communications Act of 1934, as amended; or (v) any facilities of any electric utility used solely for operating its electric utility system.
- 1.7 *Capital Facilities* shall mean PEG Channel related facilities and equipment including lines, studios, production facilities, editing facilities, audio equipment and cameras or other property having a useful life of more than one year, as well as any related expenditures consistent with generally accepted accounting principles which increase or add to the value of the facilities or equipment, adapt the facilities or equipment to new or different uses, or maintain, restore, extend or prolong the useful life of such facilities or equipment.
- 1.8 *Company* shall have the meaning set forth in the recitals at the start of this Franchise.
- 1.9 *County* shall mean the County of Allegan, a municipal corporation, including but not limited to its Road Commission.
- 1.10 *Effective Date* shall be the date in Section 14.14.
- 1.11 *Event of Default* shall have the meaning defined in Part 11.
- 1.12 *FCC* shall mean Federal Communications Commission.
- 1.13 *Franchise* shall mean this document.
- 1.14 *Gross Revenues* shall mean all amounts received (i.e.—computed on a cash basis, not an accrual basis) by Company, (or in the circumstances described below an Affiliate of Company) in whatever form and from all sources which are in connection with or attributable to Company's provision of Cable Services by means of the Cable System.
- 1.14.1 Gross Revenues shall be determined according to generally accepted accounting principles and shall include, without limitation, all subscriber and customer revenues derived from the provision of Cable Services (including those for basic cable services; additional tiers; premium services; pay per view; program guides; installation, disconnection or service call fees; fees for the provision, sale, rental or lease of converters, remote controls, additional outlets and other customer premises equipment); revenues from the use of leased access channels; revenue from advertising (national, regional or local) carried on the Cable System in Municipality; revenues received from home shopping services (or similar commissions); and revenues from entities providing programming used on the Cable Television System (excluding launch fee reimbursement).
- 1.14.2 Gross Revenues shall include amounts received during a period regardless of whether the amounts are initially

recorded or received by an Affiliate of Company, if such amounts are properly attributable to Company's provision of Cable Services by means of a Cable System.

- 1.14.3 Advertising revenues, tower rental revenues associated with Cable Service, Home Shopping Network revenues or other Cable Services revenues whose source cannot be specifically identified with a particular subscriber shall be allocated among the units of government served by Company from the Cable System "headend" serving Municipality in proportion to the number of subscribers in each.
- 1.14.4 Gross Revenues shall include amounts collected from subscribers for franchise fees in a manner consistent with City of Dallas v. FCC, 118 F. 3d 393 (5th Cir. 1997) but shall not include bad debt, any taxes on services provided by Grantee (such as sales taxes) the FCC per subscriber cable regulatory fee or recovery by Company of the grants set forth in Section 5.3.
- 1.15 *Indemnitees* shall have the meaning defined in Section 6.2.
- 1.16 *Institutional Network* or *I-Net* means the fiber optic communications network described in Sections 5.7 and 5.8 and Exhibit I to be constructed and operated by Company for the provision to I-Net Users of Institutional Network Services.
- 1.17 *Institutional Network Services* means the provision of usable bandwidth capacity to I-Net Users through appropriate lines for applications including but not limited to two-way dedicated voice, data, video and telephone channels connecting and interconnecting facilities owned, leased or used by Municipality, schools, counties or other units of local government.
- 1.18 *I-Net User* means Municipality and any school, county or unit of local government designated by Municipality to receive Institutional Network Services under this Franchise.
- 1.19 *Manager* shall mean Township Supervisor or his or her designee.
- 1.20 *Municipality* shall have the meaning set forth in the recitals at the start of this Franchise.
- 1.21 *Municipal Building* shall have the meaning set forth in Section 2.8.
- 1.22 *Municipal Charter* shall mean Municipality's locally adopted charter, if Municipality has a locally adopted charter, and otherwise means its statutory charter.
- 1.23 *Normal Business Hours* shall have the meaning set forth in Section 4.13.
- 1.24 *Normal Operating Conditions* shall mean those service conditions which are within the control of Company. Those conditions which are not within the control of Company include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of Company include, but are not limited to, special promotions, pay-per-view events, rate increases, regular or seasonal demand periods, changes in the billing cycle, and maintenance or upgrade of the Cable Television System.
- 1.25 *PEG Channels* shall have the meaning set forth in Section 5.1.5.
- 1.26 *Prior Franchise* shall mean the authorization(s) in effect prior to this Franchise which authorized Company to provide Cable Services in Municipality, including all amendments thereto.
- 1.27 *Public Ways* shall mean all dedicated public rights-of-way, streets, highways, and alleys. "Public Ways" shall also include public rights-of-way, streets, highways, and alleys which have not been dedicated to the public to the extent that despite such non-dedication Municipality has the ability to grant the rights set forth herein.
- 1.28 *School System* shall mean the public K-12 school district serving Municipality, and shall include multiple such districts if more than one serve portions of Municipality.
- 1.29 *Service Interruption* shall have the meaning set forth in Section 4.18.
- 1.30 *Uncured Event of Default* shall have the meaning defined Part 11.
- 1.31 *Virtual Local Area Network* or *VLAN* shall have the meaning defined in Section 5.9.

- 2.1 *Permission/Franchise*: Subject to all the terms and conditions contained herein, to the Municipal Charter and to Municipal ordinances as from time to time in effect pursuant to a proper exercise of the police power, Municipality hereby grants Company permission to erect, construct, install and maintain a Cable Television System in, over, under, along and across the Public Ways in the Authorized Area and to transact a Cable Television Business in such area.
- 2.1.1 This Franchise is a contract and except as to those changes which are a result of Municipality's exercise of its general police power, Municipality may not take any unilateral action which materially changes the explicit mutual promises in this Franchise. Any amendments to this Franchise must be made in writing and signed by Company and Municipality. In an event of any conflict as of the Effective Date between this Franchise and any cable television ordinance or regulation of Municipality, this Franchise shall prevail.
- 2.2 *Nonexclusive*: This Franchise and all rights granted thereunder are nonexclusive. Municipality reserves the right to grant such other and future franchises as it deems appropriate. This Franchise does not establish any priority for the use of the public rights of way by Company or by any present or of future franchisees or other permit holders. In the event of any dispute as to the priority of use of the public rights of way, the first priority shall be to the public generally, the second priority to Municipality, County, the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter, as between franchisees and other permit holders, as reasonably determined by Municipality (or where applicable, the County Road Commission) in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 2.3 *Programming Services*: Company shall include in the video programming it offers subscribers a broad range of programming services including local broadcasters in accordance with federal must carry/retransmission consent (or subsequent similar) requirements and other programming services offering in total a broad range of programming diversity.
- 2.4 *Access to Service*: Company shall not deny service, deny access, or otherwise discriminate on the availability or rates, terms or conditions of Cable Services provided to subscribers or potential subscribers on the basis of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, location within Municipality, or status with regard to public assistance. Company shall comply at all times with all applicable federal, state and local laws and regulations relating to nondiscrimination. Company shall not deny or discriminate against any group of actual or potential subscribers in Municipality on access to or the rates, terms and conditions of Cable Services because of the income level or other demographics of the local area in which such group may be located.
- 2.5 *Universal Service*: Subject to the next section and its rates for service as from time to time in effect, Company shall make Cable Services available to any and all persons requesting same within the Authorized Area.
- 2.6 *Line Extension*: No line extension charge or comparable charge shall be imposed on any current or potential subscriber for
- 2.6.1 "Drops" from the distribution portion or tap on the Cable Television System to the subscriber's residence premises of at least one hundred and fifty (150) feet in length and up to three hundred (300) feet in length if the signal strength at that point on the Cable System will allow a drop of such length without additional equipment.
- 2.6.2 Extensions of the Cable System where the extension would pass 25 residences per linear strand mile of cable, as measured from Company's closest trunk line or distribution cable, or the extension otherwise satisfies Company's internal return on investment standard. Upon request, Company will consult with Municipality on the following:
- 2.6.2.1 The proposed extension, and how it is determined;
- 2.6.2.2 Economic and/or technical requirements of the extension; and
- 2.6.2.3 Alternatives to the proposed route/design or other pertinent factors or means by which the preceding standards (e.g. return on investment) would be met.
- 2.6.3 The preceding shall apply whether the cable would be located in Public Ways or in private ways/easements (the latter

being generally available to Company under its statutory ability to use existing utility easements for cable purposes). However for line extensions involving new subdivisions, planned unit developments or the like, the preceding formula shall be applied using the number of dwelling units authorized therein.

- 2.7 *Construction Timetable:* As new or additional areas of Municipality meet the dwelling units/mile standard, Company shall initiate procedures to extend the Cable Television System to such areas within 90 days of (a) a request for service from such an area, (b) the area meeting the standard and (c) Company obtaining any agreements to use private property necessary to extend the Cable System. Company shall complete the extension within 180 days of the preceding three requirements having been met, unless additional time is needed due to winter construction or other events beyond Company's control.
- 2.7.1 As Municipality may from time to time reasonably request, Company shall investigate and respond in writing whether areas within Municipality do/do not meet the standard of the preceding section.
- 2.8 *Complimentary Service:* Where the following are within 150 feet of Company's Cable Television System (or otherwise serviceable in accordance with standard cable industry practice), Company will provide without any installation charge or monthly charge one free outlet in each Municipal Building; in each accredited public, private and parochial K-12 school; and will allow Municipality and each such school at their expense, but in compliance with FCC Rules on technical standards for cable systems, to extend such service to some or all offices, rooms and classrooms, but not to residences or school dormitories. None of the preceding shall be charged any fee during the term of this Franchise for those channels comprising (1) basic service, or (2) cable programming services, which is commonly known as expanded basic service, (as such terms are defined in the Federal Cable Act as of the Effective Date, 47 U.S.C. Sections 522 (3) and 543 (1) (2)), however, recipients of the preceding complimentary service shall pay Company's normal charges for any digital converter boxes necessary to view the programming in question.
- 2.8.1 For Municipal Buildings and schools located more than 150 feet from Company's Cable Television System (and not otherwise serviceable in accordance with standard cable industry practice), Municipality or the school shall pay the incremental cost of any extension or drop beyond the 150 foot standard.
- 2.8.2 For the purpose of this Section, "Municipal Building" shall mean a building both (a) owned or leased and (b) used by Municipality.
- 2.8.3 Exhibit J sets forth where Company is providing free service to Municipal Buildings and school buildings as of the Effective Date. If there are other Municipal Buildings or school buildings which on or after the Effective Date meet the standards set forth above for receiving complimentary service (but which are not receiving such service on the Effective Date) then Municipality or the school may require service to such buildings in the future.
- 2.9 *Uniform Rates:* Company's rates for service shall comply with federal law regarding having a uniform rate structure.
- 2.10 *Number of Channels:* Company shall provide on the Cable System at least the number of programmed and activated channels set forth on Exhibit A, minus three (3) channels.
- 2.11 *Interconnection:* For the City of Hudsonville, Holland Township, Park Township, City of Zeeland, Zeeland Township, Laketown Township and Plainfield Township Company shall continue to use best efforts to provide the existing (or in the event of Plainfield Township, planned) interconnection of the Cable Television System with another cable television system (such as for the transmission and receipt of PEG Channels). The maintenance and repair of the interconnect shall be the responsibility of Company and the other cable provider, not Municipality.
- 2.12 *Continuity of Service:* Company shall interrupt the provision of service only with good cause and for the shortest time possible and, except in emergency situations, after periodic cablecasting (if practicable) of notice of service interruption, including at the same time as the anticipated interruption, except that service may be interrupted between 1:00 a.m. and 6:00 a.m. for routine testing, maintenance and repair, without notification, any night except Friday, Saturday, or Sunday, or the night preceding a holiday.
- 2.13 *Emergencies:* Municipality may remove or damage the Cable Television System in the case of fire, disaster, or other emergencies, as determined by the Mayor, Supervisor, Manager, Police Chief, Fire Chief or Director of Public Safety. In

such event neither the Municipality nor any agent, contractor or employee thereof shall be liable to the Company for any damages caused to the Company or the Cable Television System, such as for, or in connection with, protecting, breaking through, moving, removal, altering, tearing down, or relocating any part of the Cable Television System, unless they are the result of gross negligence or willful misconduct by Municipality.

- 2.14 *Alert System:* Company shall include an all channel alert system so as to allow simultaneous audio and character generated emergency announcements on all channels in keeping with FCC regulations. Municipality and Company will separately agree on the procedures for Municipality or the applicable County Emergency Director to follow to expeditiously use such facility in the event of an emergency and Municipality shall hold Company harmless for any harm caused Company by the improper use of such alert system by Municipality.
- 2.15 *Backup Power:* Company shall provide continuous backup or standby electric power (such as from batteries or from electric generators) at locations on Company's Cable Television System which experience more than 12 hours of outages per year, excluding storms and major outages, such that portion of the Cable Television System will operate for at least two hours even if electric service from conventional utility lines is interrupted. The Cable System shall have an electric generator with automatic start capability to provide electric service to the head-end and associated equipment. If certain areas served by the Cable Television System experience persistent outage problems, Company will promptly take action to prevent such problems from recurring. The preceding two sentences shall not apply to the Cities of Evart, Sault Ste. Marie, Au Sable Township, Baldwin Township or St. Ignace (nor that portion of Zeeland Township and Milton Township which on the Effective Date is not upgraded) until their cable systems are upgraded.
- 2.15.1 Except in an emergency Company or an Affiliate may not use a permanent or semi-permanent internal combustion engine (such as a gasoline or natural gas powered electric generator) to provide backup power at any point or points on the Cable Television System (other than inside buildings or on land owed or leased by Company or an Affiliate) without Municipality's prior written approval. Such approval may be granted subject to conditions, such as relating to testing times (e.g., not in the middle of the night), screening, noise levels, and temperature and safe discharge of hot exhaust gases.
- 2.16 *Compliance with Applicable Law:* In constructing, maintaining and operating the Cable Television System, Company will act in a good and workmanlike manner, observing high standards of engineering and workmanship and using materials of good and durable quality. Company shall comply in all respects with the National Electrical Safety Code (latest edition) and National Electric Code (latest edition); all standards, practices, procedures and the like of the FCC; the lawful requirements of other utilities whose poles and conduits it uses; and all applicable federal, state and local laws. The phrase "latest edition" in the preceding sentence shall mean that at the time the work is performed Company shall comply with the latest edition of such codes then in effect, except where such codes expressly require changes or modifications to work previously done/facilities currently in existence.
- 2.17 *Maintenance and Repair:* Company will keep and maintain a proper and adequate inventory of maintenance and repair parts for the Cable Television System, and a workforce of skilled technicians for its repair and maintenance.
- 2.18 *Other Permits:* This Franchise does not relieve Company of the obligation to obtain permits, licenses and other approvals from Municipality or other units of government, such as the County Road Commission, which are necessary for the construction, repair or maintenance of the Cable Television System or provision of Cable Services; or from compliance with applicable municipal ordinances such as zoning and land use ordinances, pavement cut ordinances, curb cut permits, building permits and the like.
- 2.19 *Poles:* [This section is for Grand Haven, Hart, Zeeland and Coldwater] Company shall enter into a separate pole attachment agreement with Municipality for use of Municipality's utility poles. Municipality shall have the right to use the poles of Company on the same terms as Municipality charges Company.
- 2.20 *Upgrade of Cable System:* For the Cities of Grayling, Sault Ste. Marie and St. Ignace, Company will use commercially reasonable best efforts to upgrade the Cable System serving Municipality to at least 750 MHz (Grayling and St. Ignace 550 MHz) by July 1, 2005.



- 2.21 *Contact Information:* Upon request Company shall provide the contact information set forth below to Manager, and shall provide Manager with an updated list in writing whenever the information changes. Company is encouraged to provide this contact information on a web page accessible by Municipality. The list of contacts, accurate as of the Effective Date, is set forth on E. The provision of Company's customer service numbers used by the general public does not satisfy the requirements of this section.
- 2.21.1 Company's local general manager (name, address, phone, fax, email address).
- 2.21.2 If Company's engineering drawings, as-built plans and related records for the Cable System will not be located at the preceding local office, the location address and contact person (name, title or department, address, phone, fax, email address) for them.
- 2.21.3 The contact person (name, title or department, address, phone, fax, email address) of Company's engineering contact person(s) with responsibility for the design, plans and construction of the Cable System.
- 2.21.4 The contact person (name, title or department, address, phone, fax, email address) at Company's home office/regional office with responsibility for engineering and construction related aspects of the Cable System.
- 2.21.5 Company's government affairs contact (name, address, phone, fax, email address).
- 2.21.6 The phone number (not voice mail) at which a live representative of Company can be reached 24 hours a day, seven (7) days a week in the event of a public emergency.
- 2.21.7 Company's senior level customer service contact at Company's call center for Municipality to contact to promptly resolve customer service problems (name, address, phone, fax, email address). This shall be separate from Company's general customer service number, is intended to be used by entities such as Municipality, and as such Municipality shall not make such information available to the general public.
- 2.22 *Other Franchises:* In the future Municipality may grant one (1) or more franchise(s) to provide Cable Services in Municipality. If it does so, and such franchise(s) overall impose materially less burdensome or materially more advantageous obligations on the company(s) receiving same than are imposed by the provisions of this Franchise, then Company may petition Municipality for a modification of this Franchise. Company shall be entitled to a modification of this Franchise necessary to correct the violation of the second sentence, with such changes to be effective if and when the company(s) referred to in the second sentence start providing Cable Services in Municipality. After consulting with Company about the changes to correct the violation of the second sentence, the specific changes to correct the violation will be selected by Municipality as being least detrimental to the best interests of itself and its residents, but must correct the violation.
- 2.22.1 The preceding provisions shall not apply to a cable franchise granted or renewed by Plainfield Township, Tallmadge Township, Courtland Township, Gaines Township, Holland Township, Laketown Township or Park Township with a cable operator (including their successors) providing service in such Township on or before July 1, 2004.

### 60.003 - Public ways.

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- 3.1 *No Burden on Public Ways:* Company shall not erect, install, construct, repair, replace or maintain its Cable Television System in such a fashion as to unduly burden the present or future use of the Public Ways. If Municipality or the County Road Commission in the exercise of reasonable judgment determines that any portion of the Cable Television System is an undue burden, Company at its expense shall modify its system or take such other actions as the Municipality or County Road Commission may determine is in the public interest to remove or alleviate the burden, and Company shall do so within the time period established by the Municipality or County Road Commission. Company shall share in any grants which Municipality obtains to compensate private utilities for complying with the preceding two sentences.
- 3.2 *Minimum Interference:* The Cable Television System shall be erected and maintained by Company so as to cause the minimum interference with the use of the Public Ways and with the rights or reasonable convenience of property owners who adjoin any of the Public Ways.

- 3.3 *Restoration of Property:* Company shall immediately restore at its sole cost and expense, in a manner approved by Municipality, any portion of the Public Ways that is in any way disturbed by the construction, operation, maintenance or removal of the Cable Television System to a condition comparable to or better than that which existed prior to the disturbance, and shall at its sole cost and expense immediately restore and replace any other property, real or personal, damaged or in any way injured by or on account of Company or by its acts or omissions, to a condition comparable to or better than such property was in immediately prior to the disturbance, damage or injury.
- 3.4 *Tree Trimming:* Company may trim trees upon and overhanging the Public Ways so as to prevent the branches of such trees from coming into contact with the Cable Television System. No other tree trimming shall be performed in the Public Ways without previously informing Municipality. Except in emergencies all trimming of trees on public property shall have the advance approval of Municipality, not to be unreasonably withheld, and all trimming of trees on private property shall require notice to the property owner. Tree trimming shall follow best management practices which normally are that trees are trimmed back no lower than ten feet from the line in question.
- 3.5 *Relocation of Facilities:* Company shall, at its own cost and expense, protect, support, disconnect, relocate in or remove from the Public Ways any portion of the Cable Television System when required to do so by Municipality or the County Road Commission due to street or other public excavation, construction, repair, grading, regrading, traffic conditions; the installation of sewers, drains, water pipes, or municipally-owned facilities of any kind; the vacation, construction or relocation of streets; or other public improvements by a unit of government.
- 3.6 *Joint Use:* Company shall permit the joint use of its poles, conduits and facilities located in the Public Ways by utilities and by Municipality or other governmental entities to the extent reasonably practicable and upon payment of a reasonable fee, provided, however that the preceding requirement shall not apply to utilities, Municipality or other government entities providing services that compete with services provided by Company.
- 3.7 *Easements:* Any easements over or under private property necessary for the construction or operation of the Cable Television System shall be arranged and paid for by Company to the extent required by law. Any easements over or under property owned by Municipality other than the Public Ways shall be separately negotiated with Municipality. Municipality shall not unreasonably withhold the grant of such easements.
- 3.8 *Compliance with Law:* Company shall be subject to all laws, ordinances or regulations of Municipality relating to, constructing, installing or maintaining the Cable Television System in Municipality. As set forth in Section 2.1, this shall include future laws, ordinances and regulations to the extent applicable in accordance with a proper exercise of the police power. Company shall comply with all zoning and land use restrictions as may exist or may hereafter be amended.
- 3.9 *Underground Facilities:* If Municipality in the future requires that, in a specific area of Municipality, all public utilities shall place their cables, wires, or other equipment underground, then Company also shall in a reasonable period of time place its existing and its future cables, wires, or other equipment in such area underground without expense or liability therefore to Municipality.
- 3.10 *Temporary Relocation:* Upon 10 business days notice, Company shall either temporarily raise or lower its wires or other equipment upon the request of any person, including without limitation, a person holding a building moving permit issued by Municipality or for good cause may specify a time certain within 30 days when the preceding shall occur. Company may charge a reasonable rate for this service, not to exceed its actual direct costs.
- 3.11 *Vacation:* If a Public Way is vacated, eliminated, discontinued or closed, all rights of Company under this Franchise to use same shall terminate and Company at its expense shall immediately remove the Cable Television System from such Public Way unless Company obtains easements from the property owners to use the former Public Way.
- 3.12 *Maps:* Company shall keep accurate, complete and current maps and records of the Cable Television System and its facilities. Upon request, Company shall annually furnish one complete set of Location Maps and records to Municipality (or the County Road Commission). Company shall do so within thirty (30) days of such request. "Location Maps" means as-built maps with information as to the number and type (coaxial, fiber) of lines and the nature of any electronics removed. Upon request, such maps shall be in electronic format, such as for a GIS system, including Bentley

Microstation, AutoCad, ArcView or comparable. If Company incurs a significant cost in converting its maps to a GIS format Municipality shall reimburse such costs. Such maps and records shall be available for inspection by the public at the offices of Municipality.

- 3.13 *Location of Facilities/Miss Dig:* Company shall provide Municipality and the County Road Commission upon request with copies of any new Location Maps as they are generated for portions of Company's facilities and Cable Television System located within Municipality. Upon request, such maps shall be in electronic format, as set forth in the preceding section. Upon request by Municipality or the County Road Commission Company shall mark up maps provided by Municipality and/or the County Road Commission so as to show the location of Company's facilities and Cable Television System. Company shall notify Municipality in advance of any underground construction by it in Municipality if Municipality is not part of Miss Dig.
- 3.13.1 Company shall participate in and be a member of the "Miss Dig" utility notification program provided for by MCLA § 460.701ff or subsequent statute.
- 3.14 *Discontinuance and Removal of the Cable Television System:* Upon the revocation or termination of this Franchise either (a)—by mutual agreement of Municipality and Company, (b)—by Company's acquiescence or failure to challenge same, or (c)—by a final order of a court which Company either does not appeal or from which there is no further right of appeal the following shall occur: Company shall immediately discontinue the provision of Cable Services and all rights of Company to use the Public Ways shall cease. Company, at the direction of Municipality, shall remove its Cable Television System, including all supporting structures, poles, transmission and distribution system and other appurtenances, fixtures or property from the Public Ways, in, over, under, along, or through which they are installed within six (6) months of the revocation or termination, or any final order of a court, whichever is later. Company shall also restore any property, public or private, to the condition in which it existed prior to the installation, erection or construction of its Cable Television System, including any improvements made to such property subsequent to the construction of its Cable Television System. Restoration of Municipal property, including, but not limited to, the Public Ways, shall be in accordance with the directions and specifications of Municipality, and all applicable laws, ordinances and regulations, at Company's sole expense. If such removal and restoration is not completed within six (6) months after the revocation, termination, or expiration, all of Company's property remaining in the affected Public Rights-of-Way shall, at the option of Municipality, be deemed abandoned and shall, at the option of Municipality, become its property or Municipality may obtain a court order compelling Company to remove same. In the event Company fails or refuses to remove its Cable Television System or to satisfactorily restore all areas to the condition in which they existed prior to the original construction of the Cable Television System, Municipality, at its option, may perform such work and collect the costs thereof from Company. No surety on any performance bond nor any letter of credit shall be discharged until Municipality has certified to Company in writing that the Cable Television System has been dismantled, removed, and all other property restored, to the satisfaction of Municipality.

60.004 - Customer service.

4

- 4.1 *Customer Standards:* Company will comply with the more stringent of the customer service and consumer protection provisions of this Franchise; or those from time to time adopted by the FCC.
- 4.2 *Reservation:* Municipality reserves the right by ordinance to alter or amend the customer service and consumer protection matters set forth in this Part, including adopting ordinances stricter than or covering items not presently set forth in this Part. Municipality agrees to meet with Company on the matters in question prior to taking such action, and to provide Company with notice of the proposed action at least sixty (60) days before it takes effect. Company may appear at the session of the Municipality's legislative body adopting the ordinance and make comments on same as provided for under the Michigan Open Meetings Act. Company may challenge any action taken by Municipality under this section in court if it is unreasonable, unduly burdensome or prohibited by law.

- 4.3 *Undergrounding:* For new installations, if a subscriber requests underground cable service, Company may charge the subscriber a differential between the cost of aerial and underground installation of the drop to the subscriber. This provision shall not apply if undergrounding is required by Municipal ordinance or policy for all utilities.
- 4.4 *Seasonal Service:*
- 4.4.1 For residential subscribers desiring only seasonal Cable Service Company shall offer seasonal service at a reduction, computed annually, from its standard rates. For example, the seasonal rate currently offered by Company (described on Exhibit F) is an example of such a reduction but is only an example and may be changed by Company from time to time.
- 4.4.2 For small business subscribers desiring seasonal Cable Service Company shall offer seasonal service at a reduction, computed annually, from its standard rates. This may be accomplished, at Company's option, either by (1) not subjecting customers electing such service to disconnection or reconnection charges, or (2) by providing service year round but at a reduced rate (compared to standard rates) which is economically comparable to the preceding.
- 4.5 *Lockout Device:* Company shall provide all subscribers with the option of obtaining a device by which the subscriber can prohibit the viewing of a particular cable service during periods selected by the subscriber.
- 4.6 *Pay Per View:* Subscribers shall be given the option of not having pay per view or per program service available at all or only having such service provided upon the subscriber providing a security number selected by an adult representative of subscriber.
- 4.7 *[Reserved]*
- 4.8 *[Reserved]*
- 4.9 *Notification:* Company will provide written information on at least each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request.
- 4.9.1 Products and services offered.
- 4.9.2 Prices (rates) and options for Cable Services and conditions of subscription to Cable Service. Prices shall include those for programming, equipment rental, program guides, installation, disconnection, late fees and other fees charged by Company.
- 4.9.3 Installation and service maintenance policies.
- 4.9.4 Instructions on how to use the Cable Service.
- 4.9.5 Channel positions of programming carried on the Cable Television System.
- 4.9.6 Billing and complaint procedures, including the address and phone number of the person or position at Municipality responsible for cable matters.
- 4.9.7 Applicable privacy requirements as provided for by law.
- 4.10 *Notice of Changes:* Subscribers and Municipality will be notified of any changes in rates, Cable Services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Company and as soon as possible if not within the control of Company. In addition, Company shall notify subscribers and Municipality thirty (30) days in advance of any significant changes in the other information required by the preceding section.
- 4.11 *Negative Options:* Company will comply with state and federal laws relating to the practice of "negative option" marketing.
- 4.12 *Office:* Company shall maintain a "virtual local office" in or near Municipality consisting of the following:
- 4.12.1 A bill payment office in Allegan and/or Holland (directly or through another business, such as a bank) preferably using the same local business which acts as the bill payment office for other utilities, where subscribers may pay their bills directly, return converter boxes and comparable items and receive standard information on Company and its services, and

- 4.12.2 Telephone service available 24 hours a day, seven days a week, as set forth in the next section, and
- 4.12.3 Free drop off and pick up of equipment (converter boxes and the like) to subscriber premises. The preceding does not include installation.

#### 4.13 *Telephone Service*

- 4.13.1 Company shall have a local telephone number or 800 number for use by subscribers toll-free 24 hours per day, 7 days per week.
  - 4.13.2 Company shall endeavor to have its phone number listed, with appropriate explanations, in the directory published by the local telephone company (SBC, Verizon and the like) and Company shall make reasonable efforts to be listed in significant private directories.
  - 4.13.3 Trained Company representatives will be available to respond to subscriber telephone inquiries 24 hours per day, although after Normal Business Hours such representatives shall only be required to respond to inquiries relating to emergencies, outages, repairs or service calls, with other matters deferred until the next business day (unless low workload allows them to be handled then).
  - 4.13.4 Except as set forth in Section 4.13.3, after Normal Business Hours, calls relating to matters other than outages, repairs and service calls may be answered by a service or automated response system, including an answering machine. Such inquiries received after Normal Business Hours must be responded to by a trained Company representative on the next business day.
  - 4.13.5 Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a quarterly basis.
  - 4.13.6 Upon request Company shall provide reports to Municipality quarterly showing on a consistent basis, fairly applied, Company's compliance with the standards of this section. Such report shall show to the extent reasonably feasible Company's performance excluding periods of abnormal operating conditions, and if Company contends any such conditions occurred during the period in question, it shall also describe the nature and extent of such conditions and show Company's performance including the time periods such conditions were in effect.
  - 4.13.7 Under Normal Operating Conditions, the subscriber will receive a busy signal less than (3) percent of the time.
  - 4.13.8 Normal Business Hours for the purpose of this Section 4.13 shall mean at least from 9:00 am to 5:00 pm, Monday through Friday and 9:00 am to 1:00 pm on Saturday, excluding holidays.
- 4.14 *Identification:* All service personnel of Company or its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing their name and photograph. Company shall account for all identification cards at all times. In addition, such service personnel of Company shall wear uniforms with Company's name and logo. Every service vehicle of Company, its contractors or subcontractors shall be clearly identified as such to the public: Company vehicles shall have Company's logo plainly visible; those of contractors and subcontractors working for Company shall have the contractors/subcontractors name plus markings (such as a magnetic door sign) indicating they are under contract to Company.
- 4.15 *Installations:* Under Normal Operating Conditions, installations located up to 125 feet from the existing distribution system will be performed within seven (7) business days after an order has been placed at least 95% of the time on a quarterly basis. Installations shall be available from 8:00 a.m. to 5:00 p.m. weekdays; on a call to meet basis, and; on Saturday or in the evening by appointment. For weekday installations Subscribers shall be provided with an appointment window which shall be entirely in the a.m. or entirely in the p.m. unless the subscriber requests and Company agrees to the contrary.
- 4.16 *Service Calls:* The following shall apply to subscribers requesting installations or service: Company shall at the subscriber's option either (1) schedule the appointment for a date certain on a "call to meet" basis where as the service

technician finishes his/her prior task, the technician calls the subscriber and arranges to meet the subscriber shortly thereafter, or (2) establish a four hour appointment window with the subscriber (or adult representative of the subscriber). Such four hour window shall be entirely in the a.m. or entirely in the p.m. unless the subscriber requests and Company agrees to the contrary.

- 4.16.1 Company shall respond to the request for service in accordance with the option selected by the subscriber.
- 4.16.2 Company may not cancel an appointment with a subscriber after 4:00 p.m. on the business day prior to the scheduled appointment.
- 4.16.3 If Company's technician cannot make the appointment or is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will promptly be contacted. The appointment will be rescheduled, as necessary, at a time that is convenient for the subscriber.
- 4.16.4 In the event access to the subscriber's premises is not made available to Company's technician when the technician arrives during the established appointment window, the technician shall leave written notification stating the time of arrival and requesting that Company be contacted again to establish a new appointment window. In such case, the required response time for scheduling a new appointment shall be one (1) business day from the time Company is contacted to establish the new appointment window.
- 4.16.5 Notwithstanding the foregoing, if Company's technician telephones the subscriber's home during the appointment window and is advised that the technician will not be given access to the subscriber's premises during the appointment window, then the technician shall not be obliged to travel to the subscriber's premises or to leave the written notification referred to above, and the burden shall again be upon the subscriber (or adult representative of the subscriber) to contact Company to arrange for a new appointment window, in which case the required response time for scheduling a new appointment shall again be one (1) business day from the time Company is contacted to establish the new appointment window.
- 4.16.6 Except as otherwise provided above, Company shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives at the service location.
- 4.17 *Service Call Charges:* No charge shall be made to the subscriber for any service call unless the problem giving rise to the service request can be demonstrated by Company to have been:
  - 4.17.1 Caused by subscriber negligence, or
  - 4.17.2 Caused by malicious destruction of cable equipment, or
  - 4.17.3 A problem previously established as having been non-cable in origin, or
  - 4.17.4 Caused by customer-owned equipment, including internal wiring, or is caused by customer actions or the need for customer education (over and above customer education supplied without charge).
- 4.18 *Service Interruptions:* Under Normal Operating Conditions, Company will meet the following standard no less than 95% of the time measured on a quarterly basis:
  - 4.18.1 Excluding conditions beyond Company's control, Company will begin working on a Service Interruption promptly and in no event later than 24 hours after the interruption becomes known.
  - 4.18.2 "Service Interruption" means the loss of picture or sound on one or more cable channels, affecting one or more subscribers.
  - 4.18.3 Company's report described above shall also measure and report on Company's compliance with this standard.
- 4.19 *Response Times:* For purposes of this Section, "subscriber problem" shall mean any malfunction affecting a single subscriber; "system problem" shall mean any problem other than a Service Interruption which affects more than one subscriber. With respect to matters within Company's control, Company shall respond to and start work on a subscriber request for service or to repair any malfunction within the following time frames:
  - 4.19.1 For a subscriber problem: As soon as reasonably possible, but no later than the end of the next business day after Company receives the subscriber's request for service, unless otherwise agreed by the subscriber.

- 4.19.2 For a system problem: Within forty-eight (48) hours, including weekends and holidays, of receiving a request for service problem concerning picture or sound quality affecting any two or more subscribers.
- 4.20 *Log of Complaints:* Company shall maintain a written log, or an equivalent stored in computer memory and capable of access and reproduction in printed form, of all written subscriber complaints for subscribers served by the Cable Television System. Such log shall list the date and time of such complaints, identifying to the extent allowed by law the subscribers and describing the nature of the complaints and when and what actions were taken by Company in response thereto. Such log shall reflect the operations to date for a period of at least two (2) years, and shall be available to Municipality upon request.
- 4.21 *Payment Options:* Unless technically or economically not feasible to do so, Company will provide all subscribers with the option of paying for service by an automatic payment plan, where the amount of the bill is automatically deducted from a checking account designated by subscriber. As of the Effective Date it is technically and economically feasible for Company to do the preceding in all municipalities listed on Exhibit A that were formerly served by Avalon or Cable Michigan.
- 4.22 *[Reserved]*
- 4.23 *Bills:* Company shall comply with the following:
- 4.23.1 Bills will be clear, concise and understandable. Bills must be itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates, credits and late charges.
- 4.23.2 In the case of a billing dispute, Company must respond to a written complaint from a subscriber within thirty (30) days and Company will not disconnect a subscriber prior to Company's submitting a written response to the subscriber.
- 4.24 *Refunds:* Refund checks will be issued promptly, but no later than either:
- 4.24.1 The subscriber's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
- 4.24.2 Where applicable the return of the equipment supplied by Company if service is terminated.
- 4.25 *Credits:* Credits for service will be issued no later than the subscriber's next billing cycle following a determination that a credit is warranted.
- 4.26 *Late Payment:*
- 4.26.1 Late payment charges imposed by Company upon subscribers shall be reasonably related to Company's cost of administering delinquent accounts.
- 4.27 *Disconnection:*
- 4.27.1 Company may only disconnect a subscriber for failure to pay if at least 45 days have elapsed after the due date for payment of the subscriber's bill and Company has provided at least 10 days written notice to the subscriber prior to disconnection, specifying the effective date after which cable services are subject to disconnection.
- 4.27.2 Company may disconnect a subscriber at any time if Company in good faith believes that the subscriber has tampered with or abused Company's equipment, that there is a signal leakage problem (or other non-compliance with FCC or other standards which poses a risk to lives or property) on subscriber's premises, or that subscriber is or may be engaged in the theft of Cable Services.
- 4.27.3 Company shall promptly disconnect any subscriber who so requests disconnection. No period of notice prior to requested termination of service may be required of subscribers by Company. No charge may be imposed upon the subscriber for any cable service delivered after the effective date of the disconnect request (unless there is a delay in returning Company equipment). If the subscriber fails to specify an effective date for disconnection, the effective date shall be deemed to be the day following the date the disconnect request is received by Company.
- 4.28 *Privacy and Monitoring:* Neither Company and its agents nor Municipality and its agents shall tap or monitor, or arrange for the tapping or monitoring, or permit any other person to tap or monitor, any cable, line, signal, input device, or

subscriber facility for any purpose, without the written authorization of the affected subscriber, except to the extent otherwise required or permitted by law. Such authorization shall be revocable at any time by the subscriber without penalty by delivering a written notice of revocation to Company; provided, however, that Company may conduct system-wide or individually addressed "sweeps" solely for the purpose of verifying system integrity, checking for illegal taps or billing.

- 4.29 *Subscriber Information:* Except for billing related purposes, Company shall not record or retain any information as to the programming actually watched by a subscriber. Company shall destroy all subscriber information of a personally-identifiable nature after a reasonable period of time except as authorized not to do so by the affected subscriber. Except as allowed under the Federal Cable Act, Company shall not sell or otherwise provide to other persons, without the specific written authorization of the subscriber involved, or otherwise make available to any person or entity, lists of the names and addresses of subscribers.
- 4.30 *Performance Bond:* Company shall obtain a separate performance bond for each of the municipalities listed on Exhibit G in the dollar amount set forth by each municipality's name. Company shall post Municipality's bond within thirty (30) days of the signing of this Franchise. Company shall provide Municipality with a copy of such bond and Company shall continuously maintain such bond during the term of this Franchise. Such bond shall be issued by a bonding company licensed to do business in the State of Michigan. Such bond shall secure Company's faithful performance in accordance with the terms and conditions of this Franchise.
- 4.31 *[Reserved]*
- 4.32 *FCC Technical Standards:* The following shall apply to Company's implementation of and compliance with the rules and regulations relating to cable television technical standards adopted by the FCC in MM Dockets 91-169 and 85-38 on February 13, 1992 and subsequent amendments thereto:
- 4.32.1 All testing for compliance with the FCC technical standards shall be done by a person with the necessary expertise and substantial experience in cable television matters.
- 4.32.2 Upon request Company shall provide Municipality with a report of such testing.
- 4.32.3 Complaints received by Municipality relating to cable television standards may be referred by it to appropriate personnel, such as to Company using the Hotgram procedure described below.
- 4.33 *Right to Cancel:* Company shall provide each new subscriber with the right to cancel their Cable Service order without charge. The right of cancellation shall end upon Company's initiation of physical installation of Cable System equipment on the subscriber's premises.
- 4.34 *Hot-Gram Program:* Upon request by Municipality Company shall provide its "hot-gram" program by fax (or in the future, the same functionality by email or a web page accessible to Municipality), whereby Municipality can fill out the top portion of a form setting forth a customer service or other problem, fax it to Company, and Company commits to faxing it back within five (5) business days (or longer, if due to extenuating circumstances) with the bottom half showing how the problem has been (or will be) resolved.

60.005 - Access to the system.

5

- 5.1 *Channels Made Available:* Company shall provide on the Cable Television System in the basic tier of service (and in the lowest tier of service, if different) the following PEG Channels:
- 5.1.1 The number of channels as of the Effective Date, which number is set forth on Exhibit K.
- 5.1.2 If Municipality is listed on Exhibit K as having only one PEG Channel, it may obtain one additional PEG Channel as follows:
- (1) —At any time upon agreement with Company.
- (2) —In the event that the tier of service known on the Effective Date as "Limited Basic Cable" is transmitted to



customers solely in a digital format, Company agrees to meet and discuss the provision of an additional PEG Channel. As part of these discussions, Company may compile and provide to Municipality a report concerning channel availability on the lowest-priced basic tier of service, applicable contractual obligations of the Company, the status of other programming entities on the basic tier, costs associated with the addition of a PEG Channel, and any other factors which Municipality's request may impact. If after receipt of such report, Municipality requests the additional PEG Channel, Company shall provide same unless no channels are available, it is very expensive to provide, or the existing PEG Channel is significantly underutilized.

- 5.1.3 Municipality acknowledges that all municipalities served (as the case may be) downstream of a given fiber node, microwave relay point or headend through the comparable point (if any) downstream where different program insertion on such channels is possible must share the same PEG Channel(s). Municipality agrees to share the PEG Channels on an equitable basis with the other municipalities and school districts served by such channels. Company will advise Municipality when changes in fiber nodes or other changes on the System change matters in this regard.
- 5.1.4 Municipality may from time to time allocate or reallocate the usage of the PEG Channels between different types of PEG Channels and different entities operating such channels. This includes Municipality requiring several different persons to share or jointly use a given PEG Channel or conversely allowing one or more persons currently sharing such a channel to have a channel on which they are the sole PEG Channel operator.
- 5.1.5 For the purpose of these sections,
- 5.1.5.1 "Government Channel" shall mean a channel administered by Municipality and on which the programming shall be provided by Municipality, Municipality's designee or such other units of state or local government as Municipality may from time to time appoint, and
- 5.1.5.2 "Public Channel" shall mean a channel where, in principle, any citizen may provide programming, upon the entity administering such channel (if other than Municipality) both entering into a contract with Municipality regarding the provision of same and such agreements relating to indemnity and insurance with Company as Company may reasonably request, and
- 5.1.5.3 "Educational Channel" shall mean a channel administered by the School System or its designee, and on which the programming shall be provided by the School System, its designees or other educational institutions upon each such entity both entering into a contract with Municipality regarding the provision of same and such agreements relating to indemnity and insurance with Company as Company may reasonably request, and
- 5.1.5.4 "PEG Channel" shall mean a combination of one or more Public Channels, Education Channels or Government Channels, including combined channels (where a channel is, for example, a combined Education Channel and Government Channel) and channels varying by time of day (such as being an Education Channel at certain times and a Public Channel at other times).
- 5.2 *Company Use:* Municipality may from time to time adopt and revise rules and procedures as to when and how Company may use the PEG Channels for the provision of video programming when the PEG Channels are not being used for their respective purposes. Company will use the PEG Channels solely in accordance with such rules and procedures and otherwise shall have no responsibility or control with respect to the operation of such channels.
- 5.3 *Grants:* At any time during the first twelve (12) years of the Franchise term, Municipality may request capital support from Company for PEG equipment or Capital Facilities, including character generators. Upon the determination by Municipality that such support is reasonable to meet the cable-related needs of the community, Municipality shall notify Company in writing of these needs, the amount of capital support required and how it intends to use the capital support. Company shall provide the capital funds or in-kind capital contributions requested in a timely manner after receiving the request, up to a maximum amount of \$.20 per subscriber per month, with such amount adjusted annually for inflation from July 2004 computed according to the Consumer Price Index for All Urban Consumers, All Areas. The cost of any character generator (or its equivalent) provided under Section 5.4 shall be offset against the preceding amount. Municipality or the entity receiving the capital support shall be responsible for installing, operating, maintaining and

replacing the equipment purchased as necessary, unless the contribution is a character generator or related equipment at Company's facilities or an extension of the Cable System in which case Company shall own, operate and maintain same. Company shall be entitled to recover such capital costs from subscribers with individual account records, if allowed by law.

- 5.3.1 For the purpose of computing the preceding grants, for bulk-billed multiple dwelling units or bulk service, the per subscriber amount set forth above shall be computed by equivalent bidding units (in effect, discounted to the same extent rates for such service are discounted).
- 5.3.2 To assist Municipality in separating checks for the preceding amounts for PEG Channel capital facilities support from franchise fees, all payments by Company pursuant to Section 5.3 shall be by separate checks and shall not be combined with checks representing payments of franchise fees.
- 5.4 *Character Generator:* For those municipalities listed on Exhibit L, Company at no cost to Municipality shall provide and maintain a character generator or the software equivalent for a desktop computer (which shall be maintained at Municipality's offices, or if mutually agreed at Company's premises) able to generate and transmit information 24 hours per day for immediate distribution on the PEG Channels, and if necessary, to be used on other channels in conjunction with the emergency alert system.
- 5.5 *Leased Access:* Company shall make available suitable channel capacity for leased access by third parties unaffiliated with Company to the extent from time to time required by federal law and regulations. Company shall have the sole responsibility for all operating aspects and for the fixing of rates and conditions for leased access use.
- 5.6 *[Reserved]*
- 5.7 *Institutional Network:* Upon request by Municipality and pursuant to a separate, mutual agreement which addresses (among other things) cost and cost recovery, Company shall provide, construct, operate and maintain an Institutional Network ("I-Net") as generally specified in this Part 5 and in Exhibit I (excluding coders/decoders, interface and other terminal equipment which will be supplied by I-Net Users) that will provide Municipality and other I-Net Users with Institutional Network Services. Unless Municipality agrees otherwise in writing, Institutional Network Services and the I-Net, including the individual fiber optic fibers constituting all or a portion of it, shall be owned and maintained by Company but provided for the exclusive noncommercial use of Municipality and other I-Net Users. Municipality shall obtain those telecommunications licenses, if any, necessary for an I-NET.
- 5.8 *I-Net Maintenance:* Company shall provide I-Net Users with a reliable level of Institutional Network Service, repair and maintenance that at a minimum, meets the following performance standards:
- 5.8.1 Company shall maintain a minimum of ninety-nine and one half percent (99.5%) service availability to I-Net Users measured over a period of one year.
- 5.8.2 Company shall respond to repair requests from an I-Net User for circuits identified as critical pursuant to Section 5.8.4 within two (2) hours of the request. Company shall respond to other repair requests within four (4) hours of the request.
- 5.8.3 Company shall provide ongoing maintenance at its discretion, as it deems necessary. Company shall provide at least one (1) week advance notice to any affected I-Net User of any maintenance requiring temporary interruption of services, except in emergency situations.
- 5.8.4 Company and Municipality shall develop a mutually agreeable priority listing of critical circuits and their terminal locations. When notifying Company of service complaints, an I-Net User shall identify critical circuits requiring priority repair. Company shall escalate repair of critical circuits to the extent reasonable under the circumstances.
- 5.9 *Virtual Local Area Network:*
- 5.9.1 Upon request by Municipality and pursuant to a separate, mutual agreement which addresses (among other things) the cost and cost recovery for the locations set forth on Table 2 of Exhibit I, instead of providing an I-NET and Institutional Network Services, Company will meet the bandwidth, connectivity, reliability and security needs at such

locations by providing a Virtual Local Area Network ("Virtual Local Area Network" or "VLAN") which may consist of either

- 5.9.1.1 Utilizing the commercial version of cable modem type broadband network services, or
- 5.9.1.2 At least 3.0 Mbps of bandwidth for shared cable modem connectivity in a Virtual Local Area Network environment for users of the cable modem type service, with such bandwidth to increase as per the terms of the mutual agreement.
- 5.9.1.3 A technical description of VLAN services is set forth in Exhibit I.
- 5.9.2 The resulting VLAN shall provide each of the locations receiving VLAN service with access to any other location receiving such service, as well as access to the Institutional Network, in a secure fashion and as outlined in the mutual agreement.
- 5.9.3 The VLAN shall be completed and operational by as mutually agreed.

60.006 - Indemnity and insurance.

6

- 6.1 *Disclaimer of Liability:* Municipality shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of Company's construction, maintenance, repair, use, operation, condition or dismantling of Company's Cable Television System or Company's provision of Cable Service or other services.
- 6.2 *Indemnification:* Company shall, at its sole cost and expense, indemnify and hold harmless Municipality and all associated, Affiliated, allied and subsidiary entities of Municipality, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against the following, excluding however, damages, liability or claims resulting from the willful misconduct or gross negligence of Indemnitees or from Municipality's use of the Cable System (including PEG Channels):
  - 6.2.1 Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of Company, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, tradename, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance or condition of the Cable Television System (including those arising from any matter contained in or resulting from the transmission of programming over the System), the provision of Cable Services or other services or the Company's failure to comply with any federal, state or local statute, ordinance or regulation.
  - 6.2.2 Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants), which is imposed upon, incurred by or asserted against the Indemnitees by reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to Company, its contractors or subcontractors, for the installation, construction, operation or maintenance of the Cable Television System or provision of Cable Services or other services, and, upon the written request of Municipality, Company shall cause such claim or lien covering Municipality's property to be discharged or bonded within thirty (30) days following such request.
  - 6.2.3 Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any financing or securities offering by Company or its Affiliates for violations of the common law or any laws, statutes, or regulations of the State of

Michigan or United States, including those of the Federal Securities and Exchange Commission, whether by Company or otherwise; excluding therefrom, however, claims which are solely based upon and shall arise solely out of information supplied by Municipality to Company in writing and included in the offering materials with the express written approval of Municipality prior to the offering.

- 6.3 *Assumption of Risk:* Company undertakes and assumes for its officers, agents, contractors and subcontractors and employees (collectively "Company" for the purpose of this section), all risk of dangerous conditions, if any, on or about any Municipality-owned or controlled property, including Public Ways, and Company hereby agrees to indemnify and hold harmless the Indemnitees against and from any claim asserted or liability imposed upon the Indemnitees for personal injury or property damage to any person arising out of the Company's installation, operation, maintenance or condition of the Cable Television System or Company's failure to comply with any federal, state or local statute, ordinance or regulation.
- 6.4 *Defense of Indemnitees:* In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Company shall, upon notice from any of the Indemnitees, at Company's sole cost and expense, resist and defend the same with legal counsel mutually selected by Company and Municipality; provided further, however, that Company shall not admit liability in any such matter on behalf of the Indemnitees without the written consent of Municipality.
- 6.5 *Notice, Cooperation and Expenses:* Municipality shall give Company prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section. Nothing herein shall be deemed to prevent Municipality at its own expense from cooperating with Company and participating in the defense of any litigation by Municipality's own counsel. If Company requests Municipality to assist it in such defense then Company shall pay all expenses incurred by Municipality in response thereto, including defending itself with regard to any such actions, suits or proceedings. These expenses shall include all out-of-pocket expenses such as attorney fees and shall also include the cost of any services rendered by the Municipality's attorney, and the actual expenses of Municipality's agents, employees or expert witnesses, and disbursements and liabilities assumed by Municipality in connection with such suits, actions or proceedings.
- 6.6 *Insurance:* During the term of the Franchise, Company shall maintain, or cause to be maintained, in full force and effect and at its sole cost and expense, the following types and limits of insurance:
- 6.6.1 Worker's compensation insurance meeting Michigan statutory requirements and employer's liability insurance with minimum limits of One Hundred Thousand Dollars (\$100,000) for each accident.
- 6.6.2 Comprehensive commercial general liability insurance with minimum limits of Five Million Dollars (\$5,000,000) as the combined single limit for each occurrence of bodily injury, personal injury and property damage. The policy shall provide blanket contractual liability insurance for all written contracts, and shall include coverage for products and completed operations liability, independent contractor's liability; coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage.
- 6.6.3 Broadcasters liability coverage for loss or damage arising out of publications or utterances in the course of or related to advertising, broadcasting, telecasting or other communication activities conducted by or on behalf of Company with minimum limits of Two Million Dollar (\$2,000,000) as the combined single limit for each occurrence of bodily injury, personal injury and property damage.
- 6.6.4 Automobile liability insurance covering all owned, hired, and nonowned vehicles in use by Company, its employees and agents, with personal protection insurance and property protection insurance to comply with the provisions of the Michigan No-Fault Insurance Law, including residual liability insurance with minimum limits of Two Million Dollars (\$2,000,000) as the combined single limit for each occurrence for bodily injury and property damage.
- 6.6.5 Liability insurance for environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000). The insurance policy provided special counsel for Municipality on April 26, 2004 meets the preceding requirement.

- 6.6.6 All policies other than those for Worker's Compensation and environmental contamination shall be written on an occur on a claims made basis.
- 6.6.7 The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.
- 6.7 *Additional Insureds:* All policies, except for worker's compensation policies, shall name the "Township of Dorr, a municipal corporation of the State of Michigan, all associated, Affiliated, allied and subsidiary entities of the municipality now existing or hereafter created, and their respective officers, boards, commission, employees, agents and contractors, as their respective interests may appear" as additional insureds (herein referred to as the "Additional Insureds"). Each policy which is to be endorsed to add Additional Insureds hereunder, shall contain cross-liability wording, as follows:  
"In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the same manner as if separate policies had been issued to each insured hereunder."
- 6.8 *Evidence of Insurance:* A certificate of insurance evidencing the preceding coverages is attached as Exhibit E. Certificates of insurance for each insurance policy required to be obtained by Company in compliance with this Section shall be filed and maintained with Municipality (also known as the "certificate holder") annually during the term of the Franchise. Company shall immediately advise Municipality of any claim or litigation that may result in liability to Municipality.
- 6.9 *Cancellation of Policies of Insurance:* All insurance certificates maintained pursuant to this Section 6.8 shall contain the following wording:  
"Should any of the policies described herein be cancelled before the expiration date thereof, the insurer affording coverage will mail 30 days written notice to the certificate holder named herein."
- 6.10 *Insurance Companies:* All insurance shall be effected under valid and enforceable policies, insured by insurers licensed to do business by the State of Michigan or surplus line carriers on the Michigan Insurance Commissioner's approved list of companies qualified to do business in Michigan. All insurance carriers and surplus line carriers shall be rated A- or better by A.M. Best Company.
- 6.11 *Deductibles:* All insurance policies may be written with deductibles but not retainages. Company agrees to indemnify and save harmless Municipality, the Indemnitees and Additional Insureds from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished by this Franchise.
- 6.12 *Contractors:* Company shall require that each and every one of its contractors and their subcontractors carry, in full force and effect, workers' compensation, comprehensive public liability, environmental contamination and automobile liability insurance coverages of the type which Company is required to obtain under the terms of this Section with appropriate limits of insurance. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company policies).
- 6.13 *Review of Limits:* Every five years from the Effective Date during the term of this Franchise, Municipality may review the insurance coverages to be carried by Company. If Municipality determines that higher limits of coverage are necessary to protect the interests of Municipality or the Additional Insureds, Company shall be so notified and shall obtain the additional limits of insurance, at its sole cost and expense. However the increased coverage shall not exceed the current coverage amounts increased for inflation from January, 2004 computed according to the Consumer Price Index for All Urban Consumers, All Areas 1982-1984 = 100, with January 2004 as the base point.
- 6.14 *Insurance Primary:* Company's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

## 60.007 - Fees and payments.

7

- 7.1 *Franchise Fee:* Company shall pay Municipality throughout the term of this Franchise as rent for use of the Public Ways for the Cable System a franchise fee in an amount equal to 5% of Company's Gross Revenues. Such payments shall be made by February 15 and August 15 based upon Gross Revenues in the preceding two calendar quarters.
- 7.1.1 Each payment shall be accompanied by a written report to Municipality, verified by a representative of the Company, containing an accurate statement in summarized form of Company's Gross Revenues and the computation of the payment amount.
- 7.1.2 Municipality (by itself or in combination with other municipalities served by Company) may audit Company (or any entity affiliated with the cable operations of Company) to verify the accuracy of franchise fees paid Municipality. Any additional amount due Municipality shall be paid within 30 days of Municipality's submitting an invoice for such sum, to the extent agreed to by Company, and if such sum shall exceed 5% of the total franchise fee which the audit determines should have been paid for any calendar year, Company shall pay Municipality's cost of auditing that calendar year as well, but not in excess of the amount deemed to be owed Municipality as a result of the audit. The Company will retain financial records for the prior four (4) calendar years, and will not be responsible for amounts owed beyond that period of time.
- 7.2 *Discounted Rates:* If Company's subscribers are offered what is, in effect, a discount if they obtain both Cable Services (which are subject to cable franchise fees) and some other, non-cable goods or service (which is not subject to cable franchise fees), then for cable franchise fee computation purposes, the following shall apply:
- 7.2.1 Any method for allocating the discount and determining the revenues on which franchise fees are paid shall be fair, equitable and lawful, and shall not result in an evasion by Company of its obligation under this Franchise to pay franchise fees on gross revenues derived from the operation of the Cable System to provide Cable Services.
- 7.2.2 The method currently used by Company is set forth on Exhibit B, and is an example of a methodology which as of the Effective Date complies with the preceding. It is only an example, and may be changed from time to time for cause.
- 7.2.3 Municipality and the Company hereby reserve all rights, claims, defenses, and remedies regarding Municipality's authority to impose and/or enforce requirements related to the revenue allocation methodology to be used when Cable Services and non-Cable Services are offered to subscribers in a discounted package, for the purpose of calculating franchise fee payments.
- 7.3 *Fee Change:* Municipality may elect to change the amount of the franchise fee set forth in Section 7.1 to a sum between zero percent (0%) and five percent (5%). If Municipality so elects, it shall give Company at least 60 days written notice of same, and thereafter Company shall pass through to subscribers the amount of any decrease in the franchise fee pursuant to Section 622 (e) of the Cable Act. Municipality may change the election upon similar notice. Municipality shall not change an election less than twenty-four (24) months after the most recent change, such that at least twenty-four months elapses between such changes.
- 7.4 *[Reserved]*
- 7.5 *Other Payments:* The preceding fees and payments are in addition to all sums which may be due Municipality for property taxes (real and personal), income taxes, license fees, permit fees or other fees, taxes or charges which Municipality may from time to time impose.
- 7.6 *Interest:* All sums not paid when due shall bear interest at a rate which is 1% over the prime rate then being charged by Fifth Third Bank or its successor, and computed monthly.

## 60.008 - Rates and regulation.

8

8.1 *Rates:* Company's rates and charges for the provision of Cable Services (and for related services, such as equipment rental, disconnect fees and downgrade fees) shall be subject to regulation by Municipality to the full extent from time to time authorized by federal law. Municipality may from time to time elect not to regulate Company's rates and charges, and any such election shall not waive Municipality's rights to regulate in the future.

8.1.1 As to Cable Services, Municipality acknowledges that as of the date of this Franchise its ability to regulate rates and charges is limited by the Cable Communications Policy Act of 1984, as amended, and applicable FCC regulations.

8.2 *Regulation:* Municipality reserves all rights it has under state and federal law to regulate Company, the Cable Television System, and the provision of Cable Services.

#### 60.009 - Term.

9

9.1 *Term:* The term of this franchise shall be until July 31, 2019.

9.2 *Termination:* This Franchise and all rights of Company thereunder shall automatically terminate on the expiration of the term of this Franchise. No action by Municipality is necessary to effect such termination.

9.2.1 Municipality acknowledges that as of the date of this Franchise its ability to enforce the preceding two sentences is limited by the Cable Communications Policy Act of 1984, as amended, and applicable FCC regulations.

9.3 *Renewal:* Municipality and Company agree that renewal of this Franchise shall be governed by and comply with Section 626 of the Federal Cable Act or any such successor statute.

#### 60.010 - Transfers, ownership and control.

10

10.1 *Management of the Cable System:* Company shall personally manage the Cable System and the provision of Cable Services within Municipality. It shall not directly or indirectly contract for, subcontract or assign in whole or in part, the management of the Cable System or the provision of Cable Services.

10.2 *Transfers:* Neither this Franchise nor the Cable System may be transferred without the prior written consent of Municipality, which consent will not unreasonably be withheld or delayed. Municipality's granting of consent in one instance shall not require it to consent in other instances.

10.2.1 For the purposes of this Part 10, "transfer" shall mean any form of sale, conveyance, merger or assignment of substantially all the right, title or interest of Company in or to this Franchise, or the Cable System.

10.2.2 No consent shall be required for the replacement or sale of components of the Cable System or the lease of fiber capacity, dark fiber or other components of the System in the ordinary course of business.

10.2.3 No consent shall be required for a transfer to an entity owned and controlled by Charter Communications, Inc. where the new entity assumes all of Company's obligations and liabilities under this Franchise, and has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities. Municipality shall be advised in writing of such transfer and of the new entity's qualifications within thirty (30) days of the time when such transfer occurs.

10.2.4 No consent shall be required for a transfer in trust, mortgage, or other hypothecation as a whole or in part to secure an indebtedness, but consent shall be required for any realization on the security (such as a foreclosure on a mortgage or transfer from a trust).

10.3 *Ownership, Encumbrances:* Company represents and warrants that its current ownership is as set forth on Exhibit C; that it currently has full legal and equitable title to the Cable System, subject only to those liens and encumbrances described on Exhibit D; and that the only liens and encumbrances on this or any Prior Franchise are described on Exhibit D.

- 10.4 *Change of Control:* There shall be no change of control of Company or of any entity, at any tier or level, which directly or indirectly controls Company without the prior written consent of Municipality, which consent will not unreasonably be withheld or denied. Any prior written consent of Municipality, in any of the foregoing instances, shall be evidenced by the formal adoption of an ordinance granting such consent.
- 10.4.1 For the purposes of this Franchise, "... change of control of Company..." shall mean any change in the identity of the entities, individuals or group which directly or indirectly directs, or has the power to direct, the management and policies of Company, whether through the ownership of voting securities or other equity interest, by contract or otherwise. Without limiting the generality of the foregoing, for the purposes hereof, such a change shall be deemed to have occurred at any point in time when there is (1) a change in working or effective voting control, in whatever manner effectuated, of Company or Charter Communications, Inc.; (2) an agreement of the holders of voting stock or rights of Company or Charter Communications, Inc. which effectively vests or assigns policy decision-making in any person or entity other than Company; or (3) a sale, assignment or transfer of any shares or interest in Company or Charter Communications, Inc. which results in a change in the actual working control of Company.
- 10.4.2 No consent will be required for a transfer in trust, mortgage, or other hypothecation as a whole or in part to secure an indebtedness but consent shall be required for any realization on the security (such as a foreclosure on a mortgage or transfer from a trust). Further, no change in control will be deemed to have taken place, and no consent required, if such change in control of Company is to an entity under the control of Charter Communications, Inc. (and there has been no change in control of Charter Communications, Inc. or such change has been consented to).
- 10.5 *Applications for Consent:* If Company seeks to obtain the consent of Municipality to any transactions or matters otherwise required by this Part 10, Company shall submit an application for such consent in the form designated by federal law.
- 10.5.1 In determining whether it shall consent to any matter described in the application, subject to a reasonableness limitation, Municipality may inquire into relevant matters and request additional information from Company and the proposed new franchisee or controlling entity in a manner and to the extent consistent with federal law.
- 10.5.2 Municipality shall have 120 days from the date of submission of a completed FCC Form 394, (or successor form) together with all its exhibits, to act upon any such applications for consent. Municipality shall consider the application in conformance with the applicable standards, if any, found in federal law. If Municipality fails to act upon such application for consent within 120 days, such application shall be deemed consented to unless the Municipality and Company otherwise agree to an extension of time.

## 60.011 - Defaults.

11

- 11.1 *Events of Default:* The occurrence, at any time during the term of the Franchise, of any one or more of the following events, shall constitute an Event of Default by the Company under this Franchise.
- 11.1.1 The failure of Company to pay the Franchise fee on or before the due dates specified herein.
- 11.1.2 Company's breach or violation of any of the material terms, covenants, representations or warranties contained herein or Company's failure to perform any obligation contained herein.
- 11.1.3 Company's failure to pay or cause to be paid any governmentally imposed taxes of any kind whatsoever, including but not limited to real estate taxes, income taxes and personal property taxes on or before the due date for same; provided, however, Company shall not be in default hereunder with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.
- 11.1.4 The entry of any judgment against Company in excess of One Hundred Thousand (\$100,000) Dollars, which remains unpaid and is not stayed pending rehearing or appeal, for forty-five (45) or more days following entry thereof.
- 11.1.5 The dissolution or termination, as a matter of law, of Company or any general partner of Company.



11.1.6 To the extent allowed by applicable law, if Company (or any general partner in Company) files a voluntary petition in bankruptcy; obtains an order for relief under Section 301 of the Bankruptcy Code (11 USC §301); files any petition contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeks or consents to in the appointment of any trustee, receiver, master, custodian or liquidator of Company, or any of Company's property Franchise and/or of any and all of the revenues, issues, earnings, profits or income thereof; makes an assignment for the benefit of creditors; or fails to pay Company's debts generally as they become due.

11.2 *Uncured Events of Default:* Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to Municipality or a third party, the Company shall cure such default within thirty (30) days of the date such sum of money was due and payable. Upon the occurrence of an Event of Default by Company which cannot be cured by the immediate payment of money to Municipality or a third party, Company shall have ninety (90) days from written notice from Municipality to Company of an occurrence of such Event of Default to cure same before Municipality may exercise any of its rights or remedies provided for in Part 12.

11.2.1 If any Event of Default is not cured within the time period allowed for curing the Event of Default, as provided for herein, such Event of Default shall, without notice, become an Uncured Event of Default, which shall entitle Municipality to exercise the remedies provided for in Part 12.

#### 60.012 - Remedies.

##### 12

12.1 *Remedies:* Upon the occurrence of any Uncured Event of Default as described in Part 11, Municipality shall be entitled to exercise any and all of the following cumulative remedies:

12.1.1 Municipality shall have the right to forfeit and terminate the Franchise. Upon the forfeiture and termination thereof, or the completion of any court challenges by Company to such forfeiture or termination, whichever is later, this Franchise shall be automatically deemed null and void and have no force or effect, Company shall remove the Cable Television System from Municipality as and when requested by Municipality and Municipality shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the forfeiture and termination. Municipality's right to forfeit and terminate the grant of the Franchise pursuant to this section is not a limitation on Municipality's right of revocation.

12.1.2 The commencement of an action against Company at law for monetary damages.

12.1.3 The commencement of an action in equity seeking injunctive relief or the specific performance of any of the provisions which, as a matter of equity, are specifically enforceable.

12.2 *Remedies Not Exclusive:* The rights and remedies of Municipality set forth in this Franchise shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. Municipality and Company understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by Municipality of any one or more of such remedies shall not preclude the exercise by Municipality, at the same or different times, of any other such remedies for the same Uncured Event of Default.

#### 60.013 - Provision of information.

##### 13

13.1 *Financial Reports:* Upon request, Company will provide Municipality on or before May 15 of each calendar year with its Securities and Exchange Commission annual report 10K or similar successor report (such annual report 10K being a detailed annual financial report). The annual report 10K may be for Company or at its option for its parent publicly traded company.

13.2 *Filings:* Upon request, Company will provide Municipality or its attorneys with copies of all documents which Company

sends to the FCC or Michigan Public Service Commission and all records required by Company to be maintained under Section 76 of the FCC regulations (47 CFR §76) or successor sections.

13.3 *Books and Records:* The Municipality may review such of Company's books and records, during Normal Business Hours (as defined in Section 4.13) and on a non-disruptive basis, as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, records required to be kept by the Company pursuant to the rules and regulations of the FCC, and financial information underlying the written report accompanying the franchise fee. Notwithstanding anything to the contrary set forth herein, Company is not required to disclose personally identifiable subscriber information without the subscriber's consent in violation of Section 631 of the Cable Act, 47 U.S.C. Section 551, regarding the protection of subscriber privacy. To the extent permitted by law, the Municipality agrees to treat on a confidential basis any information disclosed by the Company to it under this Section. In so according confidential treatment, disclosure of Company's records by the Municipality shall be limited to only those of its employees, representatives and agents that have a need to know, and that are in a confidential relationship with the Municipality.

60.014 - General.

14

14.1 *Entire Agreement:* This Franchise, including the Exhibits attached hereto, contain the entire agreement between the parties and all Prior Franchises, negotiations and agreements are merged herein and hereby superseded, except that Company shall pay all sums due under the Prior Franchise on or before February 15, 2005, and except that any obligation of Company to indemnify Municipality under a Prior Franchise or agreement shall be continuing as to those matters (if any) occurring during the term of said Prior Franchise or agreement on which Company was obligated to indemnify Municipality.

14.2 *Other Franchises:* Company shall provide Municipality with Cable Services comparable to those it provides other contiguous communities served by Company served from the same headend, not including test or demonstration products and services. Company shall be given a reasonable period of time to provide Municipality with such comparable Cable Services.

14.3 *Taxes:* Nothing contained herein shall be construed to except Company from any tax, liability or assessment which may be authorized by law.

14.4 *Parties Bound:* As a condition of this Franchise, Company and Municipality agree to be bound by all the terms of it.

14.5 *Notices:* Except as otherwise specified herein, all notices, consents, approvals, requests and other communications (herein collectively "Notices") required or permitted under this Franchise shall be given in writing and mailed by first-class mail addressed as follows:

If to Company:	To the Local General Manager set forth on Exhibit H
With copies to:	Charter Communications
	Attn: Vice President, Govt. Affairs
	12405 Powerscourt Drive
	St. Louis, MO 63131
If to Municipality:	Supervisor

	Dorr Township
	P.O. Box 188
	Dorr, MI 49323
With copies to:	John W. Pestle
	Varnum, Riddering Schmidt & Howlett LLP
	333 Bridge Street, P.O. Box 352
	Grand Rapids, MI 49501-0352

All Notices shall be deemed given on the day of receipt. Either party to this Franchise may change its address for the receipt of Notices at any time by giving notice thereof to the other as provided in this Section. Any notice given by a party hereunder must be signed by an authorized representative of such party. For purposes of rate regulation, Company's providing a single copy of the federally-approved rate filing to each of Municipality's addresses (if there are more than one) set forth above will suffice.

- 14.6 *Conferences*: The parties hereby agree to meet at reasonable times to discuss any aspect of this Franchise, the provision of Cable Services or the Cable Television System during the term of this Franchise. Municipality shall first request a meeting with Company's local manager. Thereafter, as to any matters not resolved in such meeting to the satisfaction of Municipality, upon request by the Manager there shall be a subsequent meeting or conference call at which the representative of Company shall be a person from a higher management level at Company than the local manager. At all meetings or conference calls Company shall make available personnel qualified for the issues to be discussed and such meetings shall be at Municipality's offices unless otherwise agreed.
- 14.7 *Governing Law*: This Franchise shall be construed pursuant to the laws of the State of Michigan.
- 14.8 *Waiver of Compliance*: No failure by either party to insist upon the strict performance of any covenant, agreement, term or condition of this Franchise, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach or such covenant, agreement, term or condition. No waiver of any breach shall affect or alter this Franchise, but each and every covenant, agreement, term or condition of this Franchise shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.
- 14.8.1 Municipality may waive any provision of this Franchise such as upon a claim or showing by Company that the costs associated therewith are an "external cost" which allow Company to increase its rates under the FCC rules.
- 14.9 *Independent Contractor Relationship*: The relationship of Company to Municipality is and shall continue to be an independent contractual relationship, and no liability or benefits, such as worker's compensation, pension rights or liabilities, insurance rights or liabilities or other provisions or liabilities, arising out of or related to a contract for hire or employer/employee relationship, shall arise or accrue to either party or to either party's agents or employees as a result of the performance of this Franchise, unless expressly stated in this Franchise.
- 14.10 *Severability*: If any section, paragraph, or provision of this Franchise shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Franchise.
- 14.11 *Reserved Rights*: In addition to all rights provided in this Franchise, Municipality and Company reserve all rights and

powers conferred by federal law, the Michigan Constitution, Michigan statutes and decisions, the Municipal Charter and Municipal ordinances which Municipality and Company are allowed to exercise.

14.12 *[Reserved]*

14.13 *Execution Copies:* This Franchise is executed in duplicate, each of which shall constitute an original instrument.

14.14 *Effective Date:* This Franchise shall be effective as of November 1, 2004 except that the franchise fee provisions of Section 7 shall take effect on January 1, 2005 (so as to allow Company adequate time to make any necessary changes in the collection and computation of franchise fees).

#### EXHIBIT A

#### 60.100 - MINIMUM NUMBER OF ACTIVATED CHANNELS

Community	Comm. Type	Activated Channels
Alabaster	Township	75
Allendale	Township	81
Alpena	City	75
AuSable	Charter Township	75
Baldwin	Township	75
Belding	City	80
Cadillac	City	81
Caledonia	Township	81
Cass City	Village	60
Coldwater	City	77
Coldwater	Township	77
Courtland	Township	81
Dorr	Township	81
Durand	City	72
East Tawas	City	75
Ewart	City	35
Filer Charter	Township	81
Frankfort	City	81
Gaines	Township	72
Gladwin	City	81
Grand Haven	City	78
Grand Haven	Township	78
Grayling	City	55
Greenville	City	80
Hart	City	80
Holland	Township	78
Hudsonville	City	78
Ionia	City	80
Laketown	Township	78
Leighton	Township	81
Manistee	City	81
Middleville	Village	81
Milton	Township	74
Newaygo	City	47
Orleans	Township	81
Oscoda	Township	75
Otsego	City	80
Park	Township	78

Pentwater	City	81
Pentwater	Township	80
Plainfield	Township	81
Plainwell	City	80
Reed City	City	80
Richmond	Township	81
Robinson	Township	81
Rockford	City	81
Sault Ste. Marie	City	78
Sparta	Township	81
St. Ignace	City	75
Spring Lake	Township	81
Spring Lake	Village	81
Tallmadge	Township	78
Tawas	City	75
Vernon	Village	72
Wayland	City	81
Wayland	Township	81
Whitewater	Township	74
Zeeland	City	81
Zeeland	Township	81

A small portion of Zeeland Township and Milton Township served from a different headend shall have a minimum of 42 channels.

#### EXHIBIT B

##### 60.200 - DISCOUNTING EXAMPLE

Assume a subscriber's charge for a given month for Cable Service alone would be \$40, for local telephone service alone would be \$30, and for long-distance service alone would be \$30, for a total of \$100. In fact the three services are offered in effect at a combined rate where the subscriber receives a twenty percent (20%) discount from the rates that would apply to a service if purchased individually. The discount (here, \$20) for franchise fee computation purposes would be applied pro rata so that for such purposes, gross revenues for the provision of Cable Service would be deemed to be \$32 (\$40 less 20% of \$40). The result would be the same if the subscriber received a \$20 discount for telephone service on the condition that he or she also subscribes for Cable Service at standard rates.

If a good or service, such as telephone service, is subject to mandatory type rate regulation (meaning Company cannot legally sell the good or service for more or less than the rate set by the Michigan Public Service Commission, or successor or equivalent agency) then such rate shall be used in applying the discount. In the preceding example, if the mandatory rate for local telephone service were \$40, then the \$20 discount for franchise fee calculation purposes would be applied pro rata only to Cable Service and to long distance service, such that the discount would be deemed to be 28.57% (\$20 divided by \$70). Gross revenues for the provision of Cable Service would be deemed to be \$28.57 (\$40 less 28.57% discount).

The existence and amount of a discount shall be determined on the basis of the sum of the lowest generally available stand alone rates for each of the goods and services offered at the combined rate.

#### EXHIBIT C

##### 60.300 - OWNERSHIP OF COMPANY

## EXHIBIT D

## 60.400 - LIENS AND ENCUMBRANCES

None.

## EXHIBIT E

## 60.500 - EVIDENCE OF INSURANCE

## EXHIBIT F

## 60.600 - SEASONAL RATE

A subscriber desiring seasonal service must take service at the standard rate, as of the Effective Date about \$46 for basic and expanded basic service, at least 6 months per year, and then is eligible to receive service at the rate of \$10/month for the period of time that the residential premises being served are not occupied.

The seasonal rate may be terminated and the subscriber required to pay the full rate for the period when seasonal service was taken if Company by phone or in person determines that subscriber's premises are occupied during any portion of the time that seasonal service is being taken.

## EXHIBIT G

## 60.700 - PERFORMANCE BONDS

Alabaster	Township	\$1,328
Allendale	Township	\$17,413
Alpena	City	\$22,962
	Charter	
AuSable	Township	\$5,549
Baldwin	Township	\$3,660
Belding	City	\$7,969
Cadillac	City	\$17,295
Caledonia	Township	\$8,677
Cass City	Village	\$4,722
Coldwater	City	\$7,438
Coldwater	Township	\$4,073

Courtland	Township	\$4,840
Dorr	Township	\$3,542
Durand	City	\$4,043
East Tawas	City	\$7,467
Evart	City	\$1,771
Filer Charter	Township	\$4,486
Frankfort	City	\$3,748
Gaines	Township	\$4,958
Gladwin	City	\$5,696
Grand Haven	City	\$22,578
Grand Haven	Township	\$24,202
Grayling	City	\$3,424
Greenville	City	\$14,255
Hart	City	\$2,922
Holland	Township	\$44,507
Hudsonville	City	\$9,445
Ionia	City	\$9,681
Laketown	Township	\$6,198
Leighton	Township	\$767
Manistee	City	\$15,288
Middleville	Village	\$2,774
Milton	Township	\$5,076
Newaygo	City	\$1,948

Orleans	Township	\$1,535
Oscoda	Township	\$17,118
Otsego	City	\$6,493
Park	Township	\$33,676
Pentwater	City	\$2,951
Pentwater	Township	\$1,712
Plainfield	Township	\$4,339
Plainwell	City	\$6,405
Reed City	City	\$3,247
Richmond	Township	\$826
Robinson	Township	\$6,847
Rockford	City	\$8,087
Sault Ste. Marie	City	\$28,953
St. Ignace	City	\$5,372
Sparta	Township	\$4,221
Spring Lake	Township	\$20,129
Spring Lake	Village	\$5,460
Tallmadge	Township	\$6,670
Tawas	City	\$4,162
Vernon	Village	\$1,063
Wayland	City	\$4,781
Wayland	Township	\$1,063
Whitewater	Township	\$3,512



Zeeland	City	\$9,740
Zeeland	Township	\$6,936
TOTAL		\$500,000

## EXHIBIT H

## 60.800 - CONTACT INFORMATION

## Local General Manager

Mr. Dan Spoelman  
 215 Davis Street  
 Grand Haven, MI 49417  
 616-647-6201  
 616-847-0792  
[dan.spoelman@chartercom.com](mailto:dan.spoelman@chartercom.com)

## Engineering, As-Built Drawings Location (if different from preceding)

Mr. Keith Schierbeek  
 Technical Operations Manager  
 247 James Street  
 Holland, MI 49424  
 616-399-0221  
 616-846-0792  
[keith.schierbeek@chartercom.com](mailto:keith.schierbeek@chartercom.com)

## Engineering, Construction Contact Person—same as above

## Home, Regional Office Engineering, Construction Contact Person—same as above

## State Government Affairs/Government Relations Contact

Mr. Timothy J. Ransberger  
 Vice President-Government Relations  
 Charter Communications  
 4670 Fulton Street East  
 Ada, MI 49301  
 616-975-7482 ext 839  
 616-975-1107 Fax  
[transberger@chartercom.com](mailto:transberger@chartercom.com)

## Public Emergency Contact

Mr. Keith Schierbeek  
 Technical Operations Manager  
 247 James Street

Holland, MI 49424

616-399-0221

616-846-0792

[keith.schierbeek@chartercom.com](mailto:keith.schierbeek@chartercom.com)

Senior Level Customer Service Contact

Ms. Donna L. Fike

Government and Customer Relations Manager

Charter Communications

P.O. Box 1029

701 S. Airport Road, West

Traverse City, MI 49684

231-941-3782

231-947-0586 Fax

dfike@chartercom.com

## EXHIBIT I

### 60.900 - INSTITUTIONAL AND VIRTUAL LOCAL AREA NETWORKS

#### 1. *Institutional Network Design:*

- 1.1 Company shall install, activate and maintain on its Cable System certain dedicated capacity to be referred to as the Institutional Network (I-Net).
- 1.2 Company shall provide, either using fiber optic cable on the Cable System or through the purchase and installation of additional fiber optic cable, sufficient optical fibers to interconnect each of the designated I-Net sites.
- 1.3 The I-Net shall include optical fibers, coaxial cables, or other agreed-upon transmission infrastructure interconnecting each of the I-Net sites listed in Table 1 in a ring, star, or hybrid network architecture as outlined in a separate, mutual agreement. To this end Company shall provide to Municipality the architecture and design for an I-Net overlaying the Cable System to connect to the designated I-Net sites.
- 1.4 Within 30 days after receipt of the architecture and design for the I-Net, Municipality shall respond to Company with approval or request for re-design. If Municipality approves the architecture and design, Municipality shall advise Company of the portions of the I-Net that Company shall construct, activate and connect in conjunction with the construction of the Cable System. If Municipality does not find the architecture and design satisfactory to meet the interconnection requirements, Company shall revise the architecture and design based on Municipality's comments and resubmit the architecture and design within 30 days. The preceding procedure shall be repeated until agreement is reached.

2. *I-Net Termination Specifications:* Company shall purchase and install termination hardware at each I-Net site listed in Table 1 and at a location therein designated by Municipality, including standard connectors designated by Municipality, appropriately labeled. Company shall terminate the fibers with the termination hardware.

3. *I-Net Network Equipment:* User site equipment other than termination hardware shall be provided and maintained by Municipality for I-NET Users.

#### 4. *VLAN:*

- 4.1 *General:* This service is provided over modems such as DOCSIS industry standard cable modems. The service shall be provided over Company's shared cable modem network, which at least initially shall be combined in substantial part with the subscriber video network (not a physically separate cable modem network), and shall use a standard coaxial cable drop to the locations being served.

- 4.2 *Bandwidth:* The service shall have bandwidth capability as outlined in a separate, mutual agreement.
- 4.3 *Sites Served:* The VLAN shall only serve sites ("VLAN Sites") approved by Municipality, such as those sites listed on Table 2 below, as from time to time amended.
- 4.3 *Routing:* All VLAN Sites connected to this network shall be able to communicate with all other VLAN Sites over the network on a shared Ethernet like basis. Any router device on the customer/user side of the Company provided cable modem, all associated routing issues, shall be the responsibility of the VLAN user at the site.
- 4.4 *Modem/Interface:* The physical interface and demarcation point between the Company network and the user's site equipment shall be the female Ethernet connector on the cable modem that Company provides.
- 4.5 *Security:* Company will use access control lists of the source and destination addresses to limit access to VLAN Sites only by other VLAN Sites approved by Municipality.

Table 1

City of _____ I-Net Site List		
I-Net Number	Location	Address
1	City Hall	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Table 2

City of _____ Virtual Local Area Network Site List
--

Location Number	Location	Address
1	City Hall	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

EXHIBIT J

60.1000 - INSTITUTIONS RECEIVING COMPLIMENTARY SERVICE AS OF THE EFFECTIVE DATE

Dorr Elementary			
Customer Name	Address Line 1	Address Line 2	Address Line 3
DORR ELEMENTARY	4159 18TH ST	DORR TWP MI 49323-9549	

EXHIBIT K

60.1100 - NUMBER OF PEG CHANNELS AS OF THE EFFECTIVE DATE

Community	Comm. Type	# of PEG Channels:	PEG Channel #:	Serviced by (Headend):	Shared with:

Alabaster	Township	2	3, 13	AuSable	Multiple
Allendale	Township	3	20, 21, 22	Allendale	Multiple
Alpena	City	2	3, 13	Alpena	Multiple
AuSable	Charter Township	2	3, 13	AuSable	Multiple
Baldwin	Township	2	3, 13	AuSable	Multiple
Belding	City	2	21, 22	Allendale	Multiple
Cadillac	City	3	2, 11, 13	Traverse City	Multiple
Caledonia	Township	3	20, 21, 22	Allendale	Multiple
Cass City	Village	1	3	Cass City	Novesta, Elkland
Coldwater	City	1	21	Coldwater	Multiple
Coldwater	Township	1	21	Coldwater	Multiple
Courtland	Township	2	21, 22	Allendale	Multiple
Dorr	Township	3	20, 21, 22	Allendale	Multiple
Durand	City	1	19	Davison	Multiple
East Tawas	City	2	3, 13	AuSable	Multiple
Ewart	City	1	2	Ewart	Osceola
Filer Charter	Township	3	2, 11, 13	Traverse City	Multiple
Frankfort	City	3	2, 11, 13	Traverse City	Multiple
Gaines	Township	1	19	Davison	Multiple
Gladwin	City	1	26	Midland	Beaverton, Grout
Grand Haven	City	3	20, 21, 22	Allendale	Multiple
Grand Haven	Township	3	20, 21, 22	Allendale	Multiple
Grayling	City	1	2	Grayling	Beaver Creek
Greenville	City	2	21, 22	Allendale	Multiple
Hart	City	2	21, 22	Whitehall	Shelby, Hart Twp
Holland	Township	3	20, 21, 22	Allendale	Multiple
Hudsonville	City	3	20, 21, 22	Allendale	Multiple
Ionia	City	2	21, 22	Allendale	Multiple
Laketown	Township	3	20, 21, 22	Allendale	Multiple
Leighton	Township	3	20, 21, 22	Allendale	Multiple
Manistee	City	3	2, 11, 13	Traverse City	Multiple
Middleville	Village	3	20, 21, 22	Allendale	Multiple
Milton	Township	3	2, 11, 13	Traverse City	Multiple
Newaygo	City	1	16	Grant	Multiple
Orleans	Township	3	20, 21, 22	Allendale	Multiple
Oscoda	Township	2	3, 13	AuSable	Multiple
Otsego	City	2	21, 22	Allegan	Multiple
Park	Township	3	20, 21, 22	Allendale	Multiple
Pentwater	City	3	20, 21, 22	Ludington	Multiple
Pentwater	Township	3	20, 21, 22	Ludington	Multiple
Plainfield	Township	2	21, 22	Allendale	Multiple
Plainwell	City	2	21, 22	Allegan	Multiple
Reed City	City	2	21, 22	Big Raids	Multiple
Richmond	Township	2	21, 22	Big Raids	Multiple
Robinson	Township	3	20, 21, 22	Allendale	Multiple
Rockford	City	2	21, 22	Allendale	Multiple
Sault Ste. Marie	City	3	2, 3, 6	Sault Ste Marie	Multiple
St. Ignace	City	2	11, 12	St. Ignace	Multiple
Sparta	Township	2	21, 22	Allendale	Multiple
Spring Lake	Township	3	20, 21, 22	Allendale	Multiple
Spring Lake	Village	3	20, 21, 22	Allendale	Multiple
Tallmadge	Township	3	20, 21, 22	Allendale	Multiple

Tawas	City	2	3, 13	AuSable	Multiple
Vernon	Village	1	19	Davison	Multiple
Wayland	City	2	21, 22	Allendale	Multiple
Wayland	Township	2	21, 22	Allendale	Multiple
Whitewater	Township	3	2, 11, 13	Traverse City	Multiple
Zeeland	City	3	20, 21, 22	Allendale	Multiple
Zeeland	Township	3	20, 21, 22	Allendale	Multiple

## EXHIBIT L

## 60.1200 - CHARACTER GENERATORS

Municipalities needing a character generator or the software equivalent

- City of Alpena
- Allendale Township
- City of Cadillac
- City of Durand
- Filer Township
- City of Grand Haven
- Grand Haven Township
- City of Grayling
- City of Greenville
- City of Hudsonville
- City of Ionia
- Plainfield Township
- Robinson Township
- Village of Spring Lake
- Village of Vernon
- City of Zeeland

## 61.000 - CONSUMERS ENERGY COMPANY FRANCHISE Ord. No. 01-130 Adopted: August 15, 2013

## 61.001 - Grant, term.

Sec. 1. The Township of Dorr, Allegan County, Michigan, grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns (the "Grantee"), to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local electric business in the Township, for a period of thirty years. This franchise is necessary because, among other reasons, Article VII, Section 29 of the Michigan Constitution of 1963 provides that a public utility may not use the streets, highways, or other public rights-of-way within the Township for public utility facilities or otherwise transact business without first obtaining a franchise.

## 61.002 - Consideration.

Sec. 2. In consideration of the rights, power and authority granted, the Grantee shall faithfully perform all things required by the terms hereof.

61.003 - Conditions.

Sec. 3.

- A. The Grantee shall not obstruct public rights-of-way longer than necessary during the construction or repair of electrical appliances and said public rights-of-way shall be restored to the same good order and condition as when the work was commenced. The Grantee may trim or remove trees that are located within the public rights-of-way if necessary to safely provide or maintain electrical service.
- B. The Grantee's electrical system and associated appurtenances shall be neat and sightly and shall not unnecessarily interfere with the use of the public rights-of-way. Grantee's electrical system shall be suspended or buried so as not to endanger or injure persons or property in the public rights-of-way.
- C. The Grantee shall notify the Township in writing at least 48 hours prior to undertaking any work in the Township involving excavation in or the closing of any public rights-of-way. The notice shall state the intended duration of any rights-of-way obstruction. The Grantee shall, at the Township's request, provide plans and specifications showing the nature and extent of the proposed excavation and construction. Grantee is solely responsible for obtaining any necessary governmental permits for such excavation or construction.
- D. This Ordinance shall not be construed to prevent the Grantee from immediately commencing construction or repair work, including tree trimming, resulting from a storm, natural disaster or other emergency when deemed necessary to prevent danger to life or property and, in such case, the Grantee shall notify the Township of the construction or repair work as soon as reasonably practical.
- E. Upon the Township's request for a public improvement project, and only if Grantee's electrical system components physically interfere with such public improvement, the Grantee shall relocate components of the electrical system within the public rights-of-way at no charge to the Township; provided however, that nothing herein shall be construed as a waiver by Grantee of its existing or future rights under State or Federal law.

61.004 - Hold harmless.

Sec. 4. The Grantee shall indemnify and hold harmless the Township and its officers, agents and employees from any and all losses, costs, judgments, damages and expenses to which one or more may be subject as a result of the Grantee's negligent construction, maintenance, repair or operation of the structures or equipment, or the Grantee's use and occupation of the public rights-of-way as authorized by this Ordinance, or resulting from the Grantee's default or negligent omission. If a claim is filed against the Township or its officers, agents or employees resulting from the Grantee's operation of an electric utility under this Ordinance, the Grantee shall, upon notice, defend and indemnify the Township, with legal counsel reasonably acceptable to the Township, from all losses, costs and damages arising out of such negligent construction and maintenance, including court costs and reasonable attorney fees. Provided, however, that this hold harmless agreement shall not apply to any loss, cost, damage or claims arising solely out of the negligence of the Township, its employees or its contractors. Furthermore, in the event that any loss, cost, damage or claims arise out of the joint negligence of the Township, its employees or its contractors and Grantee, this hold harmless agreement shall not apply to the proportional extent of the negligence of the Township, its employees or its contractors.

61.005 - No liability.

Sec. 5. Neither the Township nor its officers, agents, employees or contractors, shall be liable to Grantee for any interference with or disruption in the operation of Grantee's electrical system, or for any damages arising out of Grantee's use of the public rights-of-way, except to the extent do to the negligence or willful misconduct of the Township, its agents, officers, employees or contractors.

61.006 - Interpretation.

Sec. 6. Nothing in this Ordinance shall be construed to alienate the title of the public in and to any highway, street, alley or public place. Nothing in this Ordinance shall be construed in any manner as a surrender by the Township of its legislative power with respect to the subject matter of this Ordinance or with respect to any other matter or in any matter limiting the right of the Township to lawfully regulate the use of any highway, street, alley or public place in the Township.

61.007 - Non-exclusivity; non-transferability.

Sec. 7. The franchise granted to the Grantee by this Ordinance is non-exclusive. The Township may grant similar rights and powers to any other person or entity. The franchise granted to the Grantee by this Ordinance shall not be transferred or assigned without the prior consent of Township Board which shall not be unreasonably withheld, conditioned, or delayed. Such consent shall be by resolution of Township Board. The assignment of this franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the Township Board.

61.008 - Rates; compliance with laws.

Sec. 8. The Grantee shall be entitled to charge the inhabitants of the Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in the Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition by either the Township, acting by its Township Board, or by the Grantee. The Grantee shall be and remain subject to the rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in the Township. The Grantee shall construct and extend its electric distribution system within the Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

61.009 - Revocation.

Sec. 9. The franchise granted by this ordinance is subject to revocation at will upon sixty (60) days written notice by the party desiring such revocation.

61.010 - Repealer.

Sec. 10. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on October 6, 1983 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF DORR, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

61.011 - Effective date.

Sec. 11. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall not take effect unless within thirty days of its adoption, the Grantee accepts the franchise granted by this Ordinance in writing filed with the Township Clerk.

65.000 - COMMERCIAL VEHICLE PARKING Ord. of 5-6-2004 Adopted: May 6, 2004



## 65.001 - Title.

Sec. 1. This ordinance shall be known as the "Dorr Township Commercial Vehicle Parking Ordinance" (herein referred to as "this Ordinance").

(Ord. No. 02-04, 5-6-2004)

## 65.002 - Purpose.

Sec. 2. The purpose of this Ordinance is to regulate the parking of large commercial vehicles in residential areas of Dorr Township. Such vehicles due to their size pose a safety problem as they reduce the travel lane of streets and can block the vision of drivers and pedestrians which increases the potential for accidents. Such large trucks, especially semi-tractors, emit exhaust and noise which can be a nuisance to residents. The Township Board recognizes the need to regulate the parking of commercial vehicles in residential areas in order to protect residential property values, reduce hazards to motorists and pedestrians, and promote the public safety and welfare.

(Ord. No. 02-04, 5-6-2004)

## 65.003 - Definitions.

## Sec. 3.

*Commercial Vehicle:* Any motor vehicle designed or used primarily for the transportation of persons or property for, or in connection with, a business.

*Residential Zoning District:* The A, B-1, B-2, B-3, and CS-PUD Residential Zones as set forth in the Dorr Township Zoning Ordinance.

(Ord. No. 02-04, 5-6-2004)

## 65.004 - General regulations.

Sec. 4. Commercial vehicles with more than one and one-half ton capacity or which are longer than 25 feet or which have a gross vehicle capacity of 16,000 pounds or more shall not be parked or stored in any residential zoning district in Dorr Township unless such vehicles are parked on a lot or parcel which is at least two acres in size. However, this restriction shall not apply to the temporary parking of the above commercial vehicles which are engaged in delivery, pick-up, moving, or service to a lot in a residential zoning district or to equipment or vehicles used in the operation of a farm or to vehicles used to service farm operations.

(Ord. No. 02-04, 5-6-2004)

## 65.005 - Municipal civil infraction.

Sec. 5. Any person who violates any provision of this Ordinance is subject to a municipal civil infraction as set forth in the Dorr Township Municipal Civil Infractions Ordinance.

(Ord. No. 02-04, 5-6-2004)

## 65.006 - Administration and enforcement.

Sec. 6. Any Township official duly authorized by the Township Board to enforce the Township Civil Infraction Ordinance may also administer and enforce this Ordinance.

(Ord. No. 02-04, 5-6-2004)

## 65.007 - Severability.

Sec. 7. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(Ord. No. 02-04, 5-6-2004)

65.008 - Effective date.

Sec. 8. This Ordinance shall become effective seven days after publication or publication of a summary of its provisions in a local newspaper of general circulation in the Township.

(Ord. No. 02-04, 5-6-2004)

90.000 - DISORDERLY CONDUCT ORDINANCE Ord. No. 8 Effective: October 9, 1981

90.001 - Definitions.

Sec. I.

- (a) *Public property* is any place owned by, possessed or leased to any governmental body or agency, including buildings, schools, streets, waterways and parks, and is also any place privately owned that is open to the general public other than on an appointment or private invitation basis, such as stores, restaurants, taverns, assembly halls and churches;
- (b) *Private property* is any place privately owned that is not defined in (a) above;
- (c) *Person* is any individual, association, club, partnership, corporation or legal entity.

90.002 - Disorderly conduct, noise.

Sec. II. No person shall cause or allow to be caused on either public or private property any noise which by volume, frequency, pitch or intensity is offensive or disturbing to the members of the general public.

This section shall not prohibit the operation of farm equipment for farming purposes.

Causing or allowing such noise shall constitute disorderly conduct.

90.003 - Disorderly persons, trespass.

Sec. III. No person shall enter or be upon the property of another person without the express or implied permission of the owner or of any person having authority by the owner to grant such permission.

90.004 - Disorderly conduct interfering with property of others.

Sec. IV. No person shall individually or in consort with others wilfully destroy, damage, alter, deface or remove any real or personal property not belonging to that person.

Such interference with the property of another shall constitute disorderly conduct.

90.005 - Disorderly conduct—Blocking traffic.

Sec. V. No person shall obstruct any street, alley, sidewalk or driveway from the free flow of vehicular or pedestrian traffic unless such obstruction is unintentional or necessitated by emergency.

So obstructing any street, alley, sidewalk or driveway shall constitute disorderly conduct.

## 90.006 - Penalties; effective date.

Sec. VI. Any person convicted of being a disorderly person shall be subject to a fine not to exceed \$100.00 and/or up to 90 days in the Allegan County Jail.

This Ordinance was adopted by the Township Board of Trustees on the 5th day of February, 1981, and shall become effective 30 days after date of publication, on the 9th day of October, 1981, said Ordinance was published in the Wayland Globe on the 9th day of September, 1981.

## 120.000 - ANIMAL CONTROL ORDINANCE Ord. No. 4

## 120.001 - Animals.

Sec. 1. The term "animals" as used in this Ordinance shall be generally inclusive and shall include all animals and specifically including, but not limited to, horses, cattle, sheep, swine, dogs, cats, etc.

## 120.002 - Animal detention center.

Sec. 2. An animal Detention Center shall be and is hereby established in the Township of Dorr and shall be maintained at such place or places as may from time to time be designated by the Township Board for the purpose of impounding, keeping and restraining animals, as provided in this Ordinance.

## 120.003 - Enforcement.

Sec. 3. The Dorr Township Police Department and/or Dorr Township Constables, shall act and they are hereby authorized to act, to enforce this Ordinance.

## 120.004 - Animals running at large.

Sec. 4. It shall be unlawful to permit any animals to run at large within the limits of said Township of Dorr, and any animal found running at large within said Township limits, may be impounded as hereinafter provided.

Any animal or animals found running at large, in any of the streets, lanes, alleys or parks of the Township, and any animal or animals found trespassing upon the premises of an individual may be seized by the owner of said premises or by the occupant thereof. Such animal or animals as so seized, either as running at large or as found trespassing as aforesaid, shall be delivered to the possession of the Township Police Department or Township Constables to be impounded.

It shall be the duty of the Police Department or Constables on notice that any animal or animals are running at large in any of the said streets, lanes, alleys or parks, or trespassing upon individual premises, to seize and secure said animal or animals and place the same in the animal Detention Center and to feed and to otherwise care for said animals while the same are impounded.

The fee for impounding each animal is hereby fixed at \$5.00. In addition thereto, there shall be collected from the owner of said animal or animals an additional sum which is equal to the expense of the feed, care and maintenance of such animal or animals.

## 120.005 - County Animal Warden.

Sec. 5. If any animals are not claimed by the owner or custodian thereof in accordance with the provisions of Section 6 of this Ordinance within 24 hours after said animals have been impounded, such animals shall be delivered over to the County Animal Warden.

## 120.006 - Repossession by owner or custodian.

Sec. 6. The owner or custodian of any animal impounded pursuant to the provisions of this Ordinance shall be entitled to reclaim such animal and recover possession thereof only after paying the fees and sums as set forth in Section 4 aforesaid; provided, however, that before any animal impounded by the Township is released to the owner or custodian thereof, said owner or custodian shall furnish proof that said animal is licensed and vaccinated in accordance with the laws of the State of Michigan, and the County of Allegan, or in the alternative shall cause said licensing and vaccination to be accomplished within one week of said release, and proof thereof furnished to said Police Department or Constables of said Township.

120.007 - Entry or damage to animal Detention Center.

Sec. 7. It shall be unlawful for any person to force open or forcibly enter or destroy or injure any building or structure, or any fence used or established for the purpose of an animal Detention Center in the Township. It shall be unlawful for any person to assist, aid or abet in any manner such opening, entering, destroying or injuring any such structure, building or fence used or established for the said Detention Center.

120.008 - Staking or tying of animals.

Sec. 8. It shall be unlawful for any person to stake, tie or fasten any animal in or upon any of the public streets or alleys of the Township or in any place or manner so that the animal can reach or cross or be upon any public sidewalk or upon any portion of any public street or alley as being used for said purposes within the limits of the Township.

120.009 - Confinement.

Sec. 9. Every animal shall at all times between sunset of each day and sunrise of the following day, be confined upon the premises of its owner or custodian, except when said animal is otherwise under the reasonable control of such owner, custodian or some person designated by him. An animal shall be under reasonable control upon the private property of the owner or custodian thereof or if said animal is confined in a closed automobile or shipping receptacle. An animal shall also be under reasonable control if kept on a suitable leash or if such animal is under the oral control of its owner or custodian or some other person designated by the owner or custodian to have said animal under such control.

120.010 - Cruelty to animals.

Sec. 10. No person shall treat any animal in a cruel or inhuman manner within the Township.

120.011 - Licensing and vaccinations.

Sec. 11. It shall be unlawful for any person to own, possess or harbor any dog six months of age or over in the Township of Dorr, unless said dog is licensed and vaccinated as required by the State of Michigan and the County of Allegan.

120.012 - Tags required.

Sec. 12. It shall be unlawful to own, possess or harbor any dog six months of age or over that at all times does not wear a collar or harness with metal tags as proof of current licensing and vaccinations.

120.013 - Barking dogs.

Sec. 13. The keeping or harboring within close proximity of adjacent premises of a dog or dogs which frequently or habitually bark, yelp or howl, shall constitute a nuisance and the same is hereby prohibited by the terms hereof.

120.014 - Sanitary facilities.

Sec. 14. Yards and/or exercise runs shall be kept free of droppings, uneaten foods and litter and shall be maintained in such a manner so as not to create odors or attract flies or vermin.

120.015 - Dangerous animals.

Sec. 15. No person shall own or harbor a vicious animal or an animal which has been bitten by any other animal known to be rabid and all animals believed to be affected with rabies shall be turned over to the Police Department or Township Constables.

120.016 - Quarantine.

Sec. 16. It shall be unlawful for any owner or custodian of any animal that has bitten a person to run at large. Owners or custodian of such animals shall quarantine the same for a period of ten days, observing the said animal for any sign of rabies. During this ten day quarantine period, owners or custodians of said animal shall keep the same in an enclosed pen, or other place of like confinement and shall not permit said animal to come in contact with any person or other animals. If during this said ten day period the animal indicates any sign of rabies, such animal shall immediately be turned over to the Police Department and/or Township Constables.

120.017 - Penalty.

Sec. 17. Any violation of this Ordinance shall be punished by a fine of not to exceed \$100.00 plus taxable costs and/or confinement in the County Jail for a term not to exceed 30 days.

120.018 - Saving clause.

Sec. 18. Should any portion of this Ordinance be declared unconstitutional, invalid or otherwise of no force or effect by a Court of Competent Jurisdiction, such decision or judgment shall not affect the validity of the remaining portions of the within Ordinance which shall continue to remain in full force and effect.

120.019 - Repeal of conflicting ordinances.

Sec. 19. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

120.020 - Effective date.

Sec. 20. This Ordinance shall take effect on February 10, 1975.

120.021 - Adoption.

Sec. 21. The foregoing Ordinance was adopted by the Township Board of the Township of Dorr, Allegan County, Michigan, at a regular meeting hold on January 2, 1975.

Published: January 7, 1975

121.000 - SIDEWALK AND BIKE PATH USE AND MAINTENANCE Ord. of 4-2-1998 Adopted: April 2, 1998

ARTICLE I

121.010 - GENERAL PROVISIONS

121.011 - Title.

Sec. 1.1. This Ordinance shall be known and may be cited as the "Dorr Township Sidewalk and Bike Path Use and Maintenance Ordinance."

#### 121.012 - Purposes.

Sec. 1.2. The purposes of this Ordinance are (1) to restrict the use of sidewalks and bike paths by motorized vehicles and animals in order to reduce damage to the surfaces of those facilities, and in order to reduce hazards to pedestrians and other persons using those facilities; (2) to require the clearing of sidewalks and bike paths by abutting property owners in order to reduce hazards to pedestrians and other persons using those facilities; and (3) to require persons who deliberately or negligently damage sidewalks or bike paths to promptly repair such damage.

#### 121.013 - Scope.

Sec. 1.3.

- (a) The provisions of this Ordinance which place limitations on the uses which may be made of sidewalks and bike paths and which require that a person damaging sidewalks or bike paths to promptly repair such damage shall apply to all sidewalks and bike paths located in Dorr Township which are located in or within 15 feet of public road rights-of-way or private road rights-of-way. They do not apply to walks or pathways leading from a residential driveway to a residence or accessory building, or from a sidewalk or bike path to a dwelling or accessory building, however.
- (b) The provisions of this Ordinance which require the owners of real property to keep sidewalks and bike paths free from obstructions, debris, encroachments, and accumulations of snow and ice shall apply only to those sidewalks and bike paths which are located within condominium projects or within platted subdivisions, except for any sidewalks or bike paths located within the right-of-way for 142nd Avenue, which are specifically excluded from this Ordinance.

## ARTICLE II

### 121.020 - RULES APPLYING TO MAINTENANCE AND USE OF SIDEWALKS AND BIKE PATHS

#### 121.021 - Definitions.

Sec. 2.1.

- (a) "Owner" includes all persons holding an ownership interest in real property, including units in site condominiums or, if real property has been sold on land contract, all land contract vendees who retain the legal control and right to possession of such real property. In condominiums, a Condominium Association which has control over sidewalks or bike paths which are located on general common elements or which constitute general common elements under the master deed for that condominium shall be considered the "owner" of such sidewalks and bike paths. In a conventional or site condominium where sidewalks or bike paths are located on limited common elements or constitute limited common elements under the master deed for such condominium, the unit owner(s) entitled to use such limited common elements shall be considered the "Owner(s)" of those sidewalks and bike paths, unless the recorded master deed or condominium by-laws require the condominium association to maintain such limited common elements, in which event the condominium association will be considered the "owner" of such limited common elements for purposes of this ordinance.
- (b) "Bike Path" shall include any paved surface, which may or may not be part of a conventional sidewalk, and is intended to provide a pathway for recreational uses, such as bicycling, jogging, walking, and in-line skating.

#### 121.022 - Maintenance of unobstructed sidewalks and bike paths.

Sec. 2.2. The owner of every parcel of real property subject to the provisions of this Ordinance shall keep all sidewalks and bike paths which are located on the owner's property, or which are located on that portion of a public or private road right-of-way which lies between the owner's property and the traveled portion of such public or private road reasonably clear of all accumulations of snow or ice, and of all encroachments, debris, or other obstacles which will impede or impair travel.

#### 121.023 - Prohibition on motorized vehicles.

Sec. 2.3. No motorized vehicles, excluding motorized wheelchairs, golf carts, or similar unlicensed vehicles operated by handicapped individuals, shall be operated or used on sidewalks or bike paths in Dorr Township. Any portion of a sidewalk or bike path which is located within a driveway is exempt from this provision.

#### 121.024 - Restrictions on use of animals.

Sec. 2.4. No person shall ride a horse, donkey, mule, or other animal on sidewalks or bike paths, or use such animals to pull carts, carriages, or other vehicles on sidewalks or bike paths in Dorr Township. Any portion of a sidewalk or bike path which is located within a driveway is exempt from this provision.

### ARTICLE III

#### 121.030 - DAMAGE TO SIDEWALKS AND BIKE PATHS

Any person who deliberately or negligently damages a sidewalk or bike path which is subject to the provisions of this ordinance as provided in section 1.3(a) shall promptly repair such damage. For purposes of this section, ordinary wear and tear on sidewalks and bike paths caused by the appropriate use of motor vehicles shall not be considered either deliberate or negligent damage.

### ARTICLE IV

#### 121.040 - SANCTIONS FOR VIOLATION

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$200.00, plus costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$10.00 or more than \$500.00 be ordered. A violator of this Ordinance shall be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law, including injunctive relief. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

### ARTICLE V

#### 121.050 - EFFECTIVE DATE

This Ordinance is adopted effective this 2nd day of April, 1998, and shall take effect immediately upon publication of this Ordinance or a summary of this Ordinance, as provided by law.

#### 122.000 - PARK AND EASEMENT ORDINANCE Ord. of 5-1-2008 Adopted: May 1, 2008

#### 122.001 - Definitions.

Sec. 1. The following listed terms and phrases are defined for purposes of their use in this Ordinance; these definitions shall apply to the interpretation and enforcement of this Ordinance unless the context clearly indicates to the contrary.

- A. "Person" shall mean any person, firm, partnership, association, corporation, company, individual, or organization of any kind.
- B. "Public Park" shall include all publicly owned parks, access sites, or easements within the Township, whether owned by the Township, the County, or any other municipal unit or agency, which are open to general use by the public.
- C. "Public Safety Officer" shall include law enforcement, fire department persons, and other emergency response personnel.

(Ord. of 5-1-2008)

#### 122.002 - Regulations.

Sec. 2. The following regulations shall apply to all Public Parks.

- A. Hours. No person shall be in any Public Park beyond the posted hours, which hours shall be established by the Dorr Township Parks Commission resolution adopted from time to time, except for designated persons or Public Safety Officers engaged in the performance of their duties, or except upon special order of the Parks Commission. Hours are sunrise to sunset. Ball park hours may change without notice because of scheduling of events.
- B. Alcoholic Beverages. No person shall consume or be under the influence of any alcoholic beverage on or in any portion of any Public Park at any time. No person shall possess any open receptacle or container containing any alcoholic beverage on or in any portion of any Public Park at any time.
- C. No boats, vessels, or watercraft shall be allowed in a buoyed swimming area or in a beach area where swimmers are in the water.
- D. Fireworks. No person shall possess, use, explode, expose for sale, buy or sell any fireworks or any device or container containing gunpowder or other explosives within any Public Park. This provision shall not, however, apply to Public Safety Officers duly authorized to carry any such device or to any group or individuals who have received a special order of the Township Board regarding a specific event involving fireworks.
- E. Camping. No overnight camping or sleeping shall be allowed in any Public Park.
- F. Fires. Open fires shall not be permitted in any public park, except as authorized by the Dorr Township Fire Department and, if applicable, the Michigan Department of Natural Resources.
- G. Pets. Owners must clean up after their pets. Horses are allowed with permission of the Township.
- H. Launching or retrieval of trailered watercraft, vessels or boats is not permitted within a public park unless prior written approval is obtained from the Township.

(Ord. of 5-1-2008)

#### 122.003 - Severability and Captions.

Sec. 3. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, phrase, word, section, subsection, part, or provision is declared unconstitutional, void, or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any remainder of the Ordinance. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

(Ord. of 5-1-2008)

#### 122.004 - Penalties.

Sec. 4. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of its requirements shall be responsible for a Municipal Civil Infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the Township and as defined by Michigan Law, will be subject to a civil fine in accordance with the schedule below:



First violation within a 3-year period	\$ 50.00
Second violation within a 3-year period	\$ 250.00
Third violation within a 3-year period	\$ 500.00
Fourth or subsequent violation within a 3-year period	\$1,000.00

- A. Additionally, the violator shall pay costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- B. A violation of any regulation contained in this ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the Township, and is deemed a public nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator, to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. The Township may bring an action to enjoin such alleged violation activity.
- C. Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.
- D. Nothing in the ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

(Ord. of 5-1-2008)

123.000 - POVERTY EXEMPTIONS GUIDELINES Res. No. 01-13R Adopted: January 17, 2013

123.001 - Purpose.

Sec. 1. The principal residence of persons who, in the judgment of the Board of Review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation.

123.002 - Eligibility.

Sec. 2. To be eligible for the poverty exemption:

- A. The applicant must be an owner of, and occupy as a principal residence, the property for which the exemption is requested;
- B. Total annual household income shall not exceed the amounts set forth under the Federal poverty guidelines as defined and determined annually by the United States Office of Management and Budget; and
- C. Total assets, except the homestead being claimed, essential household goods, and the first \$5,000 of the market value of a motor vehicle, should not exceed;
  - (i) \$4,000 for the claimant;
  - (ii) \$6,000 for the household.

Assets include, but are not limited to, real estate other than the principal residence, motor vehicles, recreational vehicles and equipment, certificates of deposits, savings accounts, checking accounts, stocks, bonds, life insurance, and retirement funds. Assets to not include essential household goods such as furniture, appliances, dishes, and clothing.

The Board of Review will not reduce the value of the assets by the amount of any indebtedness owed on such assets, or any indebtedness otherwise owed by the applicant.

If the applicant meets these eligibility requirements, the applicant will be entitled to a poverty exemption as long as the applicant complies with the remaining requirements and procedures set forth in these guidelines.

#### 123.003 - Application.

Sec. 3. To apply for the poverty exemption, a person shall do all of the following on an annual basis:

- A. File a Hardship Exemption Application with the Assessor or Board of Review. Applicants must obtain the application from the Assessor's Office. Handicapped or infirmed applicants may call the Assessor's Office to make necessary arrangements for assistance.
- B. Submit copies of federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year.
- C. Produce a valid driver's license or other form of identification.
- D. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if such proof of ownership is requested by the Board of Review.
- E. Provide evidence of other assets including investments, real property, and retirement accounts.

#### 123.004 - Deadline.

Sec. 4. The application must be submitted after January 1, but before the day prior to the last day of the Board of Review.

#### 123.005 - Appearance before the Board of Review.

Sec. 5. The applicant, or a representative of the applicant, will be required to appear before the Board of Review to respond to any questions that the Board or Assessor may have concerning the exemption application.

- A. An applicant may be called to appear before the Board on short notice.
- B. An applicant may have to answer questions regarding the applicant's financial affairs, health, or the status of people living in the applicant's home before the Board at a meeting that is open to and will be attended by the public.
- C. Applicants appearing before the Board may be administered an oath as follows:  
"Do you \_\_\_\_\_ swear and affirm that the evidence and testimony you will give in your own behalf before the Board of Review is the truth, the whole truth, and nothing but the truth, so help you."
- D. The Assessor may tape record and will keep minutes of all proceedings before the Board of Review.
- E. If called to appear before the Board, physically challenged or infirmed applicants may call the Assessor's Office to make necessary arrangements for assistance.
- F. The Board of Review may, in its discretion, review poverty exemption applications without the applicant or the applicant's representative being physically present.

#### 123.006 - Evaluation of application.

Sec. 6. Applications for poverty exemptions will be evaluated based on information submitted to the Board of Review by the applicant, testimony taken from the applicant, and information gathered by the Board from any source.

- A. The Board of Review is not required to grant a poverty exemption for property owned by multiple owners as long as at least one owner is not eligible for the poverty exemption.
- B. The Board of Review may conduct an investigation to verify the information submitted or statements made to the Assessor Board of Review regard to the applicant's poverty exemption claim.
- C. The Board of Review may not deny a poverty exemption based upon mere speculation regarding the level of an applicant's income or assets.
- D. A poverty exemption, if granted, shall remain in effect for one year and an applicant's eligibility for the poverty exemption shall be determined each year.
- E. The Board of Review may not determine an applicant's eligibility for the poverty exemption based on the number of years that the applicant has been granted a poverty exemption in the past, or the number of years that the applicant may be granted a poverty exemption in the future.

123.007 - Special circumstances warranting application of the poverty exemption.

Sec. 7. The Board of Review may, in its discretion, grant a poverty exemption to a taxpayer who does not meet the income and asset tests contained in these guidelines where one or more of the following has resulted in hardship to the taxpayer:

- A. Unforeseen prolonged cessation of income due to circumstances beyond the applicant's control;
- B. Trauma or critical illness of the applicant or the applicant's immediate family member which resulted in excessive financial liabilities for which the taxpayer does not receive reimbursement;
- C. Catastrophic loss; or
- D. Other extenuating circumstances which the Assessor and Board of Review agree are legitimate hardships over which the applicant has no control.

123.008 - Amount of exemption.

Sec. 8. The Assessor will determine the estimated property tax liability for the applicable tax year and the estimated state homestead credit for each applicant under the Homestead Property Tax Credit, Public Act 281 of 1967. The poverty exemption shall not exceed the amount of the tax liability minus the homestead credit refund.

123.009 - Deviation from the guidelines.

Sec. 9. The Board of Review shall follow these guidelines in granting or denying an exemption unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

Federal Poverty Guidelines Used in the Determination of Poverty exemptions for 2013

MCL 211.7u, which deals with poverty exemptions, was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002.

Local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines and those income levels shall not be set lower by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services. This means, for example, that the income level for a household of 3 persons shall not be set lower than \$19,090 which is the amount shown on the following chart for a family of 3 persons. The income level for a family of 3 persons may be set higher than \$19,090.

Following are the federal poverty guidelines for use in setting poverty exemption guidelines for 2013 assessments:

Size of Family Unit	Poverty Guidelines
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1	\$11,490
2	\$15,510
3	\$19,530
4	\$23,550
5	\$27,570
6	\$31,590
7	\$35,610
8	\$39,630

Note: PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available.

(Res. No. 01-14R, § 9, 3-24-2014)

124.000 - CEMETERY ORDINANCE Ord. No. 1-14 Adopted: August 25, 2014 Effective: October 1, 2014

124.001 - Title.

Sec. I. This ordinance shall be known and cited as the "Dorr Township Cemetery Ordinance."

124.002 - Definitions.

Sec. II.

BURIAL RIGHT shall mean one interment or inurnment. No actual title to property is granted. A Certificate will be issued by the Township with new sales or transfers.

BURIAL VAULT shall mean a required outside burial container as specified by the cemetery to incase human remains.

CEMETERY shall mean not only the land and the improvements thereon, but township cemeteries, it's employees and duly authorized representatives.

CEMETERY LOT shall consist of burial spaces sufficient to accommodate from one to four burial spaces. A burial space may contain one interment and one inurnment or two inurnments.

CONTRACTOR shall mean any person, firm or corporation, or anyone other than an employee of the Township engaged in placing, erecting, or repairing any vault, memorial, or monument, or performing any work on cemetery grounds.

HEIRS shall mean immediate family, meaning surviving spouse or children, or any person specifically named in a legal will.

INTERMENT shall mean burial of the remains of a deceased human being.

INURNMENT shall mean the burial of cremated human remains.

MEMORIAL or MONUMENT shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred.

RESIDENTS shall mean one who lives or dwells in a residence within the Township or can qualify as a voter of the Township.

OWNER shall mean owner of rights of interment or inurnment.

TOWNSHIP is Dorr Township, Allegan County, Michigan.

TOWNSHIP BOARD - Duly elected officers/trustees of Dorr Township, Allegan County, Michigan.

#### 124.003 - Sales and transfers of lots or burial spaces.

##### Sec. III.

- a. Cemetery lots shall be sold to residents for interment of the purchaser or heirs. No sale shall be made for resale purposes. The Township may vary the restriction on sales where the purchaser discloses sufficient reasons for burial within the Township, such as previous residence in the Township, or interred relatives. The purchaser shall be issued a certificate, which grants a right of burial only and does not convey any title to the lot.

The owner may designate by name or relationship, who may be interred on these spaces. This does not affect the ownership. There is no charge for this.

Burial rights may only be transferred to eligible persons. For transfers, the owner shall present the Township with the original certificate or a notarized letter stating who shall have burial rights to specific spaces and pay the Township \$25 transfer fee. A new Certificate shall be issued.

The cost of each burial space shall be the sum of \$200 for residents or \$600 for non-residents.

The Township Board may alter the fees to accommodate increased costs, and needed reserve funds for cemetery maintenance and acquisition.

#### 124.004 - Grave openings.

Sec. IV. No burial spaces shall be opened and closed except under the direction of the Cemetery or under the supervision of the local health department.

#### 124.005 - Markers or memorials.

Sec. V. All markers or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in any erect position.

Only one monument, marker or memorial shall be permitted per burial space with the owner's permission.

The footing or foundation for any monument, marker, or memorial shall be constructed by the Cemetery with costs to be paid by the owner of the burial right.

Military plaques may be affixed to the monument or on separate granite on the burial space.

#### 124.006 - Interment regulations.

Sec. VI. Not less than a 36-hour notice shall be given in advance of any funeral to allow for the opening of the burial spaces.

The Township shall be satisfied from its records that the interment will be in the appropriate burial space before any interment is commenced.

#### 124.007 - Grounds maintenance.

Sec. VII. No grading, mounds, leveling, excavating, stones, bricks or pavers shall be allowed upon a burial space.

No flowers, shrubs, trees or vegetation of any type shall be planted except as approved by the Cemetery. Any unapproved items planted or placed, may be removed by the Cemetery. From April 15 to October 15, flowers, artificial flowers and silk flowers are permitted in only one concrete urn, single hook shepherd pole, or 15" (maximum diameter) metal flower basket per space. The full name of the deceased shall be marked on the underside of flower baskets for identification. Winter wreaths are permitted on tripod stands, after December 1st and shall be removed by March 1. This allows spring dean-up of the Cemetery.

The Cemetery reserves the right to trim or remove any tree, plant, decorations, or shrub in the interest of maintaining safety, proper appearance, and the use of the cemetery.

All approved containers shall be removed in the fall. Containers not removed will be removed by cemetery personnel without notice after October 15th as time and weather dictate.

#### 124.008 - Repurchase of lots or burial spaces.

Sec. VIII. Upon written request of said owner or heirs or representatives, the Township will repurchase any cemetery lot or burial space from the owner for the original price paid to the Township. Dorr Township reserves the right to reclaim lots not in use for 50 years, after which the township has made a reasonable effort to locate heirs of the last known owners of the cemetery lot.

#### 124.009 - Records.

Sec. IX. The Township shall maintain records concerning all burials, issuance of burial certificates, and the same shall be open to public inspection during business hours.

#### 124.010 - Vault.

Sec. X. All burials shall be within standard vaults of concrete, metal or plastic or similar material, a type and material meeting generally accepted standards and approved by the Cemetery before interment, except for cremated remains, which may be buried in any non-biodegradable container with or without an approved vault.

#### 124.011 - Cemetery hours.

Sec. XI. The cemetery shall be open to the general public from dawn until dusk each day.

#### 124.012 - Uses and activities.

Sec. XII. Visitors shall respect the solemnity of the cemeteries and act with consideration for others. It is a place of remembrance and contemplation, and visitors shall act to maintain quiet and good order at all times.

(a) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.

(b) There shall be no entry or presence in the cemetery by any person when the cemetery is closed.

#### 124.013 - Penalties.

Sec. XIII. All decisions regarding applications of this Ordinance may be appealed in writing to the Township Board within 30 days of the incident.

Any person who refuses to comply with any provision of this ordinance, or a decision made under the Ordinance or who causes or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. After notification that a violation exists and a reasonable time for correction, continued violation constitutes a separate offense.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense	\$75.00	\$500.00
2nd Offense	150.00	500.00
3rd Offense	325.00	1,000.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

Any violation of the Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof .

124.014 - Severability.

Sec. XIV. The provisions of this ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall be continue in full force and effect.

124.015 - Effective date and repeal of the conflicting ordinances.

Sec. XV. This ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Part 125

125.000 - SOLICITOR REGULATION ORDINANCE Ord. No. 03-180

125.001 - Title.

Sec. 1. This Ordinance shall be known and may be cited as the "Dorr Township Solicitor Regulation Ordinance".

125.002 - Purpose.

Sec. 2. The purposes of this Ordinance are:

- A. To secure and protect the general welfare and safety of the landowners, visitors and residents of Dorr Township.
- B. To require solicitors to obtain a Township license to solicit within Dorr Township.
- C. To establish an application process for the issuance of a Township solicitor's license and payment of a license fee to the

Township.

- D. To set forth the information that must be supplied to Dorr Township before a Township solicitor's license may be granted.
- E. To provide penalties for the violation of the provisions of this Ordinance.

#### 125.003 - Definitions.

##### Sec. 3.

- A. Person. The word "person" as used in this Ordinance shall mean any natural person, business, firm, corporation, partnership, limited liability company or other association, organization or entity.
- B. Solicit, Soliciting, Solicitation. The terms "solicit", "soliciting" and "solicitation" as used in this Ordinance shall be construed to mean any act related to or involving traveling from place to place, house to house or from street to street to sell or offer for sale or display for sale any goods, products, wares or merchandise to any person not a dealer therein; or take orders for the purchase of goods, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any person not a dealer therein; or sell or offer for sale or take orders for the sale of services, except as follows:
  - (1) For purposes of this Ordinance, a person solely delivering goods or services to regular customers is not engaged in soliciting and is not a solicitor. A person delivering goods or services to regular customers may take new orders from that customer without engaging in solicitation under this Ordinance.
  - (2) For purposes of this Ordinance, the delivery of goods or services pursuant to a contract or agreement entered into between the owner or occupant of property in Dorr Township and the person selling such goods or providing such services, where the contract or agreement has been entered into at the seller's/provider's place of business, or as the result of a request or order submitted by the property owner or occupant to the seller/provider by telephone, telefax, e-mail, correspondence or similar means, does not constitute soliciting or a solicitation under this Ordinance.
- C. The word "solicitor" as used in this Ordinance shall be construed to mean any person soliciting in Dorr Township.

#### 125.004 - License Application Process.

##### Sec. 4.

- A. No Person shall solicit within Dorr Township without first obtaining a license from the Township. An application for such license shall be made to the Dorr Township office on a form prepared by Dorr Township.
- B. The applicant shall provide all information listed on the application form before the application may be deemed complete and then be processed by the Township.
- C. All applicants will be subject to a background check, including without limitation, a review by the Allegan County Sheriffs Department, State Police and sex offender records registry. If the applicant has any criminal warrants outstanding at the time of the application, the application may be denied, in the discretion of the Township official designated by the Township Board to process such license applications. After any such denial, the applicant may reapply only after the expiration of sixty (60) days.
- D. If the applicant has been convicted of any felony or misdemeanor involving assaultive behavior, stalking, malicious destruction of property, vandalism, theft, criminal sexual conduct, unlawful entry, or the delivery of or possession with intent to deliver a controlled substance, the application shall be denied. After any such denial, the applicant may reapply after the expiration of sixty (60) days or may appeal the denial as provided in Section 12 of this Ordinance.
- E. Unless the applicant is charged with any criminal violation of a local, state or federal law subsequent to filing the application, all background checks shall be valid for a period of one (1) year following the approval of the application.
- F. During any time period during which a person is licensed by the Township under this Ordinance, that person must inform the Township of any and all changes to the information on his/her/its application and any event that would result



in a change to the information produced in his or her background check before continuing to solicit.

- G. Unless another Township official is designated by the Township Board, the Township Clerk shall issue or deny any solicitation license under this Ordinance.

#### 125.005 - Expiration of License.

Sec. 5. All licenses approved under the provisions of this Ordinance shall expire 90 days from the date of issuance.

#### 125.006 - Fees.

Sec. 6. All applications submitted pursuant to this Ordinance shall be accompanied by a non-refundable license fee established by the Dorr Township Board. Such fee will apply to each individual applicant and each employee, agent or independent contractor acting on behalf of a corporation, partnership, limited liability company, sole proprietorship, or other business entity. The purpose of the fee is to cover the administrative costs associated with processing the application, including but not limited to conducting and reviewing the background checks, and regulating solicitors within Dorr Township.

#### 125.007 - Prohibitions.

Sec. 7. No person shall solicit within Dorr Township without first obtaining a license from the Township under the provisions of this Ordinance. The following provisions apply to any person soliciting within Dorr Township, whether or not a license has been issued to that person under this Ordinance:

- A. No solicitor shall obstruct or block any street, alley, sidewalk, driveway or other public place.
- B. No solicitor shall enter or call upon any property, dwelling or place of business posted "No Soliciting", "No Peddlers", or "No Trespassing" or similar prohibition.
- C. No solicitor shall threaten or annoy any resident or person within Dorr Township in the course of their soliciting or in any way engage in conduct which is or would tend to create a nuisance or breach of the peace.
- D. No solicitor shall engage in soliciting within the Township without carrying and displaying the license issued by the Township pursuant to this Ordinance.
- E. No solicitor shall solicit within any Township park or upon any property owned or controlled by Dorr Township, without specific prior approval of the Dorr Township Board, separate from the Township license.

#### 125.008 - Hours of Operation or Solicitation.

##### Sec. 8.

##### Eastern Daylight Time:

9 a.m. - 7 p.m. Monday - Friday

9 a.m. - 5 p.m. on Saturday

##### Eastern Standard Time:

9 a.m. - 5 p.m. Monday - Friday

9 a.m. - 5 p.m. on Saturday

No soliciting shall occur on Sundays or legal holidays.

#### 125.009 - Suspension and Revocation.

Sec. 9. In addition to the penalties which may be imposed under Section 11 of this Ordinance, a license issued pursuant to the provisions of this Ordinance may be revoked or suspended by the Dorr Township Board for any of the following reasons:

- A. Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, services or

merchandise.

- B. Any fraud, misrepresentation, or false statement contained in the application for a license submitted under the provisions of this Ordinance.
- C. Any violation of federal, state or local laws and/or ordinances which would allow Dorr Township to deny a license under Section 4 (C) of this Ordinance.

#### 125.010 - Exemptions and Exempted Persons.

Sec. 10. The following persons and transactions are exempt from the provisions of this Ordinance:

- A. Solicitation for religious or charitable institutions. Any person who is soliciting for a school, state or federally registered or recognized charity, a nonprofit corporation or entity, or a church or religious society shall not be required to obtain any permit or pay any permit fee pursuant to this Ordinance. The solicitor for any group listed under this Subsection A must still register with the Township and provide the Township Clerk or other Township official designated by the Township Board with his/her name, address, and a copy of his/her driver's license before such exempt solicitation can occur within the Township. The applicant shall provide evidence [i.e., 501(c)(3) status, etc.] to the Township that the organization for which the solicitation is taking place is a school, recognizable charitable, nonprofit, church or religious organization.
- B. Political speech or canvassing. Solicitations exclusively intended to canvass or petition for a public official, political candidate, public policy or initiative being promoted for purposes of a public referendum, initiative, millage, or election does not require any registration, permit or permit fee.
- C. Any person age eighteen (18) or younger soliciting for the benefit of any public or private school, youth activities such as but not limited to Girl Scouts, Boy Scouts, Church youth groups, or youth athletic leagues shall be exempt from the provisions of this Ordinance. Any parent or other responsible adult accompanying such a person age eighteen (18) or younger shall also be exempt from the provisions of this Ordinance.
- D. Any person selling the products of the person's own farm, home, orchard or garden shall be exempt from the provisions of this Ordinance.
- E. Any veteran of the armed forces of the United States who has a license under P.A. 359 of 1921 as amended, MCL 35.441 et seq., allowing the veteran to sell his or her own goods within the state is exempt from the provisions of this Ordinance.
- F. Any person exempt from the permitting requirements of this Ordinance by virtue of state or federal law.

#### 125.011 - Violations and Penalties.

Sec. 11. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and any person who violates this Ordinance shall be subject to the provisions of the Dorr Township Municipal Civil Infractions Ordinance including the imposition of fines and costs. A violation of this Ordinance shall also constitute a basis for injunctive relief to compel compliance with this Ordinance and/or to restrain or prohibit continuation of the violation, as well as other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction contained in this Ordinance or allowed by law.

#### 125.012 - Right to Appeal.

Sec. 12.

- (A) Any person aggrieved by the action of the Township official designated in Section 4 of this Ordinance in connection with the grant or denial of an application for a license under this Ordinance shall have the right to appeal to the Dorr Township Board. Such an appeal shall be filed in writing with the Dorr Township Board within twenty-one (21) days after

the notice of action complained of has been mailed to the person's last known address or delivered to the person. The Dorr Township Board shall set a time and place for a hearing on such an appeal and shall give written notice of the hearing to the applicant, license holder and/or aggrieved party.

- (B) The Dorr Township Board may reverse the decision to deny a license under this Ordinance if the Township Board determines: (a) that the denial was based upon inaccurate information; (b) that the denial constituted an abuse of discretion on the part of the Township official designated in Section 4 of this Ordinance; or (c) if the Board determines that the applicant or license holder poses no significant risk to the health, safety and welfare of the community despite the conviction of a felony or misdemeanor or the existence of a warrant as described in Section 4 of this Ordinance.
- (C) The decision of the Dorr Township Board on such an appeal shall be final and conclusive. Appeals from the decision of the Dorr Township Board regarding the approval or denial of an application for a license under this Ordinance or the revocation of a license under this Ordinance may be filed with the Allegan County Circuit Court as provided by law.

#### 125.013 - Severability.

Sec. 13. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

#### 125.014 - Effective Date; Repeal.

Sec. 14. This Ordinance was approved and adopted by the Dorr Township Board September 26, 2018 and shall be effective upon the expiration of 30 days after its publication. This Ordinance repeals the prior solicitation ordinance for Dorr Township adopted on July 26, 2018.

#### 140.000 - JUNK CAR ORDINANCE Ord. No. 2

##### 140.001 - Storage of dismantled, partially dismantled or inoperable motor vehicles or parts thereof.

Sec. 1. No person, firm or corporation shall store on or place on or permit to be stored or placed on or allow to remain on any land in the Township of Dorr, Allegan County, Michigan, a dismantled, partially dismantled or inoperable motor vehicle, or tractor trailer, or parts thereof, unless said partially dismantled, dismantled motor vehicle, or parts of a motor vehicle, shall be kept in a wholly enclosed structure; provided, however, that any owner, co-owner, tenant or cotenant may store, permit to be stored or allow to remain on the premises of which he is the owner, co-owner, tenant or co-tenant, any one of such dismantled or inoperable motor vehicles for a period of not to exceed 14 days, if such motor vehicle is registered in his, her or its name.

##### 140.002 - Construction.

Sec. 2. This Ordinance shall not be construed as repealing any Ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any Statutes of the State of Michigan relating thereto.

##### 140.003 - Nuisance.

Sec. 3. The presence of a dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle in violation of the terms of this Ordinance is hereby declared to be a public nuisance.

##### 140.004 - Time limit.

Sec. 4. Any owner, co-owner, tenant or co-tenant who shall have the right to possession of any premises on which any such dismantled, partially dismantled or inoperable motor vehicle, or parts of a motor vehicle, shall be allowed to remain in excess of 14 days shall be deemed guilty of a violation of this Ordinance, provided, however, that the time limit herein specified may be extended for further periods upon issuance of a special written permit by the Supervisor of Dorr Township in cases where undue hardship would be caused by the strict enforcement hereof. The clerk shall retain a copy of such permit for the records of the Township.

#### 140.005 - Penalties.

Sec. 5. Any person, firm or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00, or by imprisonment in the County Jail for a period of not exceeding 90 days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.

In addition to the imposition of the foregoing fines and penalties the Supervisor of the Township, or such other officer as the Township may designate, may cause any vehicle, or parts thereof, which violate the provisions of this Ordinance, to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof assessed against the owner of such vehicle, or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Township to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, or parts thereof.

#### 140.006 - Adoption; effective date.

Sec. 6. The foregoing Ordinance was adopted by the Township Board of the Township of Dorr, Allegan County, Michigan, on the 5th day of February 1970, and shall become effective April 1, 1970.

Published: February 11, 1970

#### 141.000 - GRASS AND WEED CONTROL ORDINANCE Adopted: September 15, 2011

#### 141.001 - Purpose.

Sec. 1. This Ordinance is intended to abate and eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance. This Ordinance is not intended to prohibit or discourage of the practice of developing natural groundcover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques.

#### 141.002 - Repeal of existing ordinance.

Sec. 2. This Ordinance is intended to repeal, in its entirety, the Grass and Weed Control Ordinance adopted by the Dorr Township Board on June 3, 2004. Repeal will be effective upon the effective date of this Ordinance.

#### 141.003 - Definitions.

##### Sec. 3.

- (A) *Noxious weeds.* For purposes of this Ordinance "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernis*) and any other plant which in the opinion of the Township Board constitutes a common nuisance, as declared by resolution of the Board.

- (B) *Tall grass*. For purposes of this Ordinance, the term "Tall Grass" refers to all grasses, weeds and undergrowth higher than e inches, on average.
- (C) *Owner*. For purposes of this Ordinance, "owner" means any natural or artificial person or entity holding an ownership, leasehold or other possessory interest in real property and any agent of such person or entity; provided, however, that a person owning, controlling or operating a railroad, the County Road Commission, and the Township of Dorr shall not be considered an "owner" for purposes of this Ordinance.

141.004 - Property conditions declared a public nuisance.

Sec. 4. The following conditions are declared to be a public nuisance:

- (A) Noxious weeds growing on land subject to this Ordinance. The owner of such land shall destroy noxious weeds before they reach a seed bearing stage and prevent their regrowth, or shall otherwise prevent them from becoming a detriment to public health.
- (B) Tall Grass growing on real property subject to this Ordinance. As stated in Section 1, this Ordinance is not intended to prohibit or discourage the practice of developing natural ground cover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques.
- (C) Shrubs, bushes, vines, weeds, tree branches, or other plant growth obstructing a sidewalk, road right of way, other public way, or private road.
- (D) Dead or dying trees deemed hazardous to the public or to an adjacent property.

141.005 - Nuisances prohibited.

Sec. 5. An owner shall maintain all real property regulated by this Ordinance free of the nuisances described in Section 4 [141.004].

141.006 - Land subject to regulations.

Sec. 6.

- (A) This Ordinance applies to the following parcels of real property, subject to the exclusions contained in subsection (B):
  - (1) All lots in a platted subdivision, once any structure, other than an identifying sign, is constructed on any lot in the platted subdivision;
  - (2) All units in a site condominium once any structure, other than an identifying sign, is constructed within the site condominium;
  - (3) All units in a conventional condominium once any structure, other than an identifying sign, is constructed within the condominium property subject to the condominium;
  - (4) All other parcels of real property on which buildings have been constructed or placed, except agricultural buildings, including dwellings located on parcels used for agricultural purposes, and which have public road or private road frontage. All such unplatted parcels and parcels which are not included in a condominium shall be subject to the provisions of this Ordinance to a depth of 165 feet, or the depth of the parcel of property, whichever is less, measured from the public road right-of-way or private road right-of-way.
- (B) This Ordinance does not apply to:
  - (1) Lots in a platted subdivision or units in a condominium, until a structure, other than an identifying sign, is constructed on a lot or unit contained within said platted subdivision or condominium project;
  - (2) Lands used for agricultural purposes, including, but not limited to, fields devoted to growing any small grain crop, such as wheat, oats, barley or rye;
  - (3) Portions of parcels of real property, subdivision lots, or condominium units used for growing flower gardens or vegetable gardens;

- (4) Naturally wooded areas, regulated wetlands or meadows;
- (5) Any undeveloped open space and other undeveloped real property not specifically included in subsection (A), of this Section 6 [141.006].

141.007 - Responsibility for road rights-of-way.

Sec. 7. The owner(s) of real property subject to this Ordinance shall be responsible for maintaining, free of the nuisances described in Section 4 [141.004], all public rights-of-way and private road rights of way abutting the owner's parcel of real property as follows:

- (A) The public road right-of-way between the traveled portion of the public road, including any graveled or paved shoulder, and the owner's front property line or front public right-of-way easement line;
- (B) The portion of any private road right-of-way that provides access to the owner's property located between the traveled portion of the private road and the owners' front property line or right-of-way easement line.

141.008 - Notice of violation.

Sec. 8. In the event that an owner fails to comply with this Ordinance, the Township is hereby authorized and empowered to notify the owner of the violation and to direct the owner to remove the nuisance. Such notice shall be in writing, addressed to the owner as appears on the latest ad valorem property tax assessment roll and any owner in possession of the premises, and shall inform the owner of the following:

- (A) The nature of the violation.
- (B) The time in which the violation may be abated, which time shall not be less than five days nor more than 10 days from the date of the notice.
- (C) That the Township may act to abate the violation if it is not abated by the owner within the time allowed.
- (D) That in the event the Township abates the nuisance, the cost of abatement plus an administrative fee based upon the Township's actual administrative expenses shall be assessed as a lien against the property until paid.
- (E) That refusal of the owner to abate the nuisance or to allow the Township to abate the violation or nuisance shall result in institution of a civil infraction proceeding.

The failure to receive such notice shall not be a defense to any action brought by a member of the public for injury or by the Township to collect the costs of abatement or impose penalties or other fees as authorized by this Ordinance.

141.009 - Abatement.

Sec. 9. Upon failure, neglect, or refusal of any owner to comply with the provisions of this Ordinance, the Township or its authorized contractors or other designee(s) is (are) authorized and empowered to enter the property to abate the nuisance or to provide and to make payment for the abatement of the nuisance maintained.

141.010 - Violation and civil penalties.

Sec. 10.

- (A) A violation of this Ordinance shall be deemed a municipal civil infraction subject to penalties set forth in the Municipal Civil Infraction Ordinance adopted by Dorr Township and the applicable state statute.
- (B) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punishable separately.
- (C) The Township reserves the right to seek equitable relief in the form of an enforcement order from the District Court and/or injunctive relief from the Circuit Court in order to enforce compliance with this Ordinance.

141.011 - Administrative fee.

Sec. 11. An administrative fee, set by Township resolution, shall be added to any costs charged by the Township to the owner whenever the Township abates a nuisance under this Ordinance.

141.012 - Charge to owner.

Sec. 12. When the Township abates a nuisance as provided hereunder, the cost of the abatement and the authorized administrative fee shall be billed to the owner. The cost and fee shall be a debt of the owner to the Township which may be assessed as a lien against the property, including interest therein, until paid, and enforced and collected in the same manner as ad valorem property taxes.

141.013 - Administration and enforcement.

Sec. 13. Any Township official duly authorized by the Township Board to enforce the Township Civil Infraction Ordinance may also administer and enforce this Ordinance.

141.014 - Severability.

Sec. 14. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

141.015 - Effective date.

Sec. 15. This Ordinance shall become effective thirty (30) days after its publication or publication of a summary of its provisions in a local newspaper of general circulation in the Township.

This Ordinance was approved and adopted by the Township Board on September 15, 2011.

161.000 - SANITARY SEWER USE ORDINANCE Ord. of 2-16-2005 Adopted: February 16, 2005

ARTICLE 1

161.001 - Definitions.

Sec. 1.1. *Definitions A—I.* The following definitions of words, phrases and abbreviations shall apply to this Ordinance:

- (a) "Administrator" means the Township Supervisor or other person designated either by the Township Board or, if not by the Township Board, by the Township Supervisor to administer and enforce this Ordinance.
- (b) "Authority" means the Dorr Township-Leighton Township Wastewater Authority which owns the Moline system.
- (c) "BOD" (denoting "Biochemical Oxygen Demand") means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees C and is expressed in terms of weight or in terms of concentration by milligrams per liter (mg/l).
- (d) "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge inside the walls of the building and conveys it to the building sewer. The building drain shall begin five (5) feet outside the inner face of the building wall and terminate in the building.
- (e) "Building Inspector" means the duly appointed building inspector for the Township or his/her designee.
- (f) "Building Sewer" means the extension from the building drain to the public sanitary sewer or other place of disposal.
- (g) "CBOD" (denoting "Chemical Oxygen Demand") means the oxygen-consuming capacity of organic and inorganic matter present in sewage expressed in milligrams per liter (mg/l).

- (h) "Cesspool" means an underground pit into which raw household sewage or other untreated liquid waste is discharged, and which the liquid seeps into the surrounding soil or is otherwise removed.
- (i) "Chlorine Demand" means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of contact time expressed in milligrams per liter (mg/l).
- (j) "Connection Inspector" means the Administrator or other person designated by the Township Board or, if not by the Township Board, by the Township Supervisor, as responsible for inspecting connections of individual structures to the public sanitary sewer system.
- (k) "Domestic User" means a user of the System who discharges only Domestic Wastewater into the System.
- (l) "Domestic Wastewater" means the liquefied wastes such as human excreta; wastes from sinks, lavatories, bathtubs, showers, laundries, and any other water carried wastes or organic nature either singly or in combination, from personal or residential sanitation.
- (m) "GPD" means gallons per day.
- (n) "Garbage" means solid wastes from the preparing, cooking and dispensing of food, and from the handling, sale, and storage of produce.
- (o) "Holding Tank Waste" means any waste from holding tanks such as boats, chemical toilets, campers, trailers, motor homes, septic tanks, vacuum-pump tank trucks, other tank trucks, barrels, or other such tanks or containers.
- (p) "Industrial Wastewater" means the liquefied or liquid carried wastes, solids, or semisolids from industrial, commercial or institutional processes as distinct from Domestic Wastewater.
- (q) "Interference" means any discharge which alone or in conjunction with a discharge from other sources:
  - (1) Inhibits or disrupts the System and any of its processes or operations, or the use or disposal of its sludge;
  - (2) Causes a violation of any requirement of the applicable NPDES Permit (including an increase in the magnitude or duration of a violation).

*Sec. 1.2 Definitions J—R.* The following definitions of words, phrases and abbreviations shall apply to this Ordinance:

- (a) "May" is permissive.
- (b) "MDEQ" means the Michigan Department of Environmental Quality or any successor agency.
- (c) "Moline System" means the complete sanitary sewer disposal system lying within the Township and within the service area for the Moline Sanitary Sewer System as depicted on Appendix A as that service area may from time to time be increased by action of the Authority and includes all collection lines, mains, and other piping; all pump and lift stations; all control structures; all manholes; the sewage treatment plant; the outfall piping; and all appurtenances.
- (d) "NPDES Permit" means the National Pollution Discharge Elimination System Permit issued for the Green Lake System or the Moline System.
- (e) "Natural Outlet" means any outlet into a watercourse, pond, lake, ditch, or other body of surface or groundwater.
- (f) "Nuisance" means, but is not limited to, any condition where sewage or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake, or stream; or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.
- (g) "Person" means any individual, firm, company, association, partnership, society, corporation, group, trust, or other legally cognizable organization or entity.
- (h) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (i) "Properly Shredded Garbage" means the wastes from the cooking, preparation, and dispensing of food that have been shredded or cut to such degree that all particles will be freely carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.



(j) "Public Sewer" means a Sanitary Sewer within the System.

*Sec. 1.3 Definitions S—Z.* The following definitions of words, phrases and abbreviations shall apply to this Ordinance:

- (a) "Sanitary Sewer" means a sewer which carries Sewage. Storm, surface, and groundwaters are not admitted to a sanitary sewer.
- (b) "Seepage Pit" means a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material, loosely laid with open joints to allow septic tank overflow or effluent to be absorbed directly into the surrounding soil.
- (c) "Septic Tank" means a watertight tank or receptacle used to receive wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and any other similar waste lines. The septic tank is intended to provide for the separation of substantial portions of the suspended solids in such wastes and the partial destruction by bacterial action on solids so separated.
- (d) "Service Area" means the service area of the Moline System as depicted on Appendix A, as it may be expanded from time to time by action of the Authority.
- (e) "Sewage" means any combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.
- (f) "Sewage Disposal Facilities" means a privy, cesspool, seepage pit, septic tank, subsurface disposal system, or other devices used in the disposal of sewage or human excreta.
- (g) "Sewage Treatment Plant" means any arrangement of devices and structures used for treatment of sewage.
- (h) "Sewage Works" means all facilities for collecting, pumping, treating, and disposing of sewage.
- (i) "Sewer" means any pipe, tile, tube, or conduit for carrying sewage.
- (j) "Shall" is mandatory.
- (k) "Slug" means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration or flows during normal operation.
- (l) "State" means the State of Michigan, including any agency or official of competent jurisdiction.
- (m) "Storm Sewer" or "Storm Drain" means a sewer which carries storm or surface waters or drainage, but excludes sewage or polluted industrial wastes.
- (n) "Subsurface Disposal System" means an arrangement for distribution of septic tank effluent or overflow beneath the ground surface.
- (o) "Supervisor" means the Supervisor of the Township or his/her designee.
- (p) "Suspended Solids" means solids either floating on the surface of or suspended in water or sewage, and which are removable by laboratory filtering.
- (q) "SWRC" means the State Water Resources Commission or any of its affiliates, the State Health Department, State Department of Natural Resources, or the State Highway Department.
- (r) "System" means the Moline System.
- (s) "Toilet Device" means a privy, outhouse, septic tank, or toilet, chemical closet, or other device used for the disposal of human excreta.
- (t) "Township" means the Township of Dorr, located in Allegan County, Michigan.
- (u) "User" means any person who is an owner, operator, or occupant of a premises connected to or discharging into the System.

## 161.002 - Use of public sewers required.

*Sec. 2.1 Unsanitary Deposits.* It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner upon public or private property within the Township any human or animal excrement, garbage, or other objectional [objectionable] wastes.

*Sec. 2.2 Discharge to Natural Outlets.* It shall be unlawful to discharge to any natural outlet within the Township any sanitary sewage, industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with standards established by the State and this Ordinance.

*Sec. 2.3 Use of Privies, Etc.* Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or industrial wastes.

*Sec. 2.4 Connection Required.*

- (a) The owners of all houses, buildings, or properties used for human occupancy, recreation, or other purposes situated within the Service Area, are required to install, at their own expense, suitable toilet facilities therein, and to connect such facilities directly with the Public Sewer in accordance with this Ordinance. Such hook-ups shall be mandatory, provided such Public Sewer is within two hundred (200) feet of the nearest building to be served and shall be completed within 18 months of the availability of such Public Sewer.
- (b) The requirement of subsection (a) of this section that properties connect to the Public Sewer shall not apply to properties that would connect to the 2010 extension of the Public Sewer, which will begin at a point on 142<sup>nd</sup> Avenue approximately 975 feet west of 16<sup>th</sup> Street; provided, however, that the requirements of subsection (a) shall apply to all newly constructed buildings or structures in the area where the Public Sewer is extended.

*Sec. 2.5 Connection for New Plats.* The owner or owners of any lands platted or divided into four or more lots in a Service Area after the effective date of this Ordinance shall cause a Public Sewer to be installed in the plat at the owner's expense and pay such other fees as required. This sewer shall meet the construction and capacity requirements as directed by the Administrator. The owner(s) shall apply to connect each of these plat sewers to the existing Public Sewer in the Service Area in which the plat is located. Such application shall be approved by the Administrator. The Township's designated engineer shall review all plans and specifications, and the owner or developer of the lots shall pay all costs incurred by the Township for the review and approval of such plans and specifications and for the inspection and approval of the sewers installed in the plat, as well as their connection to the Public Sewer. Once constructed and accepted by the Township, such sewers in the plat shall be Public Sewers.

*Sec. 2.6 New Building Connections.* All buildings erected within the Service Area after completion of construction of the Public Sewer shall be connected to such sewer in accordance with provisions of this Ordinance.

*Sec. 2.7 Extensions to Serve Other Parcels.* Owners of undeveloped parcels located within the Service Area who requested that Public Sewer service not be extended to the undeveloped parcel at the time of construction may, at a future date, request that the parcel be serviced by the Public Sewer. If no service connection or lateral was constructed to such property, no such connection shall occur until a service connection and lateral area is constructed in accordance with the Township's specifications and under the review of the Administrator. The owner or developer shall obtain all required County Road Commission and other permits. The plans and specifications for the Building Drain, Building Sewer, service connection, and lateral shall be submitted to the Administrator and may be referred to the Township's designated engineer for review and approval. The property owner or developer shall pay all costs of the connection, including all costs incurred by the township to review and approve plans and to inspect the same. The owner or owners of the parcel shall apply to connect to the existing Public Sewer of the Service Area in which the land is located. Such application shall be approved by the Administrator. The owner(s) of the parcel shall be responsible for payment of all costs related to construction and connection of the service, including, but not limited to, actual construction costs; backfill, restoration, and replacement costs; and all applicable permit, inspection, and hook-up fees. Construction and connection of the service shall be in accordance with appropriate construction standards acceptable to the Administrator. Also, all conditions and requirements of this Ordinance shall be satisfied by the owner(s) before the Administrator will allow connection to the system.

(Ord. of 8-6-2009)

## ARTICLE 3

### 161.003 - Building sewers and connections.

*Sec. 3.1 Connection Permit Required.* No unauthorized persons shall uncover, make any connections with or open into, use, alter, or disturb any Public Sewer or its appurtenances without first obtaining a written permit from the Administrator.

*Sec. 3.2 Permit Application.* Prior to connection of a Building Sewer to the Public Sewer, the owner or the owner's agent shall submit a permit application to the Administrator. This application will be on a special form furnished by the Administrator. The permit application shall be supplemented by any fees, plans, specifications, or other information required by the Administrator. Any user which will be discharging non-Domestic Wastewater shall provide detailed information about the quantities, characteristics, timing, and other aspects of its anticipated discharges into the Public Sewers, as well as details of any pre-treatment, slug control, discharge rate controls, spill prevention plans, and other controls or safeguards to be in the applicant's facility.

*Sec. 3.3 Costs.* All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be caused by the installation of the Building Sewer.

*Sec. 3.4 Separate Sewer for Each Building.* Separate and independent building sewer leads shall be provided for each parcel of land adjacent to the path of the sewer. Additional leads for a parcel may be provided after specifications of lot size, distance from the sewer line, and other such conditions are met; approval of the Township is given; and all permit, hook-up, connection fees, and other costs for each additional lead are paid.

*Sec. 3.5 Pipe Requirements.* The Building Sewer shall be of polyvinyl chloride (PVC) ASTM D-3034. All building sewers over ten feet deep shall be of pipe having greater strength than the above-mentioned pipe classes.

*Sec. 3.6 Building Sewer Diameter.* The size of the building sewer shall not be less than six (6) inches in diameter.

*Sec. 3.7 Fees Established.* The Authority and the Township shall be responsible for the establishment of, and provide for the collection of, all permit, hook-up, and inspection fees as may be required.

*Sec. 3.8 Distancing from Water Lines.* A minimum distance of ten (10) feet shall be maintained between the Building Sewer and any water-carrying pipes.

*Sec. 3.9 Building Sewer Elevation and Slope.* Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. The minimum depth of the Building Sewer at the property line shall be eight and one-half (8½) feet below the established street grade. Where this minimum depth cannot be obtained, the Building Sewer shall be laid with a rise of one-quarter (¼) inch per foot.

*Sec. 3.10 Lift Device Required.* In all buildings in which any Building Drain is too low to permit gravity flow to the Building Sewer, Sewage to be carried by the Building Drain shall be lifted by approved means and discharged to the Building Sewer.

*Sec. 3.11 Riser.* Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer using methods and materials approved by the Administrator.

*Sec. 3.12 Specifications and Inspection.* All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Connection Inspector. Cinders shall not be used as backfill.

*Sec. 3.13 Joints.* All joints and connections shall be made gastight and watertight. Joints for polyvinyl chloride (PVC) pipe shall conform to ASTM D-3034.

*Sec. 3.14 Sampling Manhole.* All applicants which will be discharging non-Domestic Wastewater into the System shall construct and install a sampling manhole in a location, outside of any building or structure on the premises, which is accessible at all times by the Administrator who shall review and approve the plans and specifications for that manhole.

*Sec. 3.15 Connection Specifications.* The connection of the Building Sewer to the Public Sewer shall be made at the wye or tee branch. If the property owner wishes to connect a Building Sewer to the Public Sewer and no wye or tee branch is available, the owner shall meet with the Administrator and, if required by the Administrator, with the Authority or the Township Board. At this meeting, the parties will determine the exact location and method of cutting into the Sewer and materials to be used.

*Sec. 3.16 Stormwater Prohibited.* No person shall make connection of roof down-spouts, exterior footing or foundation drains, areaway drains, storm drains, or other sources of surface runoff or groundwater to a Building Sewer or building drain which in turn is connected directly or indirectly to any Public Sewer.

*Sec. 3.17 Compliance with Codes.* Connection of the Building Sewer to the Public Sewer shall conform to requirements of the building and plumbing codes and applicable rules and regulations of the Township and the Authority or in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the Township.

*Sec. 3.18 Safety Measures.* All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

*Sec. 3.19 Notification for Inspection.* The applicant for the Building Sewer permit shall notify the Connection Inspector when the Building Sewer is ready for connection with the Public Sewer. The connection shall be made under the supervision of the Connection Inspector.

#### ARTICLE 4

##### 161.004 - Use of the public sewer.

*Sec. 4.1 Surface Storm and Cooling Water Prohibited.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling waters into any Public Sewer.

*Sec. 4.2 Proper Stormwater Disposal.* Stormwater and all other unpolluted drainage shall be discharged to the ground surface, or to a natural outlet approved by the Township or the State.

*Sec. 4.3 Prohibited Discharges.* Except as provided by more specific limits stated in this Ordinance, no person shall discharge or cause to be discharged any of the following to any Public Sewer:

- (a) BOD<sub>5</sub> in excess of 300 mg/l.
- (b) COD in excess of 450 mg/l.
- (c) Chlorine Demand in excess of 15 mg/l.
- (d) Any explosive liquid, solid, or gas including, but not limited to, any benzene, naphtha, fuel oil, or other flammable material, and including, but not limited to, any substance which results in sewage having a closed air flashpoint of less than 140°F or 60°C.
- (e) Any Garbage which is not Properly Shredded.
- (f) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the sewer at temperatures between 32°F and 150°F.
- (g) Substances which tend to settle out in the sewer, causing stoppage or obstruction to flow.
- (h) Liquids which are corrosive.

- (i) Insoluble, solid, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, feathers, plastics, wood, hair, paunch manure or any substance which can be disposed of in the fresh.
- (j) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (k) Substances having a pH less than 6.5 and greater than 9.0.
- (l) All toxic, poisonous or radioactive wastes exceeding limits established by applicable state and federal regulations.
- (m) Any substance harmful to pipes, jointing material, and manholes.
- (n) Any live animals or fish.
- (o) Suspended solids in excess of 350 mg/l.
- (p) Wastes having a temperature less than 32°F or greater than 150°F.
- (q) Any substance which could cause any blockage of any pipes or could cause an interference.
- (r) Any Holding Tank wastes except as approved by the Administrator in accordance with policies of the Township or the Authority and only at such places in the System as may be designated by and after the sampling and analysis required by such policies.
- (s) Color, as from, but not limited to, dyes, inks, and vegetable tanning solutions, if they interfere with light absorbency or analytical determinations.
- (t) Discharges resulting in excess foaming during treatment.
- (u) Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, and paint thinners.
- (v) Any discharge violating any order of the Administrator, any permit requirement, or any order of an agency or court of competent jurisdiction.

*Sec. 4.4 Industrial Cost Recovery.*

- (a) *Applicability.* Any non-governmental non-Domestic User of the System which discharges more than the equivalent of 25,000 gpd of non-domestic wastewater into the System at any time and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A. Agricultural, Forestry and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

including (i) any discharger listed in those divisions with a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to the weight of BOD or SS normally found in 25,000 gpd of Domestic Waste; (ii) any user discharging into the System any substance in a quantity which either singly or by interaction with other wastes, causes an Interference, a Nuisance, or a hazard to any person or animal.

- (b) *Payment.* All such users shall be required to repay that portion of federal grant monies proportional to their use of the Sewage Treatment Plant according to "The Federal Water Pollution Control Act Amendments of 1972," PL92-500, and 40 CFR §35.928. The period of repayment shall be for the design life of the Sewage Treatment Plant or 30 years, whichever is less. If any such user may contribute ten percent or more of any one design parameter that is flow, BOD, or SS, a letter of intent to use the Sewage Treatment Plant shall be required. Those users contributing less than ten percent will not be required to submit a letter of intent but shall be subject to an industrial cost recovery charge. Such users shall construct a sampling control manhole for the purpose of measuring the amount of and determining the type of non-domestic

wastewater introduced to the Sewage Treatment Plant by the user. As a result of the flow measuring and sampling, the Township or the Authority may require the Non-Domestic Wastewater to be pretreated prior to introduction to the Public Sewer. If for any reason such a user should cease operation during the cost recovery period, it will not be held responsible for cost recovery payments. The capacity formerly utilized by that user shall become available for increases in loading or for new industrial users. The removal of a user from the cost recovery system shall not in any way affect the industrial cost recovery charge for any other user.

*Sec. 4.5 Non-Complying Discharges.* If any sewage or substances are discharged, or are proposed to be discharged to the Public Sewers in violation of Section 4.3 of this Ordinance, and which in the judgment of the Administrator may have a deleterious effect upon the System, its processes, its effluent, or the receiving waters, or which might otherwise be hazardous or constitute a public nuisance, the Administrator may:

- (a) Reject the Sewage or other substances.
- (b) Require pre-treatment to an acceptable condition for discharge to the Public Sewers.
- (c) Require control over the quantities and rates of discharge into the Public Sewers.
- (d) Require payment to cover the added cost of handling and treating the Sewage or other substances as provided in this Article, and to cover the cost of any damage or added costs to the system caused by the discharge.

If the Administrator permits the pre-treatment or equalization of Sewage flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Administrator, and subject to the requirements of all applicable laws, rules, regulations, orders, directives, and permit requirements.

*Sec. 4.6 Pre-Treatment Facilities.* Where pre-treatment or flow equalizing facilities are provided on a User's premises, they shall be constructed, installed, operated, repaired, and maintained continuously in satisfactory and effective operation, by the owner at the owner's expense.

*Sec. 4.7 Special Arrangements.* Nothing in this Ordinance shall prevent any special agreement or arrangement between the Authority and any non-Domestic User whereby a non-domestic wastewater of unusual strength or character may be accepted in the System for treatment, subject to payment therefore, by the non-Domestic User.

*Sec. 4.8 Arrangements With Other Municipalities.* Nothing in this Ordinance shall prevent any agreement or arrangement between the Authority and any municipality whereby sewage from the other municipality may be accepted in the System for treatment, subject to payment by the municipality.

## ARTICLE 5

### 161.005 - Private sewage disposal.

*Sec. 5.1 Private System Permitted.* When a structure on a parcel of land located in the Township cannot comply with Section 2.4 and Section 3.4 of this Ordinance, the Building Sewer shall be connected to private Sewage Disposal Facilities complying with this Article.

*Sec. 5.2 Application.* Before beginning construction of private Sewage Disposal Facilities, the owner shall first obtain a duly issued construction permit from the Allegan County Health Department, on such forms and meeting such requirements as the Health Department shall require.

*Sec. 5.3 Inspection.* The Building Inspector shall be allowed to inspect the work on the construction and installation of the private Sewage Disposal Facilities at any stage. The applicant for the permit shall notify the Building Inspector when the work is ready for final inspection and before any underground portions are covered.

*Sec. 5.4 Legal Compliance.* All private Sewage Disposal Facilities shall comply with all applicable laws, rules, requirements, orders, directives, and permit requirements including, without limitation, those of the Authority, the Township, the MDEQ, and the Allegan County Health Department.

*Sec. 5.5 Non-Complying Parcels a Nuisance.* Any private Sewage Disposal Facilities existing or being maintained, which do not conform to the requirements of this Ordinance, or any private Sewage Disposal Facilities serving a premises that can be served by the Public Sewer of the Township, are hereby declared a public nuisance, dangerous, and a menace to public health. The Building Inspector shall order the abatement of such nuisances according to this Ordinance and the laws of the State.

*Sec. 5.6 Failure to Abate.* If the owner or occupant of any premises neglects or refuses to abate such nuisance, or to construct and maintain such Sewage Disposal Facilities, within sixty (60) days or such time required by the Building Inspector, the Township may cause the work reasonably needed to abate the nuisance to be done at the expense of the owner or occupant. Actual cost of such work shall constitute a lien upon the affected premises. Such lien may be included in the taxes assessed against the premises upon the general tax roll of the Township, and collected in the same manner as general Township taxes.

*Sec. 5.7 Operation and Maintenance of Private Facilities.* The owner shall operate and maintain such private Sewage Disposal Facilities in a sanitary manner at all times at no cost to the Authority or the Township.

*Sec. 5.8 Switch to Public Sewer Required.* When a Public Sewer becomes available, the Building sewer shall be connected to that Public Sewer within three hundred sixty-five (365) days after it becomes available and notice of such is given to the property owner shown on the Township's ad valorem property tax roll. Any septic tank, privy, privy vault, cesspool, or similar private Sewage Disposal Facility shall be abandoned and filled with suitable material. Requirements of Article 2, Section 2.4 of this Ordinance, regarding procedures to be followed for connections to public sewers, shall be satisfied.

## ARTICLE 6

### 161.006 - Administration, enforcement and penalties.

- 1) *Entry and Damage Prohibited.* No person, without prior written authorization, shall break, damage, destroy, uncover, deface, tamper with, climb upon or enter into any line, main, pipe, manhole, pump, lift station, plant, building, structure, equipment, facility, improvement or appurtenance belonging to or part of the System.
- 2) *Use Conditional.* Use of the System and any discharge into any Public Sewer is conditional upon compliance with this Ordinance including, without limitation, the payment of all rates, fees and charges for such use and the compliance with all orders, directives, permit requirements and requests for information pursuant to this Ordinance. Users of the System are required to comply with all such orders, directives, permit requirements and information requests issued or made pursuant to this Ordinance.
- 3) *Notification Required.* Any owner, occupant or operator of any premises or other person who knows or has reason to know a discharge into the System or any Public Sewer within the System has occurred or is going to occur in violation of Article 4 of this Ordinance shall immediately notify the Administrator or, if the Administrator cannot be contacted, any other Township official, of the time, source, quantity and characteristics, including any offending characteristics, of that discharge. Such notification shall include any corrective actions which have been taken. Such notification shall be followed, within 24 hours, with a written report providing updated information fully disclosing all the above information in addition to a detailed description of how the violation occurred.
- 4) *Sampling.* The Administrator may sample or cause to be sampled at such times and frequencies as the Administrator may deem appropriate, the Sewage of any User. If a violation is found after analyses, the violating user shall reimburse the System the cost of any such sampling and analyses. Non-Domestic Users shall be obligated to reimburse the System the cost of any sampling and analyses completed two times each calendar year regardless of whether or not any violation is detected. Such costs may be added to the regular billing for System services or invoiced separately in the discretion of the Township and the Authority.
- 5) *Violations Are Civil Infractions.* Any violation of any provision of this Ordinance constitutes a municipal civil infraction. Each day that a violation continues shall constitute a separate offense. Each substance or quantity discharged into the

System in violation of Article 4 of this Ordinance shall constitute a separate offense. Persons found responsible for such municipal civil infractions shall be punished by a fine of not less than one hundred dollars (\$100) nor more than ten thousand dollars (\$10,000) plus the costs of investigating the violation and enforcement of this Ordinance and other costs provided under this Ordinance. Such penalty shall be in addition to any order of compliance, abatement and any injunctive relief which the court may order and in addition to any other penalties and consequences available under this Ordinance, in law or at equity.

- 6) *Public Nuisances Per Se.* A violation of this Ordinance is declared to be a public nuisance per se for which the Township or the Authority may avail itself of any remedies available at law or in equity.
- 7) *Costs, Fines and Penalties.* Any person violating any provision of this Ordinance, or who causes damage to the System shall, in addition to any other penalties or consequences, reimburse the Authority and the Township for any costs either or both of them incur to investigate and prosecute that violation, to remedy or repair any damage to the System as a result of such violation, to pay any fines or penalties incurred by either of them as a result of any violation (such as a resulting violation in an NPDES Permit), to better assure such violations or damages do not recur, to compensate any persons injured or to pay for any damage to property (including natural resources) damaged as a result of any violation and for any other costs either of them incurs as a result of any violation. Costs may include without limitation, engineering and consultant fees, sampling and analytical fees, legal fees, personnel costs, costs for replacing Systems equipment or components, fines or penalties paid to the MDEQ or other agency, equipment rental, and other costs.
- 8) *Administrative Orders.* The Administrator may, in case of any violation of the provisions of Article 4 of this Ordinance, order the User to pre-treat its Sewage or to control the quantities and rates of its discharges to the Public Sewer. Such order shall be in writing and shall provide a date by which the necessary facilities are constructed, installed and put into operation. Users to which such an order is issued shall comply with the requirements of Section 4.5 of this Ordinance pertaining to the application for and construction and installation of such facilities.
- 9) *Termination of Service.* In case a violation of any provision of the Ordinance constitutes or results in an imminent threat to the public health or safety or an imminent violation of an NPDES Permit requirement, the Administrator may immediately, upon written notice to the User, terminate the User's use of the System. In other situations, service may be terminated after written notice and an opportunity for a hearing before a hearing panel.
- 10) *Right of Entry.* The Administrator, the Connection Inspector, the Building Inspector, the MDEQ, any agent of the Authority for any premises within the Moline System's Service Area, and any agent of the Township, shall have the right during any reasonable business hours to enter the premises of any User of the System to inspect, observe, measure, sample and test to assure compliance with this Ordinance. Such persons shall provide identification upon the request of any property owner or occupant.
- 11) *Authorized Officials.* The Township Supervisor, the Administrator (if different than the Township Supervisor), the Connection Inspector, the Building Inspector and any officer of the Authority are designated as Township officials authorized to issue municipal civil infraction citations and municipal civil infraction notices as provided in this Ordinance, other Township ordinances and state law.
- 12) *Appeals.*
  - (a) Any person aggrieved by an action of the Administrator, the Connection Inspector or the Building Inspector pursuant to this Ordinance may appeal in writing to the Township Clerk who shall transmit the appeal to the Authority Board. That body shall at its next regular meeting either decide to itself hear the appeal as the appeal panel or appoint a separate appeal panel of not less than three persons who may be Authority or Township officers or employees (provided they are not subordinates to the official from whom the appeal was made), consultants, engineers, attorneys or others and need not be Township residents.
  - (b) The written appeal shall state with specificity the issue being appealed, the basis for the appeal, the supporting facts for the appeal, the supporting legal basis, if any, for the appeal, the relief sought and any other information deemed relevant to the appeal and shall have attached all supporting documents.



- (c) The appeal panel shall provide the appellant and the official from whom the appeal was made notice of the time and place of the hearing on the appeal which shall not be more than sixty (60) days after the appeal was filed and of the rules and procedure followed at the hearing. The hearing may be informal and need not follow any formal rules of evidence.
- (d) The appeal panel shall within thirty (30) days after the hearing and any time after the hearing allowed for the filing of supplemental information, render its decision in writing. It may affirm the decision of the official from whom the appeal was made, reverse that decision or modify the decision. It may also condition its decision with terms the appeal panel deems necessary to assure the protection of the public health, safety and welfare, and the protection of the System.
- (e) If the appellant does not prevail in the appeal, the appeal panel may order the appellant to pay all or part of the costs incurred by the Township and the Authority as a result of the appeal.
- (f) The decision of the hearing panel shall be final.

## ARTICLE 7

### 161.007 - Rates, fees and charges.

- 1) *Basis and Amounts.* Rates, fees and charges for connection permit application, for connection permits, for private Sewage Disposal Facilities applications and permits, for use of the System, for expansion of the System, and for special arrangements as provided in this Ordinance shall be on such a basis, in such amounts, calculated in such a manner and billed and due at such times as shall be provided by actions taken from time to time by the Authority and the Township.
- 2) *Lien.* Such amounts as well as all other amounts to be paid pursuant to this Ordinance shall constitute a lien of the premises served or from which such payment obligation arises from the first accrual of that payment obligation or date service is first provided, whichever is earlier. Such lien shall have the same priority and shall be collectable in the same manner as delinquent ad valorem real property taxes.

## ARTICLE 8

### 161.008 - Miscellaneous.

- 1) *Repeal.* The ordinance entitled "Sewer Use Ordinance For Dorr Township - Leighton Township Sanitary Sewer System," adopted March 6, 1980, and the ordinance entitled "An Ordinance To Provide For Establishing And Collection Of Rates And Charges For The Use Of The Dorr-Leighton Sanitary Sewer System In The Township Of Dorr And The Township Of Leighton," adopted May 25, 1999 [previously codified as Part 160], are hereby repealed, as are all other ordinances or parts of ordinances in conflict with this Ordinance.
- 2) *Severance.* The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- 3) *Name and Citation.* This Ordinance may be called and may, be cited as the "Dorr Township Sanitary Sewer Use Ordinance."
- 4) *Publication and Effective Date.* A summary of this Ordinance in the form prepared and approved by the Township's legal counsel shall be published in the Penasee Globe, a newspaper of general circulation in the Township and this Ordinance shall take effect thirty (30) days after that publication.

The Township of Dorr, Allegan County, Michigan, hereby approves this Ordinance.

## 190.001 - Title.

## Article I.

Section 1. This Ordinance shall be known and cited as the Dorr Township Dangerous Buildings Ordinance.

## 190.002 - Definitions.

## Article II.

Section 1. As used in this Ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code in the Township of Dorr, it shall be considered that such building does not meet the requirements of this Ordinance.
- b. Whenever any portion has been damaged by fire, wind, flood or any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the State Construction Code, as amended, or the applicable building codes of the Township of Dorr for a new building or similar structure, purposes or location.
- c. Whenever any portion or member of appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the State Construction Code, as amended, or the applicable Building Codes of the Township of Dorr.
- e. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way.
- f. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- g. When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- h. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living or working within.
- i. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

## 190.003 - Prohibitions.

Article III. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

## 190.004 - Notice of dangerous condition.

## Article IV.

- a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Township building inspector shall issue a notice of the dangerous condition.
- b. Such notice shall be directed to the owner or party in interest in the building in whose name the property appears on the last local tax assessment records of the Township.
- c. The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- d. All such notices required by this Ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail-return receipt requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

## 190.005 - Hearings.

## Article V.

- a. A hearing officer shall be appointed by the Township Supervisor to serve at the pleasure of the Supervisor.
- b. The building inspector shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- c. At any hearing held, the hearing officer shall take testimony of the building inspector, the owner of the property, and any other interested party. Upon the taking of such testimony, the hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- d. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- e. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Dorr Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section IV(d).

## 190.006 - Hearing before Township Board.

Article VI. Upon receiving the findings and order of the hearing officer, the Dorr Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section IV(d) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

## 190.007 - Failure to comply.

Article VII. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Dorr Township Board, the Township Board may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last tax assessment records of the Township shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Township of Dorr and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

190.008 - Appeals.

Article VIII. An owner or party in interest aggrieved by any final decision of the Township Board may appeal the decision or order to the Circuit Court for the County of Allegan by filing a Petition for an order of superintending control or other appropriate relief within 20 days from the date of such decision.

190.009 - Repeal of conflicting ordinances.

Article IX. This Ordinance repeals all ordinances or parts of ordinance in conflict therewith.

190.010 - Effective date.

Article X. This Ordinance was duly adopted on January 3, 1985, at a regular meeting of the Dorr Township Board, and will become effective 30 days after legal publication.

Published: January 7, 1985

Part 191

191.000 - FIRE ORDINANCE Ord. No. 16

191.001 - Applicability.

Sec. 1. This Ordinance is adopted in the interest of public safety, and is designed to promote the general peace, health, safety and welfare of the Township of Dorr.

191.002 - Purpose.

Sec. 2. This Ordinance provides for the control of fires, burning of trash and rubbish, obtaining of permits, and establishes hours to set fires and to prevent foul odors caused by burning.

191.003 - Foul odors.

Sec. 3. No person shall burn garbage, animal carcasses, food waste, rubber, plastic, refuse, rubbish or like material giving off foul and offensive odors, or toxic fumes, at any time.

191.004 - Permit; hours to burn.

Sec. 4. No person shall set or cause to be set, burn or cause to be burned, any paper, trash, rubbish, leaves, cut grass or weeds, when such a fire is located within 200 feet of a neighboring dwelling or structure, unless the person has obtained from the Chief of the Dorr Township Fire Department or a duly authorized representative of the Dorr Township Fire Department a permit for such fire or fires. Hours of burning, with or without such a permit, shall be from sunrise to not later than 9:00 P.M.

191.005 - Permit; information required.

Sec. 5. Any person, partnership, firm, association or corporation deciding to set or start a fire for which a permit is required by this ordinance, must obtain a permit from the Fire Chief of the Dorr Township Fire Department or his duly authorized representative which states the name and address of the applicant, location of the land and premises where such fire is to be set, and the time contemplated for setting such fire.

191.006 - Penalties.

Sec. 6. Any person, partnership, firm, association or corporation who shall set or start an open fire without a permit as required by this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be subject to a fine or penalty, of not more than \$500.00, or by imprisonment in the County Jail of Allegan County not exceeding 90 days, or both such fine and imprisonment; or who sets an open fire which necessitates calling the Dorr Township Fire Department, shall pay to Dorr Township all costs and charges incurred by said Township by reason of calling the Dorr Township Fire Department. The Township of Dorr may also sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such an open fire without a permit.

191.007 - Effective date.

Sec. 7. This Ordinance shall become effective 30 days after its publication in a newspaper circulating within Dorr Township.

Published: March 25, 1987

192.000 - FIRE DEPARTMENT SERVICES CHARGE Ord. No. 27

192.001 - Purpose.

Sec. 1. This Ordinance is adopted to defray certain expenses incurred by the Dorr Township Fire Department by authorizing Dorr Township to submit charges for services rendered by the Township Fire Department in incidents involving hazardous chemicals and materials and/or a HAZMAT/TOXIC material situation.

192.002 - Charges for services.

Sec. 2. Any person, agency, firm or entity that intentionally, recklessly, or negligently causes an incident involving the release, discharge or spill of hazardous chemicals and materials, or a HAZMAT/TOXIC materials situation requiring the services of the Dorr Township Fire Department may be charged the cost of such services. Such costs may include, but are not limited to, incident abatement, mitigation, clean up, mutual aid, and stand-by duties at the scene or incident. The decision to require reimbursement of the costs shall be made by the Dorr Township Board based upon the recommendation of the Chief of Dorr Township Fire Department and/or the commanding officer of the incident. The costs to be reimbursed will be calculated based upon the current rates for equipment and operation of fire apparatus or fire equipment, as well as personnel costs. See Section 7 for additional charges and costs which are permissible.

192.003 - Time for payment for services.

Sec. 3. The person or persons charged with services rendered by the Dorr Township Fire Department under this Ordinance shall be mailed a statement disclosing the nature and extent of those charges promptly after services are rendered. All such charges shall be due and payable within 45 days from the date a statement is mailed, and in default of payment, such charges shall be collectable through proceedings filed in a court of competent jurisdiction, as a matured debt.

192.004 - Exemptions.

Sec. 4. All governmental entities and agencies shall be exempt from the provisions of this Ordinance.

192.005 - Collection of charges.

Sec. 5. Dorr Township may bring an action in a court of competent jurisdiction to collect any sums remaining unpaid within 45 days after a statement for emergency fire department services which were rendered pursuant to this Ordinance has been mailed to the party charged with payment of such services. The Township may also pursue any other remedies available by law for collection of the sums due.

## 192.006 - Non-exclusive charges.

Sec. 6. The foregoing rates and charges shall be in addition to any other charges and fees which may be assessed or imposed by Dorr Township for the cost and expense of maintaining a fire department.

## 192.007 - Personnel, equipment and supplementary costs.

Sec. 7.

- (a) *Personnel costs.* The costs per firefighter to be assessed by Dorr Township will be based upon the hourly pay scale in effect at the time services are rendered. The length of service per incident will begin at the time of dispatch, and will be terminated one hour after the last apparatus or piece of equipment clears the scene or incident. A factor of 25% of the cost may be added to cover any administrative costs of the Township.
- (b) *Equipment costs.* The total cost of all equipment, including costs of operation, will be calculated at the hourly rate for such equipment in effect at the time services are rendered. The length of service will begin at the time of dispatch and will be terminated at the time the last fire apparatus or piece of equipment leaves the scene or incident.
- (c) *Supplementary costs.* In addition to personnel and equipment costs, the Township may assess the cost of suppression agents, materials, technical service and similar miscellaneous costs incurred in connection with the provision of services described in Sections 1 and 2 of this Ordinance.

## 192.008 - Severability.

Sec. 8. If any part of this Ordinance is declared by any court to be invalid or unenforceable, it shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

## 192.009 - Immediate effect.

Sec. 9. This Ordinance is hereby given immediate effect upon publication, as provided by law.

## 193.000 - OUTDOOR FURNACES, BOILERS AND STOVES Adopted: September 15, 2011

## 193.001 - Purpose.

Sec. 1. This ordinance is intended to regulate the installation and use of fuel fired boilers, stoves or furnaces, fueled by wood, corn, coal and other types of fuel, which are located outside of a dwelling or accessory structure, and are designed or used for the purpose of providing indoor heat for water and/or air for such a building or structure.

## 193.002 - Definitions.

## Sec. 2.

- (A) *Outdoor furnace.* "Outdoor furnace" shall mean a fuel-fired boiler, stove or furnace fueled by wood, coal, corn and other types of fuel, located outside a dwelling or accessory structure, which is designed or used for the purpose of providing indoor heat for water and/or air for such building or structure.
- (B) *Refuse.* "Refuse" shall mean any waste material, garbage, animal carcasses, or waste, trash or household materials, including treated lumber and any other lumber, building materials or products treated with toxic materials or liquids, waste oil, asphalt and asphalt products, plastic materials and rubber. "Refuse" does not include trees, logs, brush and stumps.

## 193.003 - Regulations regarding location and use of outdoor furnaces.

Sec. 3. Outdoor Furnaces which are designed or used to heat structures or produce hot water are permitted, provided that the installation and use of such furnaces complies with the following regulations and restrictions:

- A. Outdoor Furnaces may be installed and used only on parcels of land that are two (2) acres or larger in size, not including any public or private road right of way, provided that outdoor furnaces may not be installed or used within a lot located in a platted subdivision, regardless of the area of the subdivision lot.
- B. All permitted Outdoor Furnaces shall be located within the rear and/or side yards of a lot or parcel as defined in the Dorr Township Zoning Ordinance.
- C. All Outdoor Furnaces shall meet the minimum rear and side yard setback requirements for accessory structures found in the Dorr Township Zoning Ordinance concerning the affected property, and shall be located a minimum of ten (10) feet from all existing structures. In addition to these minimum setback requirements the area around an Outdoor Furnace shall be cleared of vegetation and/or other combustible materials according to the manufacturer's specifications and recommendations, or within ten (10) feet of the Furnace, whichever distance is greater.
- D. All chimneys/smoke stacks shall not be less than ten (10) feet in height measured from the ground directly below the chimney/smoke stack and shall include a spark arrester.
- E. All Outdoor Furnaces shall only be used to burn fuel that is permitted by this ordinance. No refuse, petroleum products, rubber, construction waste, or other solid or liquid waste shall be burned in such a furnace regardless of design or manufacturer's intended fuel source.
- F. All Outdoor Furnaces shall be kept in sound condition and shall continue to comply with all state, federal, and local laws, codes, ordinances and regulations applicable to such furnaces.
- G. A Zoning Compliance Permit shall be obtained from the Dorr Township Zoning Administrator prior to the installation, connection or operation of any Outdoor Furnace. In addition, no Outdoor Furnace shall be installed or used prior to the issuance of any other required permit under an applicable mechanical, building or other code. All Outdoor Furnaces are subject to inspection by the Dorr Township Zoning Administrator, Mechanical Inspector and Building Official at any reasonable time to assure compliance with this section.

#### 193.004 - Pre-existing outdoor furnaces.

Sec. 4. An owner or person in control of an Outdoor Furnace which exists in Dorr Township as of the effective date of this Ordinance may continue to operate the Outdoor Furnace, and the Outdoor Furnace may remain in place, unless such furnace constitutes a clear hazard to the public health, safety and general welfare or is in violation of another ordinance or statute which regulates the safe use and operation of such devices. In either instance, the owner or person in control of the Outdoor Furnace shall bring the Furnace into compliance with the requirements of this Ordinance, as well as any other applicable statute or ordinance, or cease using the Furnace. An Outdoor Furnace shall be deemed to be a hazard to the public health, safety and general welfare if it generates excessive smoke, pollution, soot contamination, or other toxic air pollutants and offensive odors which are or may be injurious to human health, or which otherwise constitutes a public nuisance.

#### 193.005 - Exemptions.

Sec. 5. The provisions of this Ordinance do not apply to boilers, stoves or furnaces fueled by natural gas, propane or fuel oil if the boiler, stove or furnace has been inspected and approved by the Dorr Township Mechanical Inspector.

#### 193.006 - Repeal.

Sec. 6. This section shall not be construed as an exemption or exception to any other Dorr Township Ordinance, including the State of Michigan Construction Code, Fire Prevention Code, the Dorr Township Zoning Ordinance or any other code or ordinance. In the event of a conflict between provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

## 193.007 - Penalties/municipal civil infraction.

Sec. 7. Any person who violates any provision of this Ordinance is subject to a Municipal Civil Infraction as set forth in the Dorr Township Municipal Civil Infractions Ordinance (Ord. 10-17-2002).

## 193.008 - Severability.

Sec. 8. The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

## 193.009 - Effective date.

Sec. 9. This ordinance was approved and adopted by the Township Board on September 15, 2011, and shall be effective thirty days after its publication.

## 194.000 - COST RECOVERY FOR FIRE DEPARTMENT SERVICES Adopted: May 17, 2012

## THE TOWNSHIP OF DORR ORDAINS:

## 194.001 - Purpose.

Sec. 1. The purpose of this Ordinance is to provide provisions to allow the Dorr Township Fire Department to recover costs incurred in connection with certain assessable emergency services and to provide for the enforcement of this Ordinance.

This Ordinance provides for charges for certain assessable services, to define responsibility for such charges, and to clarify that any party benefiting from Fire Department services shall be liable for payment of services rendered, and to allow for billing through the Township for other departments and/or agencies providing assistance within the Township.

## 194.002 - Responsible parties.

Sec. 2. The Township shall bill persons, entities, or corporations determined to be responsible for certain assessable services provided by or through the Township Fire Department. Any party benefiting from such services shall be liable for payment of the full charge for such services rendered. When a particular service rendered by or through the Fire Department directly benefits more than one person or property, the owner of each property so benefited and/or each person so benefited if property protection is not involved, shall each be liable for the payment of the full charge for services. Beneficiaries shall also be responsible jointly and severally for charges billed to the recipient of the service. Parents and/or guardians shall be responsible for payment for assessable services incurred by minors who caused the condition or event leading to the charges.

## 194.003 - Assessable costs.

Sec. 3. Costs associated with the following actions or services, also referred to as "assessable services" in this Ordinance shall be jointly and severally assessed to any and all responsible and benefited parties. Costs incurred by the Township include, but are not limited to, materials, equipment, manpower, administration, and assistance within the Dorr Township Fire Department, from other departments of the Township, or outside sources or contractors, injuries or damage to people or property which results from the situation which caused the Township to incur assessable costs, and any other factors deemed relevant by the Township Board:

- (A) Costs incurred to halt, abate, remediate or remedy any spill, containment, or release of any hazardous materials and any liabilities resulting from such.
- (B) Extraordinary costs incurred to extinguish or fight any fire in or at a structure or on a property, including, but not limited to, overhauling equipment, fire extinguishers and foam, any demolition costs if the structure must be demolished to



protect the public safety following the fire, and any liabilities resulting from such.

- (C) Costs incurred in connection with a utility line, gas line, or facility failure or problem and any liabilities resulting from such.
- (D) Costs incurred in connection with any water rescue or recovery attempt and any liabilities resulting from such.
- (E) Costs incurred in connection with any Technical Rescue Unit (i.e., means the equipment and/or specially trained rescue and/or recovery team provided by governmental or private emergency response service to provide emergency service in situations involving the technical rescue and/or recovery situation) and any liabilities resulting from such.
- (F) Costs associated with a motor vehicle accident, extrication of individuals from a vehicle, or motor vehicle fire, including, but not limited to, "spill clean-up," foam, fire extinguishers, and any liabilities resulting from such.
- (G) Costs associated with excessive requests for emergency assistance, including, but not limited to, calls made for a particular location or commercial entity if that location or commercial entity has requested or received emergency assistance of any type more than two (2) times in the preceding twelve (12) months.
- (H) Costs associated with a false alarm in excess of two (2) times in a one (1) calendar year time period.

Any assessable costs, including litigation expenses, which become known to the Township following the transmittal of a statement to the responsible party pursuant to this Ordinance shall be billed in the same manner on a subsequent statement to the responsible party.

#### 194.004 - Charges for services.

Sec. 4. Rates and guidelines for charges and assessable costs shall be set by resolution of the Dorr Township Board. All costs assessed pursuant to this Ordinance shall become due within thirty (30) calendar days of the date of the statement, unless an appeal is pending.

#### 194.005 - Interpretations.

Sec. 5. The Dorr Township Fire Chief shall have the right to render formal interpretations of provisions of this Ordinance, including what constitutes "extraordinary costs." Any such interpretation shall be binding unless any such interpretation is overturned or modified by a timely appeal to the Township Board pursuant to Section 8 [194.008] hereof or by a court of competent jurisdiction.

#### 194.006 - Applicability of charges regardless of outcome.

Sec. 6. The assessable costs and charges under this Ordinance shall be applicable regardless of the results or outcome of services provided by or through the Dorr Township Fire Department with regard to the particular fire, rescue service, or other emergency involved.

#### 194.007 - Additional remedies.

Sec. 7. The assessable costs and charges specified by this Ordinance are intended to reimburse the Township for its reasonable costs and expenses incurred, and are not penal in nature. Accordingly, any charges or assessable costs billed or imposed pursuant to this Ordinance shall be in addition to any penal fines, fees, or other costs or expenses which may be imposed on the property owner or beneficiary pursuant to any other law or ordinance.

#### 194.008 - Right to appeal.

Sec. 8. Any responsible party who receives a statement of costs assessed pursuant to this Ordinance shall have the opportunity to appeal the costs to the Township Board. The responsible party who wishes to appeal any assessable costs shall file a written appeal with reasons for the appeal with the Township Treasurer within fourteen (14) calendar days of the statement of the assessed costs. The appeal will stay all payments due until the appeal is decided by the Township Board. The appeal will be reviewed first by the Dorr

Township Supervisor, who will provide a recommendation to the Township Board. The appeal will be placed on the agenda of the next regularly scheduled or special Township Board meeting. The Township Board will consider the request, along with the recommendation from the Supervisor, and will make a determination regarding the assessable costs in the case appealed. The Township Board will also determine the date that any or all assessable costs involved in the appeal will become due.

194.009 - Severability.

Sec. 9. This Ordinance is declared to be severable. If any part is adjudged invalid, the remainder of this Ordinance shall not be affected.

194.010 - Repeal.

Sec. 10. All resolutions, ordinance, orders of parts thereof in conflict in whole or in part with any provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

194.011 - Effective date.

Sec. 11. Effective Date: This Ordinance is adopted this 17th day of May, 2012, and shall become effective 1 day after publication as provided by law.

#### FEE SCHEDULE

Recovery cost associated with automobiles:

Flat rate fee of \$250.00 for:

- Spill clean-up from auto accident
- Automobile fire
- PI accident

Flat rate fee of \$500.00 for:

- Automobile accident involving an extrication
  - Jaws
  - Air Bags
  - Etc.

Recovery cost associated with Township owned Apparatus when not covered by a flat rate fee:

- Rescue vehicles: \$250.00 per vehicle, per hour
- Water Tenders: \$150.00 per vehicle, per hour
- Pumpers: \$250.00 per vehicle, per hour
- Grass trucks: \$150.00 per vehicle, per hour

Recovery cost associated with staff and manpower when not covered by a flat rate fee:

- Manpower: Multiply number of people times their current wage

Recovery cost associated with a false alarm in excess of two (2) times per calendar year, and excessive requests for emergency assistance of any type more than two (2) times in the preceding twelve (12) months, flat rate fee:

- 3rd offense: \$100.00
- 4th offense: \$200.00 for each offense equal to or greater than four (4)

Recovery costs where a flat rate fee is not associated will include the above-mentioned non-flat rates. They may also include all additional costs from outside agencies, persons or equipment that are used to halt, abate, or remedy the situation as seen fit by the Township Board.

**SAMPLE BILLING INVOICE**

To recover costs pursuant to Dorr Township Cost Recovery Ordinance # \_\_\_\_\_

Dorr Township is billing for services rendered:

Date: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE OF INCIDENT: \_\_\_\_\_

LOCATION: \_\_\_\_\_

\_\_\_\_\_

INCIDENT #: \_\_\_\_\_

INCIDENT: \_\_\_\_\_

DISPATCH TIME: \_\_\_\_\_

CLEARED SCENE: \_\_\_\_\_

RESTORE TO PREPAREDNESS: \_\_\_\_\_

TOTAL SERVICE TIME: \_\_\_\_\_

NARRATIVE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PERSONNEL:	___man hours	@ \$20.00 per hour \$_____
EQUIPMENT:	E10	@ \$250.00 per hour \$_____
	E11	@ \$250.00 per hour \$_____
	R62	@ \$200.00 per hour \$_____
	T45	@ \$150.00 per hour \$_____

	T47	@ \$150.00 per hour \$_____
	T30	@ \$150.00 per hour \$_____
		TOTAL: \$_____

Dorr Township Fire Chief: \_\_\_\_\_

Dorr Township Supervisor: \_\_\_\_\_

Charges payable to "Dorr Township"

220.000 - CONSTRUCTION CODE ENFORCING AGENCY Ord. No. 3

220.001 - Agency designated.

Sec. 1. Pursuant to the provisions of Section 9 of Act 230 of the Public Acts of 1972, the building official of the Township of Dorr is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Dorr under Act 230 of the Public Acts of 1972, State of Michigan. The Township of Dorr hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

220.002 - Repeal.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

220.003 - Effective date.

Sec. 3. This Ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

220.004 - Adoption.

Sec. 4. The foregoing Ordinance was adopted by the Township Board of the Township of Dorr, Allegan County, Michigan, at a special meeting duly called and held for said purpose on the 17th day of October, 1974.

Published: October 22, 1974

Part 221

221.000 - ELECTRICAL CODE ENFORCING AGENCY Ord. No. 19

221.001 - Agency designated.

Sec. 1. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Act 230 of the Public Acts of 1972, as Amended, the electrical inspector official of Dorr Township is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Dorr under Act 230 of the Public Acts of 1972, as Amended, concerning the Michigan Electrical Code. The Township of Dorr hereby assumes responsibility for the administration and enforcement of the Michigan Electrical Code, pursuant to the applicable Statute, throughout its corporate limits.

221.002 - Repeal.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

221.003 - Effective date.

Sec. 3. This Ordinance shall be effective after legal publication in accordance with the statutory provisions concerning the publication of Ordinances.

221.004 - Adoption.

Sec. 4. The foregoing Ordinance was adopted by the Township Board of the Township of Dorr, Allegan County, Michigan, at a regular meeting held on November 2, 1989.

Published: November 8, 1989

222.000 - MECHANICAL CODE ENFORCING AGENCY Ord. No. 20

222.001 - Agency designated.

Sec. 1. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, as Amended, the mechanical inspector official of Dorr Township is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Dorr under Act 230 of the Public Acts of 1972, as Amended, concerning the Michigan Mechanical Code. The Township of Dorr hereby assumes responsibility for the administration and enforcement of the Michigan Mechanical Code, pursuant to the applicable Statute, throughout its corporate limits.

222.002 - Repeal.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

222.003 - Effective date.

Sec. 3. This Ordinance shall be effective after legal publication in accordance with the statutory provisions concerning the publication of Ordinances.

222.004 - Adoption.

Sec. 4. The foregoing Ordinance was adopted by the Township board of the Township of Dorr, Allegan County, Michigan, at a regular meeting held on November 2, 1989.

Published: November 8, 1989

223.000 - PLUMBING CODE ENFORCING AGENCY Ord. No. 21

223.001 - Agency designated.

Sec. 1. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as Amended, the plumbing inspector official of Dorr Township is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Dorr under Act 230 of the Public Acts of 1972, as Amended, concerning the Michigan Plumbing

Code. The Township of Dorr hereby assumes responsibility for the administration and enforcement of the Michigan Plumbing Code, pursuant to the applicable Statute, throughout its corporate limits.

223.002 - Repeal.

Sec. 2. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

223.003 - Effective date.

Sec. 3. This Ordinance shall be effective after legal publication in accordance with the statutory provisions concerning the publication of Ordinances.

223.004 - Adoption.

Sec. 4. The foregoing Ordinance was adopted by the Township Board of the Township of Dorr, Allegan County, Michigan, at a regular meeting held on November 2, 1989.

Published: November 8, 1989

250.000 - DOWNTOWN DEVELOPMENT AUTHORITY Ord. No. 13 Adopted: October 9, 1986

250.001 - Title.

Sec. 1. This Ordinance shall be known and may be cited as the "Downtown Development Authority Ordinance."

250.002 - Definitions.

Sec. 2. The terms used herein shall have the same meaning as given them in Act 197 as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this Ordinance:

- (a) *Authority* shall mean the Downtown Development Authority for the Township of Dorr created by this Ordinance.
- (b) *Act 197* shall mean Act No. 197 of the Public Acts of 1975 as now in effect or hereinafter amended, being known as the Michigan Downtown Development Authority Act.
- (c) *Board* or *Board of directors* shall mean the Board of Directors of the Authority.
- (d) *Downtown district* shall mean the downtown district designated herein or as hereafter amended.
- (e) *Supervisor* shall mean the Township Supervisor of Dorr Township, Allegan County, Michigan.
- (f) *Township* shall mean the Township of Dorr, in Allegan County, Michigan, a municipal corporation of the State of Michigan.
- (g) *Township Board* shall mean the Township Board of Dorr Township, Allegan County, Michigan.

250.003 - Purpose.

Sec. 3. The Township Board of the Township of Dorr hereby determines that it is in the best interests of the Township, and has so expressed its determination in the passage of a Resolution of Intent to form a Downtown Development Authority, to create such a public body corporate to promote economic growth, to halt property value deterioration, to create and implement a development plan, to increase property valuation where possible in the central business district of the Township, and to eliminate the causes of the deterioration in property value within that district, pursuant to Act 197.

250.004 - Creation of authority.

Sec. 4. There is hereby created pursuant to Act 197, as amended, a Downtown Development Authority for the Township of Dorr, Allegan County, Michigan. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "Dorr Township Downtown Development Authority." The Authority may adopt a seal, may sue and be sued in any court of this State, and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this Ordinance and in Act 197. The enumeration of a power herein or in Act 197, as amended, shall not be construed as a limitation upon the general powers of the Authority.

250.005 - Designation of downtown district.

Sec. 5. The boundaries of the Downtown District in which the Authority shall exercise its powers as provided by Act 197 shall consist of the property in the Township described in Exhibit A attached hereto and made a part hereof, subject to such charges as may hereinafter be made pursuant to this Ordinance and Act 197, as amended.

250.006 - Board of Directors.

Sec. 6. The Authority shall be under the supervision and control of a Board consisting of the Supervisor and eight other members. These members shall be appointed by the Supervisor subject to the approval of the Township Board. Eligibility for membership on the Board and terms of office shall be as provided in Act 197, as amended. All members shall hold office until the member's successor is appointed.

250.007 - Powers of the Authority.

Sec. 7. The Authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197, as amended.

250.008 - Director, Board of Directors.

Sec. 8. If a Director is ever employed by the Authority as authorized by Act 197, as amended, he/she shall post a bond in the penal sum as may be required by the Board of Directors at the time of appointment, which shall be in conformance with Act 197, as amended.

250.009 - Rules of procedure.

Sec. 9. The Board of Directors shall adopt rules and regulations governing its procedures and the holding of regular meetings. Said rules of procedure shall be governed by Act 267 of the Public Acts of 1976 (the Open Meetings Act) and Act 442 of Public Acts of 1976.

250.010 - Fiscal year; adoption of budget; audits.

Sec. 10.

- (a) The fiscal year of the Authority shall be the same as that for the Township which shall begin on April 1 of each year and end on March 31 of the following year.
- (b) The Board shall annually prepare a budget and shall submit it to the Supervisor for submission to the Township Board. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Township Board. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The Authority shall be audited by the same independent auditors auditing the Township and at the same intervals as the Township and copies of the audit report shall be filed with the Township Board. The Authority shall submit other financial reports to the Township Board as requested by the Township Board.

## 250.011 - Termination.

Sec. 11. Upon completion of its purposes, the Authority may be dissolved by an ordinance duly adopted by the Township Board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Township.

## 250.012 - Severability and repeal.

Sec. 12. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

## 250.013 - Effective date.

Sec. 13. This Ordinance shall become effective 20 days from the date of its adoption by the Township Board, provided a certified copy of this Ordinance has been filed by or on behalf of the Township Clerk with the Michigan Secretary of State and has been published at least once in a newspaper of general circulation in the Township.

## EXHIBIT A

## 250.020 - DOWNTOWN DEVELOPMENT AUTHORITY BOUNDARIES OF DESIGNATED DOWNTOWN DISTRICT

Pursuant to the requirements of P. A. 197 of 1975, the boundaries of the designated Downtown District of the Dorr Township Downtown Development Authority, Dorr Township, Allegan County, Michigan are generally described as follows:

Property located in Dorr Township, Allegan County, Michigan, and described as follows:

Beginning 350 feet West of the Penn Central Railroad on 142nd Avenue (west of 18th Street), Section 21, Town 4 North, Range 12 West; thence South 330 feet; thence East parallel to 142nd Avenue to 18th Street and continuing East parallel to 142nd Avenue 170 feet; thence North 178 feet; thence East parallel to 142nd Avenue 1,160 feet; thence South 178 feet; thence East 480 feet; thence North 190 feet; thence East 270 feet; thence South 40 feet; thence East parallel to 142nd Avenue 1,870 feet; thence South 320 feet; thence East 880 feet; thence North 40 feet; thence East 200 feet; thence North 100 feet; thence East 250 feet; thence North 360 feet to 142nd Avenue and the Northeast corner of Section 22 and continuing from said Northeast corner of Section 22 (also being the Southeast corner of Section 15) North 500 feet; thence West parallel to 142nd Avenue 4,983 feet; thence North 100 feet; thence West 297 feet to 18th Street; thence South on 18th Street 300 feet; thence West parallel to 142nd Avenue 1,300 feet; thence South 300 feet to the centerline of 142nd Avenue; thence Westerly on 142nd Avenue to the place of beginning.

## 251.000 - TAX INCREMENT FINANCING AND DEVELOPMENT PLAN ORDINANCE Ord. No. 14

## 251.001 - Title.

Sec. 1. This Ordinance shall be known and may be cited as the "2009 Amendment to the Tax Increment Financing and Development Plan Ordinance". (Ord. of 6-18-2009)

## 251.002 - Definitions.

Sec. 2. The terms used herein shall have the same meaning given them in Act 197 as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this Ordinance:

- (a) "2009 Amendment" shall mean the 2009 Amendment to the Tax Increment Financing and Development Plan, submitted by the Authority to the Township Board pursuant to Act 197 and approved by this Ordinance as it may be hereafter amended.
- (b) "Act 197" shall mean Act No. 197 of the Public Acts of 1975, as amended, as now in effect or hereinafter amended, being



known as the Michigan Downtown Development Authority Act.

- (c) "Authority" shall mean the Dorr Township Downtown Development Authority.
- (d) "Authority Board" shall mean the Board of the Authority, its governing body.
- (e) "Township Board" shall mean the Township Board of Dorr Township, Allegan County, Michigan, a municipal corporation of the State of Michigan.
- (f) "Development Area" shall mean the development area designated in the Development Plan as amended by the 2009 Amendment.
- (g) "Development Plan" shall mean the Development Plan portion of the Plan.
- (h) "Plan" shall mean the Dorr Township Downtown Development Authority's Tax Increment Financing and Development Plan, as amended by the 2009 Amendment.
- (i) "Tax Increment Financing Plan" shall mean the Tax Increment Financing plan portion of the Plan for the collection of tax increments.

(Ord. of 6-18-2009)

#### 251.003 - Public purpose.

Sec. 3. The Township Board finds and confirms the continued necessity to halt property value deterioration, to eliminate the causes of such deterioration and to promote economic growth, and hereby determines that the 2009 Amendment adopted by the Authority Board on May 13, 2009 and presented to the Township Board constitutes a public purpose.

(Ord. of 6-18-2009)

#### 251.004 - Considerations.

Sec. 4. In accordance with Section 19 of Act 197, the Township Board has considered the factors enumerated in that section and herein stated, making the following determinations:

- (a) There being less than 100 residents in the Development Area, a development area citizens council was not formed.
- (b) The Development Plan meets the requirements set forth in Section 17(2) of Act 197.
- (c) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
- (d) The development is reasonable and necessary to carry out the purposes of Act 197.
- (e) The land included within the Development Area which may be acquired is reasonably necessary to carry out the purposes of the Development Plan and of Act 197 in an efficient and economically satisfactory manner.
- (f) The Development Plan is in reasonable accord with the Township's master plan.
- (g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- (h) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and for the municipality.

(Ord. of 6-18-2009)

#### 251.005 - Meetings.

Sec. 5. Representatives of all taxing jurisdictions within which all or a portion of the Development Area lies have had reasonable opportunity to present their opinions and comments regarding the 2009 Amendment to the Township Board.

(Ord. of 6-18-2009)

#### 251.006 - Public hearing.

Sec. 6. The Township Board has held a public hearing on the 2009 Amendment with notice properly given in accordance with Section 18 of Act 197, and the Township Board has provided an opportunity for all interested persons to be heard regarding the 2009 Amendment.

(Ord. of 6-18-2009)

251.007 - Approval.

Sec. 7. The 2009 Amendment is hereby approved in the form attached hereto as Exhibit A [on file with the Township].

(Ord. of 6-18-2009)

251.008 - Development area.

Sec. 8. The Development Area designated in the Development Plan as amended by the 2009 Amendment is hereby approved and confirmed.

(Ord. of 6-18-2009)

251.009 - Transmittal of revenues.

Sec. 9. The Township Treasurer shall transmit to the Authority that portion of the tax levy of all taxing bodies paid each year on real and personal property in the Development Area on the captured assessed value as set forth in the Tax Increment Financing Plan.

251.010 - Effective date.

Sec. 10. This Ordinance is an emergency ordinance and shall take effect immediately.

251.011 - Severability and repeal.

Sec. 11. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

252.000 - DEVELOPMENT AREA CITIZENS COUNCIL ORDINANCE Ord. No. 15 Adopted: December 10, 1986

252.001 - Title.

Sec. 1. This Ordinance shall be known and may be cited as the "Development Area Citizens Council Ordinance."

252.002 - Definitions.

Sec. 2. The terms used herein shall have the same meaning as given them in Act 197 as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this Ordinance:

- (a) *Act 197* shall mean Act No. 197 of the Public Acts of 1975 as now in effect or hereinafter amended, being known as the Michigan Downtown Development Authority Act.
- (b) *Board* shall mean the Board of the Downtown Development Authority for the Township of Dorr, created by Dorr Township Ordinance No. 13, adopted on October 9, 1986.
- (c) *Development area* shall mean the proposed development area designated in the Development Plan.
- (d) *Development area citizens council* shall mean that advisory body of citizens residing within the Development Area required by Act 197 to be appointed by the Township Board to advise the Township Board and the Authority Board with

regard to their adoption of a Tax Increment Financing Plan and a Development Plan unless the Township Board has adopted an ordinance eliminating this requirement.

- (e) *Development Plan* shall mean the Development Plan submitted by the Authority to the Township Board pursuant to Act 197 and approved by this Ordinance, as it may be hereafter amended.
- (f) *Tax increment financing plan* shall mean the plan for the collection of tax increments submitted by the Authority to the Township Board pursuant to Act 197 and approved by this Ordinance, as it may be hereafter amended.
- (g) *Township Board* shall mean the Township Board of the Township of Dorr, Allegan County, Michigan, a municipal corporation of the State of Michigan.

#### 252.003 - Purpose.

Sec. 3. The Township Board hereby determines that not less than 20 percent of the adult resident population of the Development Area have signed a petition in favor of eliminating the necessity of the creation of a Development Area Citizens Council to advise the Township Board and the Authority regarding the adoption of the Tax Increment Financing Plan and the Development Plan by the Township Board and the Authority Board. The Township Board further determines that the creation of such a Development Area Citizens Council is unnecessary and would serve no useful purpose to the Township, and therefore hereby eliminates the necessity that a Development Area Citizens Council be created, pursuant to Section 27(a) of Act 197.

#### 252.004 - Severability and repeal.

Sec. 4. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

#### 252.005 - Effective date.

Sec. 5. This Ordinance shall take effect immediately.

#### 253.000 - APPLICATION FEES FOR ZONING AND LAND USE MATTERS Res. of 10-17-1996

WHEREAS, Dorr Township has established basic application fees in connection with zoning and land use matters; and

WHEREAS, the complexity of many project applications in Dorr Township has increased to the point where proper review of project applications by the planning commission and the zoning board of appeals frequently requires the use of consultants; and

WHEREAS, the cost of such reviews should be borne by the applicant/developer, since such costs are specific to the project involved, rather than the responsibility of the taxpayers at large;

NOW THEREFORE IT IS RESOLVED that the following standards and requirements are adopted regarding application fees in rezoning and land use matters, as well as funds which will be held in escrow to provide for payment of additional expenses incurred in connection with such matters:

#### 253.001 - Definitions.

Sec. 1.

A. The following listed words are defined for the purpose of their use in this Resolution:

- a. *Application*. The word "application" includes a written for: rezoning; the issuance of a special use permit; the issuance of a variance; the review and approval of a proposed subdivision or site condominium; a site plan review; review and approval of a Planned Unit Development (P.U.D.) an appeal from the zoning administrator to the zoning

board of appeals regarding a matter of interpretation of the Dorr Township Zoning Ordinance and Map; and any appeal from the planning commission to the zoning board of appeals authorized by the Dorr Township Zoning Ordinance.

- b. *Escrow fees.* The term "escrow fees" means fees which are paid by an applicant to the township clerk to be held in escrow and used for the purpose of guaranteeing payment of expenses incurred by the township in connection with the township's processing, consideration and implementation of an application.

(Res. No. 05-06R, 5-4-2006)

#### 253.002 - Basic application fees.

Sec. 2. The following basic application fees shall be paid to the township clerk at the time that the application is filed:

- 1) variance requests .....\$350.00
- 2) review of subdivisions and site condominiums .....\$250.00
- 3) special use permit requests .....\$300.00
- 4) rezoning requests .....\$700.00
- 5) site plan review plus \$350.00 held in escrow account .....\$350.00
- 6) P.U.D. projects plus \$700.00 held in escrow account .....\$700.00
- 7) appeals from the zoning administrator to the zoning board of appeals .....\$250.00
- 8) appeals from the planning commission to the zoning board of appeals .....\$250.00

The basic application fee for the purposes listed above is intended to cover the following expenses incurred by the Township:

- a) hearings held at regular planning commission and zoning board of appeals meetings to consider applications;
- b) publication of legal notices in the Penasee Globe, or another newspaper designated by the chairman of the planning commission or the chairman of the zoning board of appeals;
- c) mailing of such notices to all property owners and occupants within 300 feet of the subject property, if required by ordinance or statute;
- d) review by the building official and zoning administrator;
- e) drafting of ordinance amending zoning ordinance and map, special use permit, and record of variance, if applicable.

(Res. No. 05-06R, 5-4-2006)

#### 253.003 - Additional expenses to be paid from escrow fees.

Sec. 3. It is the intention of the township board that all other expenses directly incurred by the township, including the zoning board of appeals and planning commission, in processing, considering, and implementing applications will be payable from an escrow account established in the trust and agency fund of the township. These additional expenses include, but are not limited to the following:

- A. Special meetings of the planning commission or zoning board of appeals at which an application is considered.
- B. Additional meetings of the planning commission or zoning board of appeals held because of lack of information provided by the applicant, or any other cause attributable to the applicant.
- C. Legal services provided to the township, including attendance at public hearings by the township attorney, preparation of opinion letters by the township attorney and similar services not described in Section 2 (e) of this resolution.
- D. Review of application and written reports submitted by township planner.
- E. Review of application and written reports submitted by township engineer.
- F. The cost of obtaining a court reporter and/or recording device in connection with any variance request or appeal

considered by the zoning board of appeals, including transcription costs.

(Res. No. 05-06R, 5-4-2006)

253.004 - Mandatory escrow.

Sec. 4. Minimum escrow fees of \$700.00 shall be required for P.U.D. projects.

Minimum escrow fees of \$350.00 shall be required for site plan reviews.

(Res. No. 05-06R, 5-4-2006)

253.005 - Discretionary escrow.

Sec. 5. Escrow fees of \$500.00 may be required where, in the opinion of the chairman of the planning commission, the chairman of the zoning board of appeals, or the township supervisor, it is likely that advice from consultants will be required in order to properly consider the application, or where it otherwise appears that the application will involve unusual preparation, assistance, or expenses of implementation on the part of the planning commission or zoning board of appeals.

In addition, additional escrow fees, in increments of \$500.00, may be required by the chairman of the zoning board of appeals, the chairman of the planning commission, or the township supervisor, when it appears that the initial escrow fee of \$500.00 will not be sufficient to cover the township's anticipated expenses in processing, considering and implementing an application. Variables such as project size, location, the cost of providing public series, environmental impact, time constraints, traffic and other factors may be considered by the authorized chairman, or the township supervisor in considering whether additional escrow fees will be required.

(Res. No. 05-06R, 5-4-2006)

253.006 - Time for payment.

Sec. 6. When an escrow fee is required, it shall be paid to the township clerk at the time the application is filed. The application will not be processed without the required escrow fee. Any additional escrow fees required by an authorized chairman or the township supervisor must be paid promptly to the township clerk in order to continue the processing of the application. If an escrow payment or an additional escrow payment is required as provided in this resolution, and has not been paid, the application will be removed from the current agenda of the planning commission or zoning board of appeals, and proceedings will be adjourned until such time as the required fees are paid.

(Res. No. 05-06R, 5-4-2006)

253.007 - Retention and distribution of escrowed funds.

Sec. 7. No interest will be paid on escrow fees held by the township pursuant to this resolution. Escrowed funds may be distributed by the township board for the payment of expenses incurred by the township or its agencies or agents upon verification of the expenses incurred. Any excess funds will be refunded by the township to the applicant.

(Res. No. 05-06R, 5-4-2006)

253.008 - Final action requires payment of escrow fees.

Sec. 8. Final planning commission, zoning board of appeals, or township board approvals, building permits, certificates of use and occupancy and similar documents will not be granted or issued unless required escrow fees have been paid to the township clerk, except as otherwise determined by the township board for good cause.

(Res. No. 05-06R, 5-4-2006)

## 253.009 - Appeal of required discretionary or additional escrow fees.

Sec. 9. In the event an applicant is dissatisfied with the requirement of the chairman of the zoning board of appeals, the chairman of the planning commission, or the township supervisor that a discretionary escrow fee must be paid, or that additional escrow fees must be paid in connection with an application, the aggrieved applicant or its agent may appear before the township board at a regularly scheduled board meeting and object to the required escrow fees. The township board may affirm, modify, or reverse the decision of the chairman or supervisor requiring the payment of discretionary escrow fees and/or additional escrow fees.

(Res. No. 05-06R, 5-4-2006)

## 254.000 - LAND DIVISION Ord. of 6-19-1997 Adopted: June 19, 1997

## 254.001 - Title.

Sec. I. This ordinance shall be known and cited as the Dorr Township Land Division Ordinance.

## 254.002 - Purpose.

Sec. II. The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1966 PA 591, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions.

## 254.003 - Definitions.

Sec. III. For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. Division does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of any applicable township ordinance.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" -either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Township Board" -the legislative body of Dorr Township.
- F. "Lot Area" -The area contained within the lot lines or property boundary, For lots which are not part of a recorded plat lot area shall be inclusive of any rights-of-way.

## 254.004 - Approval required—Exemptions.

Sec. IV. Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the Township Board, in accordance with this ordinance and the State Land Division Act. Prior review and approval shall be required before making any division either by deed, land contract, lease for more than one year or for building development.

The following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Township's Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Township's Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in Section III, subsection C of this Ordinance.
- D. Property developed in accordance with the Townships site condominium regulations and the State Condominium Act (PA 59 of 1978 as amended) and Mobile Home Parks developed in accordance with the Dorr Township Zoning Ordinance.

254.005 - Application for land division approval.

Sec. V. An applicant shall file all of the following with the Township Clerk or the official designated by the Township Board for review and approval of a proposed land division.

- A. A completed application on such form as may be provided by the Township.
- B. Proof of the applicant's ownership interest in the land to be divided, as well as evidence of any ownership interest in the property held by other persons.
- C. Proof that the proposed parcels will be accessible as provided in Section 102(j) of the Land Division Act, which is incorporated in this ordinance by reference. Approval of a land division under this ordinance does not entitle the applicant or the owners of the proposed parcels to construct or use a private road, unless such road complies with applicable provisions of the Dorr Township Zoning Ordinance.
- D. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), as well as the accessibility of the parcels for vehicular traffic and public utilities from existing public roads.

In the alternative, the applicant may submit a tentative parcel map showing area, parcel lines, public utility easements, dimensions of each parcel, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities. The tentative parcel map shall be a scale drawing which adequately shows the dimensions of the proposed parcels. The tentative parcel map shall be reviewed for adequacy by the designated official. Prior to granting approval of a final application under this Section V, the applicant will either provide a survey map, or will verify in writing that the tentative parcel map is the final proposed parcel map submitted for approval.

- E. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- F. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- G. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be not buildable under Section VIII of this Ordinance, all divisions shall result in buildable parcels containing sufficient buildable area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited, and with sufficient area to comply with all required

setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water will locations (where public water and sewer service are not available), and maximum allowed area coverage of buildings and structures on the site.

- I. The fee as may be established by resolution of the Township Board of the Township for land division reviews pursuant to this ordinance to cover the costs or review of the application and administration of this Ordinance and the State Land Division Act.

#### 254.006 - Procedure for review of and approval.

##### Sec. VI.

- A. Upon receipt of a land division application package, the Township clerk or other official designated by the Township Board shall forthwith submit the same to the Township assessor or other designated official for a decision. The Township assessor or other designee shall determine the completeness of the application. If the application is complete, the assessor or designee shall approve, approve with reasonable conditions (to assure compliance with applicable ordinances and the protection of public health, safety and general welfare), or disapprove the land division applied for within 30 days after receipt, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to Township requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and/or reconsideration and in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the Planning Commission which shall consider and resolve such appeal by a majority vote of the Commission at its next regular meeting affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for one year, after which it shall be considered revoked unless within such a period of document is recorded in the County of Register of Deeds office accomplishing the approved land division or transfer. A copy of the document(s) by which the approved land division or transfer is accomplished shall also be mailed or delivered to the township clerk or other official designated by the township board.
- D. The Township assessor designee shall maintain an official record of all approved and accomplished land divisions or transfers.

#### 254.007 - Standards for approval of land divisions.

##### Sec. VII. A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot, yard and area requirements of the applicable zoning district, including, but not limited to, minimum lot width, minimum road frontage, minimum lot area, minimum lot width to depth ration, maximum lot coverage minimum setbacks for existing buildings/structures as well as compliance with Sections 4.03, 4.13, 4.15 and other applicable provisions of the Dorr Township Zoning Ordinance.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining shall have adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Dorr Township Zoning Ordinance, or this Ordinance.
  - (1) Approval by the Allegan County Road Commission or Michigan Department of Transportation of the proposed layout and construction design of a new public road and of utility easements and drainage facilities connected therewith shall be required.
  - (2) If the applicant has not already obtained a special use permit from the township planning commission approving the



use, maintenance and construction of a private road, any land division approval involving a private road issued under this ordinance must be conditioned upon the applicants securing from the planning commission a special use permit for a private road which provides access to the proposed parcels from a public road, as required by the Dorr Township Zoning Ordinance.

- D. The depth to width ratio requirements of this ordinance do not apply to the remainder of the a parent parcel or a parent tract retained by the proprietor as those terms are defined in the Land Division Act, or to parcels over 10 acres in size. The provisions of this subsection shall not, however, be interpreted to limit the effect of the depth to width ratio requirements on parcels of land which are contained in the Dorr Township Zoning Ordinance, which must be complied with by the applicant in order to avoid violating the provisions of the ordinance.

#### 254.008 - Allowance for approval of other land divisions.

Sec. VIII. Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable." Any such parcel shall also be designated as "not buildable" in the Township records, and shall not be developed with any building or above ground structure exceeding four feet in height, unless such parcel is combined with an adjoining parcel, resulting in a parcel which is "buildable" under the provisions of this ordinance and the zoning ordinance.
- B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ration, frontage, and/or area requirements with which the parcel failed to comply.

#### 254.009 - Noncompliance.

Sec. IX. Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval of site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

#### 254.010 - Penalties and enforcement.

Sec. X. Any person who violates a provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more that \$500.00 and/or by imprisonment in the county jail for a period not to exceed 90 days.

A person who violates any provision of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

#### 254.011 - Severability.

Sec. XI. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

#### 254.012 - Repeal.

Sec. XII. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Township Building code.

## 254.013 - Effective date.

Sec. XIII. This ordinance shall become effective thirty days after publication or thirty days after publication of a summary of its provisions in a local newspaper of general circulation in the Township.

## 255.000 - CREATION OF THE PLANNING COMMISSION Ord. of 5-7-2009

## 255.001 - Purpose.

Sec. 1. The purpose of this Ordinance is to create a Planning Commission for Dorr Township as authorized by PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 et seq.) and to organize and enumerate the powers and duties of the Planning Commission as provided by law. The powers and duties of the Planning Commission shall include the regulation and subdivision of land, and coordination of development with other constituted authorities and of incorporated and unincorporated areas where Dorr Township exists.

## 255.002 - Members.

## Sec. 2.

- A. The Commission shall consist of seven members appointed by the Dorr Township Board of Trustees. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
1. The member shall be a qualified elector of Dorr Township, except that one member may be a non-qualified elector who may live outside the boundaries of the Township;
  2. One member shall also be a member of the Dorr Township Board of Trustees, whose term of office shall coincide with his or her elected term of office on the Board of Trustees. This member shall not serve as the chairperson of the Planning Commission;
  3. Except as provided in Section 2.A.2. [255.002.A.2] an employee or elected officer of Dorr Township shall not serve as a member of the Planning Commission;
  4. After an individual's first appointment, the member shall, in the first year of service, have attended training for Commission members, pursuant to Section 5.A.11. [subsection 255.005A.11.] of this Ordinance; before appointment, the member may attend training for Commission members as funding permits;
  5. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Dorr Township, in accordance with the major interests as they exist in the Township as follows:
    - a. Agriculture;
    - b. Natural resources;
    - c. Recreation;
    - d. Education;
    - e. Public health;
    - f. Government;
    - g. Transportation;
    - h. Industry;
    - i. Commerce;
    - j. Other interests as may be identified by the Township Board.
  6. The membership shall also be representative of the entire geography of Dorr Township to the extent practicable.

- B. Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed for one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all Commission members continue to expire each year. For a seven-member Planning Commission, 1/3 of all Commissioner members shall be two Commissioners.

#### 255.003 - Membership—Appointment and terms.

##### Sec. 3.

- A. The Dorr Township Clerk shall determine which members' terms of office expire, and shall place an advertisement in a newspaper of general circulation to seek applications and nominations for Commission members.
- B. The Dorr Township Board of Trustees shall consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three-year term of office which shall end July 1 at 9:00 a.m. of the respective year.
- C. Removal from office. The Dorr Township Board of Trustees may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
- D. Absences. The Secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Dorr Township Board of Trustees.
- E. Vacancies. The Dorr Township Board of Trustees shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
- F. Transition from the previous Dorr Township Planning Commission and the Commission established by this Ordinance. The Dorr Township Board of Trustees shall appoint all members of the Commission in the first instance at the first Board of Trustees meeting held following the effective date of this Ordinance. The terms of office of the previous Planning Commission members shall be fulfilled as required under the original appointment of each Planning Commissioner.
- G. All other aspects of this Ordinance shall have immediate effect.
- H. Membership compensation. All members of the Planning Commission shall serve as such with compensation as established by the Dorr Township Board of Trustees.

#### 255.004 - Meetings.

##### Sec. 4.

- A. The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission. All questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission which are present, so long as a quorum is present.
- B. The affirmative vote of the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

#### 255.005 - Powers and duties.

##### Sec. 5.

- A. The Commission shall have their powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et seq.; and PA 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 et seq.). In addition, duties shall include the following:

1. Prepare the Master Plan for the physical development of the Township, review the Master Plan every five years, and recommend changes and revisions to the Master Plan.
2. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
3. Take such action on petitions, staff proposals and Township Board requests for amendments to the Master Plan as required. A plat that is properly reviewed and approved under the Land Division Act, PA 591 of 1996, as amended, is an amendment to the Master Plan and no separate Master Plan amendment hearing is required.
4. Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
5. Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development. (The bylaws may specify the minimum elements of the annual report required by the Township Board.)
6. Prepare an annual Capital Improvements Program (CIP) as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that in the judgment of the Commission will be needed or desirable and can be undertaken within the ensuing six-year period. The Planning Commission may be exempted from this requirement upon resolution by the Township Board. If the Planning Commission is exempted, the Township Board shall prepare and adopt a Capital Improvements Program.
7. To review proposals for public streets, ways, spaces, buildings, or structures as provided in Section 61 of Act 33 of 2008, as amended, for compliance with the Master Plan. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission.
8. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
9. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
10. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
11. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
12. Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

## 255.006 - Staff.

## Sec. 6.

- A. The Commission may recommend to the Township Board a Planning Director, Planning Consultant, or other planning staff within the budget provided for this purpose.
- B. The appointment of the Planning Director, Planning Consultant, and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Dorr Township.

## 255.007 - Approval, ratification, and reconfirmation.

Sec. 7. All official actions taken by all Dorr Township Planning Commissions preceding the Commission created by this Ordinance are hereby approved, ratified and reconfirmed. Any project, review or process taking place at the effective date this Ordinance shall continue with the Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Dorr Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

255.008 - Effective date.

This Ordinance shall become effective seven days after publication or seven days after publication of a summary of its provisions in a local newspaper of general circulation in the Township.

270.000 - SUBDIVISION ORDINANCE Ord. No. 7

ARTICLE I

270.000 - GENERAL PROVISIONS

270.011 - Short title.

Sec. 1.1. This Ordinance shall be known and may be cited as the "Dorr Township Subdivision Ordinance."

270.012 - Purpose.

Sec. 1.2. The purpose of this Ordinance is to regulate and control the subdivision of land within the Township in order to promote the safety, public health and general welfare of the Township. Without limiting the generalities of the foregoing, this Ordinance is specifically designed to:

- 1) Provide for orderly growth and harmonious development of the Township consistent with orderly growth policies;
- 2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivision, and public facilities;
- 3) Achieve adequate provisions for water, drainage, and sanitary facilities and other health requirements;
- 4) Encourage the provision of recreational areas and facilities, school sites and other public facilities; and
- 5) Provide procedures for the achievement of these purposes.

270.013 - Legal basis.

Sec. 1.3. This Ordinance is enacted pursuant to Michigan Act 246 of 1945, as amended and Michigan Act 288 of 1967, as amended (The Subdivision Control Act of 1967).

270.014 - Scope.

Sec. 1.4. This Ordinance shall not apply to any lot or lots in a plat that has received either preliminary or final approval from the Township Board nor to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except in the case of any further division of lots located therein. This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provision of this Ordinance shall control.

270.015 - Administration.

Sec. 1.5. The approval provisions of this Ordinance shall be administered by the Township Board in accordance with the Subdivision Control Act (PA 288 of 1967) as amended.

270.016 - Schedule of fees.

Sec. 1.6. The schedule of fees for the review of plats pursuant to this Ordinance shall be as follows: \$50.00 for the first two lots and \$5.00 for each additional lot located in the proposed Subdivision.

## ARTICLE II

### 270.030 - RULES APPLYING TO TEXT AND DEFINITIONS

#### 270.031 - Rules applying to text.

Sec. 2.1. The following listed rules of construction apply to the text of this Ordinance:

- 1) The particular shall control the general.
- 2) The headings which title various articles and subsections and the statements of purpose are for convenience only and are not to be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect.
- 3) The word *shall* is always mandatory and not discretionary. The word *may* is permissive.
- 4) Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 5) The word *building* includes the word *structure*.
- 6) A *building* or *structure* includes any part thereof.
- 7) The word *person* includes a firm, association, partnership, joint venture, corporation, or combination of any of them as well as a natural person.
- 8) The word *used* or *occupied*, as applied to any land or building, shall be construed to include the words *intended*, *arranged*, or *designed to be used*, or *occupied*.
- 9) Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- 10) The term *adjoining lots and parcels* is intended to include lots and parcels separated by highways, roads, streets or rivers.

#### 270.032 - Definitions.

Sec. 2.2. The following listed terms and words are defined for the purposes of this Ordinance and shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

- 1) *Alley*. A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- 2) *As-built plans*. Revised construction plans in accordance with all approved changes made in the field.
- 3) *Block*. An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
- 4) *Board*. The Township Board of Dorr Township.
- 5) *Building line* or *setback line*. A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank.
- 6) *Caption*. The name by which the plat is legally and commonly known.
- 7) *Commercial development*. A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.
- 8) *County drain commissioner*. The Allegan County Drain Commissioner.

- 9) *County health department.* The Allegan County Health Department.
- 10) *County Plat Board.* The Allegan County Plat Board.
- 11) *County Road Commission.* The Allegan County Road Commission.
- 12) *Crosswalkway or pedestrian walkways.* Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.
- 13) *Dedication.* The intentional appropriation of land by the owner to public use.
- 14) *Engineer.* Any person who is registered in the State of Michigan as a Professional Engineer.
- 15) *Flood plain.* That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected to occur once in 100 years for that area.
- 16) *General Development Plan.* The basic plan, as amended from time to time adopted by the Township pursuant to Michigan Act 168 of 1959, as amended. Such plan may include all or any part or parts of the elements described in subparagraph (2) of Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive, explanatory and other related matter.
- 17) *Governing body (or Township Board).* The Township Board of the Township of Dorr.
- 18) *Greenbelts or buffer parks.* A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.
- 19) *Improvements.* Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.
- 20) *Industrial development.* A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement, and safety land roadway improvements, where necessary.
- 21) *Lot.* A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
  - a) *Lot depth.* The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines.
  - b) *Lot width.* The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.
- 22) *Major thoroughfare plan.* Major thoroughfare plan shall mean that part of the General Development Plan which describes the existing street system in the Township and outlines future street planning needs.
- 23) *Outlot.* When included within the boundary of a recorded plat, an outlot is a lot set aside for purposes other than a building site, park, or other land dedicated for public use or reserved for private use.
- 24) *Parcel or tract.* A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, as amended.
- 25) *Planning Commission.* The Dorr Township Planning Commission as established pursuant to Michigan Act 268 of 1959, as amended.
- 26) *Plat.* A map or chart of a subdivision of land. The precise content and scope of various types of plats are described in Article III of this Ordinance.
  - a) *Sketch plat.* An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
  - b) *Preliminary plat.* A map showing the important features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
  - c) *Final plat.* A map of a subdivision of land made up in final form ready for approval and recording.
- 27) *Proprietor, subdivider, or developer.* A natural person, firm, association, partnership, joint venture, corporation or

combination of any of them, which may hold any record ownership interest in land. The proprietor is also sometimes referred to as the "owner".

- 28) *Public utility.* Any person, firm, association, corporation, partnership, joint venture, or municipal or other public authority or combination of any of them providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.
- 29) *Public open space.* Land dedicated or reserved for use by the general public, including, without limiting the generality of the foregoing, parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.
- 30) *Replat.* The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- 31) *Right-of-way.* A street, alley, thoroughfare, easement or strip of land used or intended to be used for pedestrian or vehicular access or other public purpose by the general public and not reserved for the exclusive right of any individual.
- 32) *Sight distance.* The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.
- 33) *Street or road.* A right-of-way which provides for vehicular and pedestrian access to abutting properties.
  - a) *Freeway.* Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
  - b) *Expressway.* Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.
  - c) *Parkway.* A street designed for noncommercial, pleasure-oriented traffic moving at moderate speeds, between and through scenic areas and parks.
  - d) *Arterial street.* Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic. Arterial streets may include major county primary and minor county primary roads as shown on the Dorr Township Thoroughfare Plan, as adopted.
  - e) *Collector street.* Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to residential developments which contain more than 50 dwellings and/or unoccupied lots unless such entrance streets are "minor streets" as defined in 33(h). The term "residential developments" includes subdivisions which are interconnected by public streets. Collector streets may include major county primary and minor primary roads as shown on the Dorr Township Thoroughfare Plan as adopted.
  - f) *Cul-De-Sac.* A minor street of short length having one end terminated by a vehicular turn-around.
  - g) *Marginal access street.* A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
  - h) *Minor street.* A street which provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Minor streets are intended primarily to provide access to abutting properties, and are the lowest order of residential streets. Minor streets may consist of loops (two ways out), Cul-de-Sacs, or streets which are longer than traditional Cul-de-Sacs but which have only one access point to a higher order street.

A street which provides the only point of access from a subdivision or interconnected subdivisions to a collector or arterial street is a minor street, even though other minor streets, including Cul-de-Sacs, may intersect with said street.

- i) *Street width.* The shortest distance between the lines delineating the right-of-way of streets.
- 34) *Subdivide or subdivision.* The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten



acres or less in area; or five or more parcels of land, each of which is ten acres or less in area created by successive divisions within a period of ten years.

- 35) *Subdivision Control Act*. Michigan Act 288 of the Public Acts of 1967, as amended.
- 36) *Surveyor*. Either a land surveyor who is registered in this state as a Registered Land Surveyor or a Civil Engineer who is registered in the state as a Registered Professional Engineer.
- 37) *Topographical map*. A map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- 38) *Township*. The Township of Dorr.
- 39) *Water Resources Commission*. The Water Resources Commission of the Michigan Department of Natural Resources.

(Amended: Ord. No. 18, 8-8-1989)

### ARTICLE III

#### 270.050 - PLATTING PROCEDURE AND DATA REQUIRED

##### 270.051 - Sketch plan.

Sec. 3.1. A sketch plan may be submitted and a preapplication conference may be requested by the subdivider to provide guidelines for the subdivider concerning development policies of the Township, to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Acceptance of the sketch plan does not constitute or assure acceptance of the preliminary plan.

- 1) *Requirements*. When a sketch plan is submitted, it shall contain at least the following data:
  - a) The outlines, intended layout, including stages, property owned or represented by the Subdivider.
  - b) General layout of streets, blocks and lots in sketch form.
  - c) Existing conditions and characteristics of the land on and adjacent to the site such as significant topographical, floodplains, and physical features.
  - d) Any general area set aside for parks and/or other community facilities.
  - e) Name of proposed plat, north point, approximate scale and date.
  - f) Current proof of ownership of land to be platted or evidence of a contractual ability to acquire such land such as an option or purchase contract.
  - g) A statement from the Allegan County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed.
- 2) *Procedures*. The following procedure will be followed in the review of any sketch plan that is submitted.
  - a) The subdivider shall submit two copies of the sketch plan to the Township Clerk at least ten days before the first meeting of the Planning Commission at which the sketch plan is to be considered.
  - b) The Township Clerk shall promptly transmit all copies of the sketch plan to the Planning Commission.
  - c) The Planning Commission shall review the sketch plan with the subdivider or his agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may recommend that copies of the sketch plan be submitted by the subdivider to such other affected agencies for review.
  - d) The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development.
  - e) The Planning Commission shall inform the Township Board in writing of the results of its review of the sketch plan.

## 270.052 - Preliminary plat.

Sec. 3.2. A preliminary plat and topographic map shall be prepared by the subdivider and submitted to the Township Clerk in accordance with the following requirements and in accordance with the Subdivision Control Act, as amended.

1) *Requirements.*

- a) The preliminary plat shall be drawn to a scale of not more than 200 feet to one inch and may be an original drawing or reproduction. The preliminary plat and topographic map shall be combined on the same drawing.
- b) The following shall be clearly shown on the plat or submitted in a separate instrument with the plat.
  - (1) The name of the proposed subdivision.
  - (2) Legal description of the area to be platted.
  - (3) Name, address and telephone number of the subdivider.
  - (4) The name, address and seal of the Registered Land Surveyor or Professional Engineer who prepared the preliminary plat.
  - (5) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county.
  - (6) The name of abutting subdivisions, if any.
  - (7) Statement of intended use of the proposed plat, such as: residential single-family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. In addition, the preliminary plat shall show proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses.
  - (8) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.
  - (9) A location map showing the relationship of the proposed plat to the surrounding area.
  - (10) The land use and existing zoning of the proposed subdivision and the adjacent tracks including identification of zoning district, lot size and yard requirements as well as proof of any variances or special exceptions which may have been granted.
  - (11) Streets, street names, right-of-way and roadway widths including features such as adjoining plats, streets, streams, railroads, utilities, cemeteries, parks, county drains or any other features which may influence the street layout.
  - (12) Lot lines and dimensions to the nearest foot and the total number of lots by block. The subdivider shall also submit a table listing the proposed lots by number, and the respective lot area for each lot.
  - (13) (i) Existing contours at five foot intervals shall be shown where the slope is greater than ten percent and at two foot intervals where the slope is ten percent or less.
    - (ii) Proposed grading and an indication of the proposed storm drainage improvements and the location(s) of proposed detention/retention ponds.
    - (iii) Depending upon the topography of the site, the Planning Commission may require the preliminary plat to illustrate the grades for house construction for all or some of the proposed lots to ensure that stormwater is properly directed during and after the construction of the house.

The Commission may, however, require the applicant to submit this information during review of the final preliminary plat.
  - (14) A site report as described in the rules of the State Department of Public Health, as amended, shall be provided if the proposed subdivision will not be served by public sewer and water systems. In addition, the preliminary plat

shall show the location and depth of soil borings and the location of percolation test holes if the proposed subdivision will not be served by public sewer and water systems.

- (15) A statement indicating the method or methods by which drainage, sewage disposal, and water supply will be provided.
- (16) Six copies of proposed protective covenants and deed restrictions, or a written statement that none are proposed.
- (17) Utility easements, showing location, width, and purpose.
- (18) A statement of the lot area of the smallest lot in the subdivision.
- (19) Building setback lines showing the dimensions from all streets.
- (20) Site data including total acreage, number of residential lots, average lot size and acreage in parks and other non-residential uses.
- (21) North point, scale, date.
- (22) Trees with a trunk of over six inches in diameter when required by the Planning Commission.
- (23) Floodplain elevations when the proposed plat abuts, includes or is adjacent to a stream, drain or other body of water for which the floodplain has been established.

2) *Procedures.*

- a) The subdivider shall submit to the Township Clerk six copies of the preliminary plat prepared on a topographic map at least ten days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.

In addition, the subdivider shall submit copies of the preliminary plat, as necessary, to the following authorities as provided in Sections 112 to 119 of the Subdivision Control Act: Allegan County Road Commission (3 copies); Allegan County Drain Commission (3 copies); Michigan Department of State Highways and Transportation (3 copies); Michigan Department of Natural Resources (2 copies); Michigan Water Resources Commission (3 copies); Allegan County Health Department (3 copies); Allegan County Plat Board (3 copies); and such public utilities as are serving the area (3 copies each).

- b) The Township Clerk shall promptly transmit all copies of the preliminary plat to the Planning Commission.
- c) A preliminary plat shall be referred to the Planning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, notice shall be given in accordance with Section 19.03 of the Dorr Township Zoning Ordinance.
  - (1) The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the Planning Commission. If applicable standards under the State of Michigan Land Division Act, 1967 PA 288, MCL 560.101 to 560.293, and the requirements of the Dorr Township Subdivision Ordinance are met, the Planning Commission shall recommend approval of the plat.
  - (2) If the Planning Commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Planning Commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the Planning Commission.
  - (3) The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall be referred to the Township Board.
  - (4) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.
  - (5) If the preliminary plat does not meet all requirements, the Planning Commission shall so inform the developer by

letter.

- d) The Township Board, within 90 days from the date of filing (unless the time period for approval has been extended pursuant to Section 3.2 (2) (c)), shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.
- (1 The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within 60 days or within such extended time period as may be agreed upon between the subdivider and the Planning Commission.
  - (2 *Tentative approval* shall guarantee that the general terms and conditions under which preliminary plat approval was granted will not be changed by the Township and, further, shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.
- e) For *final approval* of the preliminary plat, the subdivider shall submit a copy of the reviews of all of the approving authorities to the Township Clerk, certifying that all authorities as required in Section 3.2 2) a) (Section 112 to 119 of the Subdivision Control Act) have reviewed and approved the preliminary plat. The subdivider shall also submit copies of the approved preliminary plat map to the Township Clerk after all necessary approvals have been secured.
- f) The Township Board, after receipt of the necessary approvals of the preliminary plat, shall consider and review the preliminary plat at its next meeting or within 20 days from the date of submission of the approved copies and approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.
- (1 Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.
  - (2 Final approval of the preliminary plat by the Township Board shall be for a period of two years from the date of its approval. The Township Board may extend the two year period if applied for and granted in writing. Written notice of the extension shall be sent by the governing body to the other approving authorities.

(Ord. of 8-15-2002; Ord. of 1-15-2009)

#### 270.053 - Final plats.

##### Sec. 3.3.

###### 1) *Requirements.*

- a) Final plats shall be prepared and submitted as provided in the Subdivision Control Act (Sections 131 to 198).
- b) A written request for approval and the recording fee shall accompany all final plats.
- c) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.
- d) One set of construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted to the Township for information purposes. Construction plans shall also be submitted to the necessary State and County agencies for their review and approval as required in the Subdivision Control Act.
- e) The Township may require such other information as shall be reasonably necessary to establish whether the proper parties have signed the plat.

2) *Procedures.*

- a) The subdivider shall submit the final plat with construction plans or other data where required to the Township Clerk. The plat shall be accompanied by a letter of approval from the Allegan County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.
- b) The Planning Commission shall examine the plat at its next regular meeting or within 30 days of receipt thereof for the plat's conformance to the provisions of the Subdivision Control Act, the provisions of this Ordinance, and the preliminary plat, as approved.
  - (1) The time for review and recommendations by the Planning Commission may be extended by a written agreement between the subdivider and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period for which the Township must act, either to tentatively approve or disapprove the plat. A copy of any agreement reached by the Planning Commission and the subdivider with respect to an extension of time should be given to the Township Clerk.
  - (2) If the Planning Commission recommends disapproval of the plat by the Township Board, it shall forward its written recommendation to the Township Board, together with a written report of its review of the plat, which report shall detail the reasons for recommending this disapproval and the requirements recommended as prerequisites for approval.
  - (3) If the Planning Commission recommends approval of the plat by the Township Board, it shall forward its written recommendation to the Township Board together with a written report of its review of the plat.
- c) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within 20 days of receipt of the final plat and report from the Planning Commission.
  - (1) The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall give the subdivider its reasons in writing.
  - (2) If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board.
  - (3) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.
  - (4) Recording of the plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

## ARTICLE IV

## 270.070 - SUBDIVISION DESIGN STANDARDS

## 270.071 - Streets and roads.

Sec. 4.1. The provisions of this Ordinance shall be the minimum Township requirements for streets, roads and intersections. In the event that any other public agencies having jurisdiction shall adopt any statutes, ordinances, rules or regulations imposing additional, different, or more stringent requirements, the terms of such statutes, ordinances, rules or regulations shall govern.

- 1) *Street location and arrangement.* When a major Thoroughfare Plan has been adopted, subdivision streets shall generally conform to the adopted plan.
- 2) *Minor streets.* Such streets shall be so arranged as to discourage their use by through traffic.

- 3) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from ac areas into new subdivisions.
- 4) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. Stub streets shall be subject to the requirements of Section 4.7, Paragraph 2) b.
- 5) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients.
- 6) *Alleys.* Alleys shall not be permitted in areas of detached single or two-family residences.

Alleys shall be provided in multiple-family, commercial or industrial subdivisions unless other provisions are made for service access, off-street loading, and parking. Dead end alleys shall be prohibited.

- 7) *Marginal access street.* Where a subdivision abuts or contains an arterial street, the Township Board may require:
  - a) Marginal access streets approximately parallel to and on each side of the right-of-way.
  - b) Such other treatment as it deems reasonably necessary for the adequate protection of residential properties and to afford separation of through and local traffic such as planted buffer strips or the redesign of all or part of the street layout within the proposed plat.
- 8) *Dead-end streets.* Permanent dead-end streets are prohibited unless approved by the Township Board and the Allegan County Road Commission. Dead-end streets may be allowed in those cases where no alternative design solution is feasible.
- 9) *Cul-de-sac streets.* Where allowed all temporary and permanent dead-end streets shall be provided with cul-de-sacs (turn-arounds) at their termini. Temporary turn-arounds shall be provided at the termini of streets where a future extension is contemplated. Temporary turn-arounds need not be a part of the dedicated right-of-way; however, easements must be furnished to the Allegan County Road Commission for their use.

Cul-de-sacs shall not be more than seven times the average lot width in length. Cul-de-sacs shall have a minimum radius of 50 feet for right-of-way and 35 feet for pavement.

- 10) *Half-streets.* Half-streets shall be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with the provisions of this Ordinance and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the Allegan County Road Commission.
- 11) *Private streets.* Private streets and roads shall be prohibited.
- 12) *Street rights-of-way and roadway widths.* Street and road rights-of-way and roadway widths shall conform to the adopted Major Thoroughfare Plan and the rules of the Allegan County Road Commission and the Michigan State Department of State Highways and Transportation.

Street Types	Right-of-Way Widths
Arterial (Major or Minor County Primary)	100—175 feet
Collector (Major or Minor County Primary)	86—100 feet
Other:	
Quarter line (¼) and section line road	86—100 feet

Minor or Local (Subdivision Streets)	66 feet
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13) *Street gradients.*

- a) *Maximum grades.* Street grades on centerline shall not exceed five percent on either minor streets or collector streets.
- b) *Minimum grades.* No street grade shall be less than zero point five (0.5) percent.
- c) *Ditch grades.* In general, ditch grades shall be the same as the centerline street grade.

14) *Street alignment.*

- a) *Horizontal alignment.* Horizontal curves shall be used, as practical, at all changes in direction of the centerline of a continuous street. When street lines deflect from each other by more than ten degrees in alignment, the centerlines shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 350 feet for collector streets and minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.
- b) *Vertical alignment.* Vertical curves shall be used at all changes in grade. The minimum vertical sight distances shall be 500 feet. Proposed platted streets that intersect with existing through streets shall also be so located that a minimum of 500 feet vertical sight distance is provided for both streets.

15) *Street names.* Street names shall not duplicate any existing street name in the County except where a new street is a continuation of an existing street of the same name.

Any street name which is spelled differently but sounds the same as an existing street name in the county is prohibited.

All new streets shall be named as follows: Streets with predominant north-south directions shall be named "Street" or "Roads"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", or "Trail", and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place".

16) *Outlots.* Outlots which are to become the right-of-way for future streets must be described as such on the plat.

17) *Second street access required.* A public or private road or interconnected public or private road system shall not serve more than 50 residential lots, or dwelling units, unless a second means of access is provided for the subdivision. This second access shall meet the minimum standards of this Section.

However, the Planning Commission may recommend and the Township Board may require more than two means of access in order to ensure adequate emergency access and to allow for more efficient and even distribution of traffic within the subdivision.

In considering whether to require more than two means of access to a subdivision, the Commission and Board shall consider the following:

- (1) The number of lots within the proposed subdivision.
- (2) The likelihood that the subdivision will have a street connection to a future subdivision which may provide for another access point.
- (3) The length of the proposed street system within the subdivision.
- (4) The design of the proposed subdivision street system.

18) *Minimum distance between access streets.* A street which provides access to and from a subdivision shall be located not less than 250 feet from the nearest public or private street which intersects with the same collector or arterial street, whether or not said nearest street is located in the subdivision for which approval is requested. This minimum distance,

which is intended to minimize hazards caused by turning movements of vehicles, shall be measured along the right of way of the collector or arterial street between the center lines of the intersecting streets.

(Ord. No. 18, 8-3-1989; Ord. of 8-15-2001; Ord. of 8-15-2002)

#### 270.072 - Intersections.

##### Sec. 4.2.

- 1) *Angle of intersections.* Streets shall intersect at 90 degrees or as closely thereto as practical. In no event shall the angle of intersection be less than 80 degrees.
- 2) *Sight triangles.* Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection. No fence, wall, embankment, structure, sign, or planting shall obstruct vision in this area.
- 3) *Number of streets.* No more than two streets shall meet at any one intersection.
- 4) *"T" Intersections.* "T" type intersections shall be used where practical at intersections of minor streets with any street.
- 5) *Centerline offsets.* Slight jogs at intersections shall be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines shall be offset by a distance of 125 feet or more.
- 6) *Vertical alignment of intersection.* A nearly flat grade with appropriate drainage slopes is required within intersections. This flat section shall be carried back a minimum of 50 feet each way from the intersection. An allowance of two percent minimum intersection grade in rolling and four percent in hilly terrain will be permitted.

#### 270.073 - Pedestrianways.

##### Sec. 4.3.

- 1) *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks, shopping areas, other activity centers.

Such pedestrian right-of-way shall be at least ten feet wide and extend entirely through the block.

- 2) *Sidewalks.*

- (a) All sidewalks shall be constructed to grade and width established by existing adjoining sidewalks or, in the absence of the foregoing, by the building inspector, and shall be paved with a single course of concrete having a compressive strength of not less than three thousand five hundred (3,500) pounds per square inch within twenty-eight (28) days of construction.
- (b) All sidewalks shall be at least five (5) feet in width but wider sidewalks may be required by the building inspector if the density and development of the area indicates the desirability of such wider sidewalks.
- (c) The concrete shall be least four (4) inches in depth, except across driveways, where such thickness shall be increased to six (6) inches. Paving joints shall be true to line and grade at intervals consistent with adjoining or abutting sidewalks. One-inch expansion joints shall be placed throughout the sidewalk at least every fifty (50) feet and between sidewalks and other rigid structures.
- (d) Concrete sidewalks at least five (5) feet wide and four (4) inches thick are required on both sides of all streets and stub streets without exception including adjacent to all cul-de-sacs.
- (e) All sidewalks shall incorporate dub-downs also known as "handicapped sidewalk curb cuts" from the curb to the intersection of the sidewalk.
- (f) Permits for construction of sidewalks shall be obtained from the Building Inspector for Dorr Township and sidewalks shall be built to meet or exceed the requirements contained in this ordinance and in any other applicable township ordinance or statute.



(g) The surface of all sidewalks shall be roughened with a mechanic's brush to prevent smooth and slippery surfaces.

(Ord. of 8-17-1998)

#### 270.074 - Easements.

##### Sec. 4.4.

- 1) *Easement location.* Easements shall be provided along front or rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six feet along each lot, or a total of 12 feet for adjoining lots except in the case of those lots included within the provisions of Section 4.6 6) hereafter.
- 2) *Drainageway.* Where a subdivision is traversed by a watercourse, drainage way, channel, floodplain, or stream, a stormwater easement or drainage right-of-way should be provided which conforms substantially with the lines of such watercourse or right-of-way to minimize flooding during periods of heavy rain.

The subdivider shall provide drainageway easements as required by the rules of the Allegan County Drain Commissioner.

#### 270.075 - Blocks.

##### Sec. 4.5.

- 1) *Arrangements.* A block shall be designed to provide two tiers of lots, except in those cases where lots back onto an arterial street, natural feature or subdivision boundary.
- 2) *Minimum length.* Blocks shall not be less than 500 feet long from center of street to center of street.
- 3) *Maximum length.* The maximum length allowed for residential blocks shall be 1,000 feet long from center of street to center of street.

#### 270.076 - Lots.

##### Sec. 4.6.

- 1) *Conform to zoning.* The lot width, depth, building setback line, and area shall not be less than the particular district requirements of the Township Zoning Ordinance, as amended, except where outlots are provided for some permitted purpose.
- 2) *Lot lines.* Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.
- 3) *Width related to length.* The depth of a lot shall not exceed two and one-half times the width as measured at the building line.
- 4) *Corner lots.* Corner lots shall have sufficient width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting a pedestrian midblock crosswalk shall be treated as corner lots.
- 5) *Uninhabitable areas.* Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgement of the Planning Commission and Township Board increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space.
- 6) *Back-up-lots.* Lots shall back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas.
- 7) *Double frontage lots.* Lots extending through a block and having frontage on two local streets shall be prohibited.
- 8) *Lot frontage.* All lots shall front upon a publicly dedicated street.
- 9) *Future arrangements.* Where parcels of land are subdivided into unusually large lots (such as when large lots are

required for septic tank operations), the parcels shall be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever future resubdividing or lot splitting is to be undertaken, the plan therefor shall first be approved by the Planning Commission prior to submission to the Township Board for approval pursuant to Section 4.6 [270.076] 10) hereafter.

10) *Lot division.*

- a) *Prohibition of division.* No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the Township Board.
- b) *Application for permission.* Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in a recorded plat shall first make application to the Township Board in writing on such application form or forms as shall be provided by the Township. Such application shall be filed with the Township Clerk and shall include a detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land and a statement from the Allegan County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.
- c) *Building permit.* No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot or other parcel of land which is to be divided unless the partition or division shall first have been approved by the Township Board.
- d) *Division resulting in smaller area.* A division or partition of a lot, outlot or other parcel of land which is not served by public sewer and public water systems and which results in the creation of a parcel or parcels containing a smaller area or width than is required by the Subdivision Control Act of 1967, as amended and the Dorr Township Zoning Ordinance, may be approved by the Township Board, in its discretion, provided the parcel or parcels created by such division or partition which are smaller than said area and width requirements are contiguous with other lots or parcels owned by the proprietor which, when added to the parcels created by such division or partition, will comply with the area and width requirements of the Subdivision Control Act of 1967, and the Dorr Township Zoning Ordinance, as amended. If approval of any such division or partition is granted pursuant to this section, then the parcel established by the division or partition and the contiguous lot or parcel of land required to meet said area and width requirements shall be considered as one building lot and parcel for all purposes.
- e) *Conditions.* In granting its approval for any such requested division or partition, the Township Board may condition its approval with such reasonable conditions as shall be deemed desirable by the Township Board and which are in accordance with the purposes of the Subdivision Control Act of 1967, as amended, as the same are embodied in its preamble.

- 11) *Division of unplatted parcel.* The division of an unplatted parcel of land into two, three, or four lots involving the dedication of a new street shall require the approval of the Township Board prior to taking such action. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. The Township Board shall not approve such application nor shall a building or occupancy permit be issued in such cases until the subdivider has secured the approval of the Allegan County Health Department and the Allegan County Road Commission, and evidence of such approvals submitted to the Township Board.

270.077 - Planting strips and reserve strips.

Sec. 4.7.

- 1) *Planting strips.* Planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses where necessary or desirable to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and shall not be a part of the normal roadway right-of-way or utility easement.
- 2) *Reserve strips.*

- a) *Reserve strips—private.* Privately held reserve strips controlling access to streets shall be prohibited.
- b) *Reserve strips—public.* A one-foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half streets. These reserves may be deeded in fee simple to the Township for future street purposes.

#### 270.078 - Public sites and open spaces.

##### Sec. 4.8.

- 1) *Public uses.* When a General Development Plan has been adopted by the Township and a proposed park, playground, school or other public use shown on the General Development Plan is located in whole or in part within a proposed subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase.

The Township Board may, at its option, at a later date, release any such reservation for public purchase on a showing that the lands in question are no longer needed or required for the public purpose or purposes indicated by the General Development Plan.

- 2) *Natural features.* Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

#### 270.079 - Commercial and industrial developments.

##### Sec. 4.9.

- 1) *Commercial or industrial modification.* These subdivision design standards may be modified in accordance with Article VI in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

### ARTICLE V

#### 270.100 - SUBDIVISION IMPROVEMENTS

##### 270.101 - Purpose.

Sec. 5.1. The improvements described in this Article will be required to be constructed by the subdivider as conditions for final plat approval.

##### 270.102 - Responsibility for plans.

##### Sec. 5.2.

- 1) It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a Registered Professional Engineer or a Registered Land Surveyor, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the hereinafter required streets, utilities, storm drainage, and other facilities. Such construction plans shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the approving bodies listed in Article III, Section 3.3 and shall be prepared in accordance with the standards or specifications of the respective body.
- 2) Upon completion of the required improvements, one complete copy of as-built engineering plans for each required public improvement shall be filed with the Township Clerk. Other requirements and procedures in the submittal of final plats shall be as provided in Section 3.3.

## 270.103 - Required improvements.

## Sec. 5.3.

- 1) Every subdivider shall be required to install the following public and other improvements in accordance with the provisions of Section 5.3 a) through 5.3 n) of this Ordinance.
  - a) *Monuments*. Monuments shall be set in accordance with the State Subdivision Control Act of 1967, Act No. 288 of the Public Acts of 1967, (Section 125) and the rules of the State Department of Treasury.
  - b) *Streets, roads and alleys*. All streets, roads and alleys shall be constructed in accordance with the standards and specifications adopted by the Allegan County Road Commission.
  - c) *Curbs and gutters*. Curbs and gutters may be required on all marginal access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the Allegan County Road Commission.
  - d) *Installation of public utilities*. All telephone and electrical utilities shall be installed underground. In addition, all public utilities and driveways shall be installed in accordance with the Subdivision Control Act and the rules of the Michigan Public Service Commission as amended.
  - e) *Driveways*. All driveway openings in curbs shall be as specified by the Department of State Highways and Transportation on state and federal roads and as specified by the Allegan County Road Commission for all other roads in the Allegan Township.
  - f) *Storm drainage*.
    - (1) An adequate storm drainage system including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Allegan County Drain Commissioner.
    - (2) Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Allegan County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the Allegan County Drain Commissioner.
    - (3) The site shall be graded in accordance with the grading plan illustrated on the final preliminary plan.
  - g) *Water supply system*. A water supply system shall be provided by one or more of the following alternatives:
    - (1) A water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances shall be provided by the subdivider. This system shall meet all the requirements of Allegan County, the State of Michigan, Dorr Township and any water supplier with which the Township has contracted for water supply.
      - (a) If water transmission lines are adjacent to the subdivision, the water system provided by the subdivider shall be connected to such transmission lines by the subdivider.
      - (b) If water transmission lines are reasonably approximate to the subdivider, then the Township Board may, in its discretion, require the subdivider to participate in and share the cost of extending such transmission lines to the subdivision. After such extension is completed, the water system provided by the subdivider shall be connected to the water transmission lines by the subdivider.
      - (c) If water transmission lines are not adjacent to or going to be extended to the subdivision, then the water system shall be charged and capped in such reasonable manner as is satisfactory to the Township Engineer.
    - (2) As an alternative, the water distribution system may, with approval of the Township Board after consultation with the Planning Commission, the Township Engineer, the Allegan County Health Department, be connected to a central well or wells to be provided by the subdivider. Such well or wells shall be in conformance with all requirements of Allegan County, the Michigan Department of Public Health and the Township. The Township may, at its option, choose to operate and maintain such system or, in the alternative, the Township can delay

assuming operation and maintenance of such system until a later date. At such time as water transmission lines are adjacent to the subdivision, use of the central water system shall cease and terminate and connection shall be made forthwith to the water transmission lines at the expense of the subdivider.

- (3) If a central well or wells are not provided, then individual wells may be utilized, as long as they comply completely with all requirements of Allegan County, the State of Michigan, and Dorr Township.
- (4) If water transmission lines for a public water supply are not adjacent to or going to be extended to the subdivision, then the Township Board may, in its discretion, require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public water facilities to extend a public water supply to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township attorney, to effectuate the purposes of this provision.

h) *Sanitary sewer system.* A sanitary sewer system, or septic tank shall be provided by one or more of the following alternatives:

- (1) When connection to a public sanitary sewer system is probable within a reasonable period of time, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the subdivider. This system shall meet all requirements of Allegan County, the State of Michigan, Dorr Township and any agency with which the Township has contracted for the treatment and disposal of its sewage.
  - (a) If sanitary sewer transmission lines are adjacent to the subdivision, the sanitary sewer system provided by the subdivider shall be connected to such transmission lines by the subdivider.
  - (b) If sanitary sewer transmission lines are reasonably proximate to the subdivision, then the Township Board may, in its discretion, require the subdivider to participate in and share the cost of extending such transmission lines to the subdivision. After such extension is completed, the sanitary sewer system provided by the subdivider shall be connected to the sanitary sewer transmission lines by the subdivider. If sanitary sewer transmission lines are not adjacent to or going to be extended to the subdivision, then the sanitary sewer system provided by the subdivider shall be capped in such reasonable manner as is satisfactory to the Township Engineer.
- (2) As an alternative, the sanitary sewer line system may, with the approval of the Township Board after consultation with the Planning Commission, the Township Engineer, and Allegan County Health Department, be connected to a central sewage disposal system to be provided by the subdivider.
 

Such central sewage disposal system shall be in conformance with all requirements of Allegan County, the State of Michigan, and the Dorr Township. The Township may, at its option, choose to operate and maintain such system or, in the alternative, the Township can delay assuming operation and maintenance of such system until a later date. At such time as sanitary sewer transmission lines are adjacent to the subdivision, use of the central sewage system shall cease and terminate and connection shall be made forthwith to such transmission lines at the expense of the subdivider.
- (3) If a central sewage disposal system is not provided, then septic tanks and disposal fields may be utilized so long as they comply completely with all requirements of Allegan County, the State of Michigan and Dorr Township.
- (4) If sanitary sewer transmission lines are not adjacent to or going to be extended to the subdivision, then the Township Board may, in its discretion, require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public sanitary sewer facilities to extend public sanitary sewer service to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township attorney, to effectuate the purposes of this provision.

(5) When connection to a public sanitary sewer is not probable within a reasonable period of time, then septic tanks and may be utilized as long as they comply completely with all requirements of Allegan County, the State of Michigan, and In such instance, the subdivider shall execute an agreement agreeing to the imposition of a special assessment to cover the cost of constructing appropriate sewer lines, lift stations and other sanitary sewer system appurtenances within the subdivision. The cost of providing the necessary public sanitary sewer facilities to extend public sanitary sewer service to the subdivision shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township attorney, to effectuate the purposes of this provision.

- i) *Street Name Signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Allegan County Road Commission.
- j) *Sidewalks and crosswalks.*
  - (1) Where the average width of lots, as measured at the building setback line, is 100 feet or less, sidewalks shall be required on one side of the street. Sidewalks shall be required on both sides of the street where the density of development and the expected traffic volume may present a hazard to the safety of pedestrians. Where the average width of lots, as measured at the building setback line, is over 100 feet, sidewalks on the side may be required by the Township.
  - (2) Crosswalks, when required by Section 4.3 [270.073] 1), shall have easements at least ten feet in width and include a paved walk at least five feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.
  - (3) Crosswalks shall be constructed in accordance with the standards and specifications adopted by the Allegan County Road Commission. Sidewalks shall be constructed as provided in Section 4.3 2) of this ordinance.
- k) *Street lighting.* Street lights shall be required to be installed every 500 feet and at all intersections in the subdivision. All such lighting shall comply with all applicable Township ordinances as well as the requirements of the public utility providing such lighting.
- l) *Greenbelts.* Where it is generally necessary for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets, said greenbelts or landscaped screen plantings shall be provided.
- m) *Street trees.* Street trees of a variety and size in accordance with such standards as may be adopted by the Township may at the option of the developer be planted between the street curb and sidewalk. The location of street trees shall be approved by the Allegan County Road Commission.
- n) *Traffic control signs.* Traffic control signs and/or warning devices shall be installed as may be determined necessary by the Allegan County Road Commission and the Michigan State Police.

(Ord. of 8-17-1998; Ord. of 8-15-2002)

#### 270.104 - Additional public improvements.

##### Sec. 5.4.

- 1) *Recreational.* Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated in the General Development Plan, is located in whole or in part in the proposed subdivision, the Township Board may request the reservation of such open space for school, park and recreation, or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township in all other cases; however, voluntary dedication of these land areas may be accepted.

#### 270.105 - Guarantee of completion of improvements required by the Township.

##### Sec. 5.5.

- 1) *Guarantee arrangements, exceptions.* The construction of all improvements required by this Ordinance shall be completed by the subdivider and approved by the Township Board prior to final plat approval. In lieu of the actual installation and approval of improvements required by this Ordinance prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the Allegan County Road Commission, Allegan County Drain Commissioner, or any other agency responsible for the administration, operation and maintenance of the applicable public improvements, permit the subdivider to guarantee completion of such required improvements in one or a combination of the following arrangements. In each instance where the subdivider is to guarantee completion of required improvements, the subdivider and the Township Board shall enter into a written agreement specifying in detail the nature of the required improvements, the time within which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications, and the nature of the financial guarantee or performance which is to be provided by the subdivider for each such improvement. The Township Board may, on recommendation from the Planning Commission, waive financial guarantees of the completion of required improvements in the case of sidewalks, street lights, or street trees.
- 2) *Financial guarantees.* Financial guarantees shall be provided in accord with Section 182 of the Subdivision Control Act and as follows:
  - a) *Performance or surety bond.*
    - (1) *Accrual.* The bond shall accrue to the Township and shall cover the full cost of constructing and installing the specific public improvement and, where applicable, placing the specific public improvements in operation.
    - (2) The bond shall be in an amount equal to the total estimated cost for completing construction and installation of the specific public improvement, including contingencies as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.
    - (3) *Term.* The term of the bond shall be for such period as shall be specified by the Township Board.
    - (4) *Bonding or surety company.* The bond shall be written by a surety company authorized to do business in the State of Michigan acceptable to the Township Board.
  - b) *Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credits.*
    - (1) *Treasurer, escrow agent or trust company.* A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, as selected by the proprietor, shall be deposited with the Township. Such deposit shall be made pursuant to a written escrow agreement between the subdivider and the Township. The escrow agreement may provide that the deposit will be held by the Township Treasurer or, in the alternative, subject to approval by the Township Board, that the deposit be held by a state or national banking corporation.
    - (2) *Dollar value.* The cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board.
    - (3) *Term.* The deposit shall be retained by the Township Board for a period to be specified by the Township Board.
  - c) The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection a) above or the deposit provided pursuant to subsection b) above be progressively reduced as the specified public improvement is completed.
- 3) *Penalty in case of failure to complete the construction of a public improvement.* In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the bond or deposit provided pursuant to subsection 2) a) or 2) b) above.

## ARTICLE VI

## 270.120 - VARIANCES

## 270.121 - General.

Sec. 6.1. The Township Board may, on written application from the subdivider and after receipt of a recommendation from the Planning Commission, grant a variance from the provisions or requirements of this Ordinance which are under the Board's control. A public hearing shall be held by the Planning Commission prior to making its recommendation to the Township Board. Notice of this hearing shall be given in the same manner as is provided in the Township Rural Zoning Act, Michigan Act 184 of 1943, as amended, with respect to the adoption or amendment of a Township Zoning Ordinance. No variance shall be recommended by the Planning Commission or granted by the Township Board unless there is a finding:

- 1) That there are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this Ordinance would clearly be impracticable or unreasonable.
- 2) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the areas in which the subdivision is situated.
- 3) That the variance will not violate the provisions of the Subdivision Control Act, as amended.
- 4) That the variance will not have the effect of nullifying the interest and purpose of this Ordinance and the General Development Plan.

After the completion of the public hearing, the Planning Commission shall make a written recommendation to the Township Board which shall include its findings and specific reasons for its recommendation. On receipt of such written recommendation, the Township Board shall act to either grant or deny the variance.

## ARTICLE VII

## 270.140 - ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

## 270.141 - Enforcement.

Sec. 7.1. No plat required by this Ordinance or the Subdivision Control Act, as amended, shall be admitted to the public land records of the County or received or recorded by the Allegan County Register of Deeds, until such plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance (unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this Ordinance) unless such public improvement shall comply in its location and in all other respects with the requirements of this Ordinance.

## 270.142 - Penalties.

Sec. 7.2. Penalties for failure to comply with the provisions of this Ordinance shall be as follows: Violation for any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be



found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act, as amended.

## ARTICLE VIII

### 270.160 - AMENDMENTS

#### 270.161 - Procedures.

Sec. 8.1. The Township Board may, from time to time, amend, supplement or repeal this Ordinance. A proposed amendment, supplement, or repeal may be originated by the Township Board or by the Planning Commission. All proposals not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Township Board. Such report shall be submitted in writing to the Township Board within 60 days from the date on which the proposal is referred to the Planning Commission. If such report is not received within 60 days, then the Township Board may act on the proposal without the report of the Planning Commission.

### 300.000 - ZONING ORDINANCE Ord. No. 6 Effective: February 1, 1977

## CHAPTER I

### 300.010 - TITLE

#### 300.011 - Title.

Sec. 1.01. This Ordinance shall be known as the "Dorr Township Zoning Ordinance."

## CHAPTER II

### 300.020 - SCOPE, PREAMBLE, INTERPRETATION AND LEGAL BASIS

#### 300.021 - Scope.

Sec. 2.01. The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals and general welfare.

#### 300.022 - Preamble.

Sec. 2.02. This Ordinance is based upon the Dorr Township General Development Plan and is designed to: promote public health, safety, morals and general welfare; to encourage the use of lands and natural resources in accordance with their character and adaptability; to limit and discourage the improper use of land, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to provide for adequate light, air and sanitary conditions; to conserve property values; to establish the location and size of all dwellings and other buildings and structures hereafter built, altered or moved within or into this Township; to provide for the specific uses of which such dwellings and the land or premises accessory thereto, and land without buildings, may hereafter be used; and to regulate the minimum open spaces surrounding such buildings and structures.

Furthermore, this Ordinance is designed to provide sanitary, safety and protective measures that shall be required for dwellings, buildings and structures; to lessen congestion on the public roads, highways and streets and other public places; to provide safety regulations regarding traffic and off-street parking; to facilitate the development necessary for adequate recreational places; to regulate sewage disposal and any other sanitary regulations; to conserve life, property and natural resources and to prevent fire hazards; to encourage public improvements and services to provide for the most advantageous use of lands, buildings and premises; and to regulate and restrict the location of trades, industries, uses, and all buildings and structures used for residential, commercial, industrial, recreational, social, religious, private and fraternal clubs and lodges and for public and semi-public purposes and institutional uses.

#### 300.023 - Interpretation.

Sec. 2.03. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except as provided in Section 21.03 hereof, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where the Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

#### 300.024 - Legal basis.

Sec. 2.04. This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, hereinafter referred to as PA 110 of 2006 as amended.

(Ord. of 1-15-2009)

### CHAPTER III

#### 300.030 - DEFINITIONS

#### 300.031 - Rules applying to text.

Sec. 3.01. The following listed rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) The word "building" includes the word "structure". A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", "designed to be used", or "occupied".

(h) The words "farm" and "agriculture" are considered to be synonymous.

(i) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

300.032 - Accessory use or structure.

Sec. 3.02. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

300.032A - Adult day care home.

Sec. 3.02A. A dwelling unit in which less than seven persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling unit as a member of the household.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.032B - Adult foster care facility.

Sec. 3.02B. A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged; emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.032C - Adult foster care congregate facility.

Sec. 3.02C. An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.032D - Adult foster care family home.

Sec. 3.02D. A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.032E - Adult foster care large group home.

Sec. 3.02E. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.032F - Adult foster care small group home.

Sec. 3.02F. An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

(Ord. No. 01-160, § 1, 9-29-2016)

300.033 - Agriculture.

Sec. 3.03. For the purpose of this Ordinance, agriculture shall consist of the art of cultivating the soil for the purpose of producing crops therefrom, and it shall include horticulture and all pursuits permissible as stated in "Section 3.25, Farm" of this chapter.

300.034 - Alley.

Sec. 3.04. A public thoroughfare or right-of-way not more than 30 feet wide, affording only secondary means of access to and egress from abutting property.

300.035 - Alteration, structure.

Sec. 3.05. Any change in the supporting members of a building, including bearings walls, columns, posts, beams, girders or any other supporting member, including any substantial change in the roof, or an addition to or diminution of a structure or building.

300.035A - Antenna.

Sec. 3.05A. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

(Ord. of 2-3-1999)

300.036 - Automobile service station or filling station.

Sec. 3.06. A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories and greasing, oiling and light motor service on the premises.

300.037 - Automobile trailer.

Sec. 3.07. Any vehicle in the nature of a house car, house trailer, motor home or similar vehicles used or so constructed that it may be used for occupancy as a dwelling or sleeping place of one or more persons, and so originally constructed or designed that it can be moved from place to place upon its own wheels and runners, upon the public highways and streets by being towed by a self-powered motor vehicle, whether licensed as such vehicle, or not; it shall also include a vehicle with wheels, to be operated by being towed by an automobile or tractor for the purpose of hauling, moving, carrying and transporting any form of goods, wares and merchandise for business purposes, for pleasure, or for disposal.

In the event of a controversy as to whether or not any certain type of vehicle or structure constitutes an automobile trailer, the same shall be heard by the Zoning Board of Appeals; and its decision, based upon the facts of the matter, shall be binding in this respect.

- (a) *Travel trailer (camper trailer)*. A vehicle so constructed that it may be used for occupancy as a dwelling or sleeping place of one or more persons and commonly designed by the manufacturer thereof as a travel trailer (or camper trailer), and being, in any event, not more than 20 feet in length.

(Amended: Amend. of 1-3-1985)

300.038 - Basement.

Sec. 3.08. That portion of a building which is partly below and partly above grade, and having one-half or more of its height above ground. As used in this Ordinance an "earth-sheltered" or "berm" home which meets the requirements of the applicable Building Code regarding construction standards, including, but not limited to the required standards for minimum natural light, minimum natural ventilation, and minimum above grade ingress and egress shall not be considered a "basement" or a "cellar".

(Amend. of 1-3-1985)

300.039 - Bluff.

Sec. 3.09. The top of a steep bank rising from the ordinary high water mark on a lot or parcel.

(Ord. of 7-5-2007)

300.040 - Boarding house.

Sec. 3.10. Primarily a dwelling house where meals, either with or without lodging, are, for a compensation, furnished on a daily, weekly or monthly basis to three or more persons who are not members of the family occupying and operating the premises.

(Amend. of 1-3-1985)

300.041 - Building.

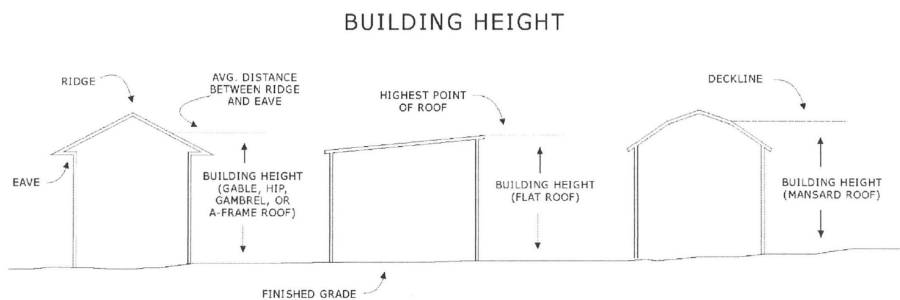
Sec. 3.11. Anything which is constructed or erected including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

300.042 - Building; existing.

Sec. 3.12. For the purpose of this Ordinance, a building shall be considered as existing when it is completed, or when the foundations thereof are completed and the construction of the superstructure is being diligently prosecuted at the date of this Ordinance.

300.043 - Building height.

Sec. 3.13. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



(Ord. No. 01-160, § 1, 9-29-2016)

300.044 - Child care center.

Sec. 3.14. Any facility other than a dwelling unit in which one or more minor children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child care centers do not include Family or Group Child Care Homes, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

(Ord. No. 01-160, § 1, 9-29-2016)

#### 300.045 - Cabins.

Sec. 3.15. Any building, tent, or similar structure which is maintained, offered or used for sleeping quarters for transients or for temporary residents only, shall be considered to be a cabin; but this definition shall not include buildings designed as hotels, lodgings, houses or tourist homes.

#### 300.046 - Cellar.

Sec. 3.15A. That portion of a building which is partly or completely below grade, having at least one-half of its height below grade.

(Amend. of 1-3-1985)

#### 300.046A - Construction vehicles and equipment.

Sec. 3.15B. A vehicle or piece of equipment utilized for construction purposes including but not limited to backhoes, bulldozers, road graders, dump trucks, and other trucks utilized for construction use, trailers, trenchers, cranes, power shovels, and power tools. Truck tractors and semi-trailers are not construction vehicles or equipment.

(Ord. No. 10-6-1994)

#### 300.046B - Co-location.

Sec. 3.15C. The use of a single support structure, building and/or site by more than one wireless communication provider.

(Ord. of 2-3-1999)

#### 300.046C - Condominium Act.

Sec. 3.15C[D]. Public Act 59 or 1978, as amended.

(Ord. No. 01-160, § 1, 9-29-2016)

#### 300.046D - Condominium/site condominium project.

Sec. 3.15D[E]. A plan or project consisting of not less than two condominium units or two site condominium units established in conformance with the Condominium Act.

(Ord. No. 01-160, § 1, 9-29-2016)

#### 300.046E - Condominium unit.

Sec. 3.15E[F]. That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project, within which a building or other improvements may be constructed by the condominium unit owner.

(Ord. No. 01-160, § 1, 9-29-2016)

## 300.046F - Site condominium unit.

Sec. 3.15F[G]. A condominium unit established in compliance with the Condominium Act which is a volume of air space defined by an area of land and a specified distance above and below the land surface designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. A site condominium unit shall be considered a lot for purposes of this Ordinance.

(Ord. No. 01-16O, § 1, 9-29-2016)

## 300.047 - Corner lot.

Sec. 3.16. A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the streets is 135 degrees or less, or a lot abutting upon a curved street, or streets if tangent to the curve, at the two points where the lot lines meet the curve, form an interior angle of 135 degrees or less.

## 300.047A - Development.

Sec. 3.16A. Any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

(Ord. of 7-5-2007)

## 300.048 - District, zoning.

Sec. 3.17. Any of the parts of the unincorporated areas of Dorr Township subject to the terms of these zoning regulations.

## 300.048A - Driveway.

Sec. 3.17A. *Driveway* means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.

(Ord. of 9-2-1999)

## 300.049 - Dwelling unit.

Sec. 3.18. A building, or portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

(Amend. of 8-6-1985; Ord. No. 01-16O, § 1, 9-29-2016)

## 300.050 - Dwelling, single-family.

Sec. 3.19. A detached building designed exclusively for and containing one dwelling unit only.

(Ord. No. 01-16O, § 1, 9-29-2016)

## 300.051 - Dwelling, two family.

Sec. 3.20. A detached building designed exclusively for and containing two dwelling units only. A two-family dwelling is also a duplex.

(Ord. No. 01-16O, § 1, 9-29-2016)

## 300.052 - Dwelling, multiple family.

Sec. 3.21. A building designed exclusively for and containing three or more dwelling units.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.052A.01 - Dwelling unit, attached.

Sec. 3.21A[B]. A dwelling unit attached to one or more dwelling units by common major structural elements.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.052A.02 - Dwelling unit, detached.

Sec. 3.21B[C]. A dwelling unit which is not attached to by common major structural elements any other dwelling unit by any means.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.052A.03 - Dwelling; bi-level.

Sec. 3.21C[D]. A dwelling consisting of two stories, one of which may be a basement or cellar having a vertical distance from the grade to the ceiling of four feet or more.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.052A.04 - Dwelling; split-level.

Sec. 3.21D[E]. A dwelling consisting of more than two levels of living space, any two of which shall be at or 75% above grade level.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.052A.1 - Earth change.

Sec. 3.52A.1. An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

(Ord. of 7-5-2007)

300.052A - Easement.

Sec. 3.21A. A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

(Ord. of 9-2-1999)

300.053 - Erect.

Sec. 3.22. The term "erect" shall include build, construct, reconstruct, alter, move, and any physical operations on the land required for building, including excavations, fillings, drainage and like operations.

300.054 - Essential services.

Sec. 3.23. The erection, construction, installation and maintenance by public utilities or municipal departments or commissions of any improvements or equipment for furnishing gas, electric, steam, water, sewer services, and transportation.

300.055 - Family.



## Sec. 3.24.

- A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and legal wards of the principal occupants, with not more than three additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relation is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or another similar determinable period.

(Amend. of 11-7-1985; Ord. No. 01-16O, § 1, 9-29-2016)

## 300.055A - Family child care home.

Sec. 3.24A. A dwelling unit, in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

(Ord. No. 01-16O, § 1, 9-29-2016)

## 300.056 - Farm.

Sec. 3.25. Land, plants, animals, buildings, structures (including ponds used for agricultural or aqua cultural activities), machinery, equipment, and other appurtenances used in the commercial production of farm products.

(Ord. of 5-19-2011, § 1)

## 300.056A - Farm product.

Sec. 3.25A. Those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fist and other aqua cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

(Ord. of 5-19-2011, § 2)

## 300.056B - Farm market.

Sec. 3.25B. A place, area, or buildings from which farm products produced on and by an affiliate farm are sold. A farm market must also meet one of the following requirements: the square footage devoted to the sale of such farm products must constitute at least 50 percent of the total square footage used to display all of the products offered for retail sale; or at least 50 percent of the gross dollars of products sold must be from farm products produced on and by the affiliated farm.

(Ord. of 5-19-2011, § 3)

## 300.356C - Affiliate farm.

Sec. 3.25C. A farm under the same ownership or control as a farm market.

(Ord. of 5-19-2011, § 4)

## 300.356D - Farm operation.

Sec. 3.25D. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- (i) Marketing produce at roadside stands or farm markets.
- (ii) The generation of noise, odors, dust, fumes, and other associated conditions.
- (iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (iv) Field preparation and ground and aerial seeding and spraying.
- (v) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (vi) Use of alternative pest management techniques.
- (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- (viii) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (ix) The conversion from a farm operation activity to other farm operation activities.
- (x) The employment and use of labor.

(Ord. of 5-19-2011, § 5)

## 300.057 - Farm buildings.

Sec. 3.26. Any building or structure other than the dwelling or dwellings erected, maintained or moved upon, or used on a farm, essential and necessary to that type of farming to which said land is devoted.

## 300.057A.1 - Filtered view.

Sec. 3.26A.1. The maintenance or establishment of woody vegetation of sufficient density to screen development from the Rabbit River feature, to provide for bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff and to provide cover to shade the water in a manner which still allows a partial view to the water feature.

(Ord. of 7-5-2007)

## 300.057A - Frontage.

Sec. 3.26A. That portion of a lot abutting on a public street or approved private road; the front lot line.

(Ord. No. 42-1, 12-3-1992)

## 300.058 - Garage; private.

Sec. 3.27. A detached accessory building or a portion of a main building used only for the storage of passenger vehicles and one truck of a rated capacity not exceeding one and one-half tons.

## 300.059 - Garage; commercial.

Sec. 3.28. Any building or premises used for the housing, caring for, servicing or repairing of motor-driven vehicles or other vehicles used in connection therewith or used incidental thereto.

300.060 - Grade.

Sec. 3.28A. A reference plane representing the average of finished ground level adjoining the building at the exterior walls.

(Amend. of 1-3-1985)

300.060A - Group child care home.

Sec. 3.28B. A dwelling unit in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year

(Ord. No. 01-160, § 1, 9-29-2016)

300.061 - Hotel.

Sec. 3.29. The word "hotel" shall designate any building other than a motel or tourist court or tourist cabin where lodging with or without meals is furnished to transient and resident guests, and shall contain more than four sleeping rooms and be unequipped with cooking facilities in all individual rooms or lodgings, but in which a restaurant may or may not be located.

300.061A - Household.

Sec. 3.29A. A family living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

(Ord. No. 01-160, § 1, 9-29-2016)

300.061B - Housekeeping unit.

Sec. 3.29B. A Dwelling Unit organized as a single entity in which the members of the household share common housekeeping facilities.

(Ord. No. 01-160, § 1, 9-29-2016)

300.061C - Housekeeping facilities.

Sec. 3.29C. Complete, independent living facilities, including areas for living, sleeping, eating, cooking, and sanitation, and the following permanent fixtures and appliances: stove, refrigerator, kitchen sink, tub or shower, lavatory and water closet.

(Ord. No. 01-160, § 1, 9-29-2016)

300.062 - Junkyard.

Sec. 3.30. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.

300.063 - Kennel, commercial.

Sec. 3.31. Any lot or premises on which more than four dogs or cats six months of age or older, are kept either permanently or temporarily for the purpose of boarding or breeding for compensation, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.063A - Kennel, private.

Sec. 3.31A. Any lot or premises on which more than four dogs or cats six months of age or older, are owned and kept by the occupant of the dwelling.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.063B - Livestock production facility.

Sec. 3.31A. Includes all facilities where farm animals as defined in the Right to Farm Act are confined with a capacity of 50 animal units or greater and/or the associated manure storage facilities. Sites such as loafing areas, confinement areas, or feedlots, which have livestock densities that preclude a predominance of desirable forage species, are considered part of a livestock facility. Pasture lands are excluded.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.064 - Lodging house.

Sec. 3.32. A building, primarily a family dwelling, where lodging with or without meals is furnished on a payment basis, to four or more persons who are not members of the family occupying said premises, but where it is not obligatory to so accommodate anyone who may apply.

300.064A - Lot area.

Sec. 3.32A. The total horizontal area within the lot lines or property boundary of a lot which includes the area within public and private road rights of way if such area is included within the legal description of the lot.

(Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004)

300.065 - Lot.

Sec. 3.33. A parcel of land which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision or condominium unit intended for individual ownership and use and which has frontage on a public or private street except as may be allowed by this zoning ordinance.

(Ord. No. 92-1, 12-3-1992; Ord. No. 01-16O, § 1, 9-29-2016)

300.065A - Lot width.

Sec. 3.33A. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required building setback line.

(Ord. No. 92-1, 12-3-1992)

300.066 - Lot; corner.

Sec. 3.34. A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

300.067 - Lot; interior.

Sec. 3.35. A lot other than a corner lot.

300.068 - Lot; through.

Sec. 3.36. An interior lot having frontage on two streets.

300.069 - Reserved.

Sec. 3.37. Reserved.

300.069A - Lot coverage.

Sec. 3.37A. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.069B - Lot depth.

Sec. 3.37B. The distance between the front lot line and the rear lot line measured along the median between the side lot lines.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.069C - Lot lines.

Sec. 3.37C. The lines bounding a lot or parcel as defined herein.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.070 - Front lot line.

Sec. 3.38. The right of way line of the street abutting the lot. A corner lot and through lot have more than one front lot line.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.071 - Lot line; rear.

Sec. 3.39. That lot line which is opposite and most distant from the front lot line. The rear lot line of any irregular, triangular or gore shaped lot shall, for the purpose of this Ordinance, be a line entirely within the lot, ten feet long and parallel to and most distant from the front lot line.

300.072 - Side lot line.

Sec. 3.40. Any lot line not a front lot line or a rear lot line.

(Ord. No. 01-16O, § 1, 9-29-2016)

300.073 - Lot line; alley.

Sec. 3.41. A lot line separating the lot from an alley.

300.073A - Marijuana.

Sec. 3.41A. That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this ordinance and not otherwise defined shall have the meaning given

to it in the Michigan Medical Marijuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

(Ord. of 11-17-2011, § 1)

#### 300.073B - Medical (use of) marijuana.

Sec. 3.41B. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

(Ord. of 11-17-2011, § 1)

#### 300.073C - Medical marijuana dispensary.

Sec. 3.41C. Any business, facility, association, cooperative, location, or operation, which is operated for profit or non-profit, whether fixed or mobile, where medical marijuana is made available to be sold, processed, delivered, or distributed by or to two (2) or more of the following:

1. A primary caregiver as defined by Michigan Initiated Law 1 of 2008 as amended.
2. A qualifying patient as defined by Initiated Law 1 of 2008 as amended.
3. Members of the public.

A medical marijuana dispensary shall also include any place, location, facility, cooperative, or operation, which is operated for profit or non-profit, whether fixed or mobile, where medical marijuana is smoked or consumed by three or more persons at one time.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with the Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township Ordinances and applicable Michigan and Federal laws, rules and regulations.

A qualifying patient using and growing medical marijuana as defined and permitted by Michigan Initiated Law 1 of 2008, as amended, shall not be considered to be a medical marijuana dispensary.

A medical marijuana dispensary shall also not include the following uses: A state-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of Dorr Township and applicable Michigan and Federal laws, rules, and regulations.

(Ord. of 11-17-2011, § 1)

#### 300.074 - Mobile home.

Sec. 3.42. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(Amend. of 8-6-1981; Ord. of 5-5-1994)

#### 300.075 - Mobile home lot.

Sec. 3.43. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

300.076 - Mobile home pad.

Sec. 3.44. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

300.077 - Mobile home park.

Sec. 3.45. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

(Ord. of 5-5-1994)

300.078 - Mobile home subdivision.

Sec. 3.46. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

300.078A - Modular/manufactured housing.

Sec. 3.46A. A dwelling unit which consists of prefabricated units wholly or substantially constructed at an off-site location and transported to a lot or parcel on a removable undercarriage or flat-bed and assembled for permanent location on a lot or parcel to be used for residential purposes and which meets the requirements of the building code of the Dorr Township.

(Ord. No. 01-160, § 1, 9-29-2016)

300.079 - Motel.

Sec. 3.47. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers.

300.080 - Motor vehicle.

Sec. 3.48. Every vehicle which is self-propelled.

300.081 - Occupation; home.

Sec. 3.49. A gainful occupation carried on in the home as a use incidental to the use of the home as a dwelling place, subject to the conditions contained in Section 4.23. Home occupations may include any profession, vocation or trade, but shall not include nursery schools or day care centers caring for more than twelve minor children (not including children related to an adult member of the household by blood, marriage or adoption), photographic studios, restaurants, retail sales, or vehicle repairs.

(Amend. of 1-3-1985; Ord. of 8-21-1997)

300.081A - Open space preservation project.

Sec. 3.49A. A single family development in which a portion of the project will remain preserved in an undeveloped state in accordance with Section 16h of the Township Zoning Act (MCLA 125.286h).

(Ord. of 11-21-2002)

300.081B - Ordinary high water mark.

Sec. 3.49B. The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. (See Figure). On an inland lake that has a level established by law, it means the high established level.

(Ord. of 7-5-2007)

#### 300.082 - Parks.

Sec. 3.50. Any noncommercial, recreational area.

#### 300.083 - Parking area, space or lot.

Sec. 3.51. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

#### 300.084 - Parking bay.

Sec. 3.52. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

#### 300.085 - Pier.

Sec. 3.53. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

#### 300.086 - Planning Commission.

Sec. 3.54. The Dorr Township Planning Commission.

#### 300.086A - Porch, enclosed.

Sec. 3.54A. A covered entrance to a building or structure which is totally enclosed and projects out from the wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached.

(Ord. No. 29, 9-2-1993)

#### 300.086B - Porch, unenclosed.

Sec. 3.54B. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

(Ord. No. 29, 9-2-1993)

#### 300.087 - Principal or main use.



Sec. 3.55. The primary or predominant use of lot or parcel of land.

300.087A - Private road.

Sec. 3.55A. A roadway which is privately owned and maintained and which provides the principal means of access to more than one abutting lot(s) or dwelling unit(s).

(Ord. No. 92-1, 12-3-1992)

300.087B - Private road easement.

Sec. 3.55B. An easement which is granted exclusively for private access to more than one parcel of land or lot and which contains or is intended to contain a private road.

(Ord. of 9-2-1999)

300.087C - Private road, existing.

Sec. 3.55C. A private road which is used to provide access to lots, buildings or dwellings existing as of the effective date of this chapter.

(Ord. of 9-2-1999)

300.088 - Public court or alley.

Sec. 3.56. A public thoroughfare less than 30 feet wide.

300.088A - Recreational vehicle and equipment.

Sec. 3.56A. A vehicle or piece of equipment intended for recreational use, including but not limited to airplanes, boats, floats, camping or travel trailers, motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, utility trailers, snowmobiles and other equipment or vehicles of a similar nature.

(Ord. of 10-6-1994)

300.088B - Right-of-way.

Sec. 3.56B. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

(Ord. of 9-2-1999)

300.089 - Roadside stands.

Sec. 3.57. A farm structure used or intended to be used solely by the owner or tenant of the farm or other piece or parcel of land on which it is located, for the sale only of seasonal farm products, in the immediate locality, and to transients.

300.090 - Setback, setback line, building setback.

Sec. 3.58. The minimum horizontal distance set forth in the Dorr Township Zoning Ordinance for each district as measured from the front, rear and side lot lines to the nearest wall or foundation of the principal building which establishes the area within which buildings and structures must be erected or placed. Setback, Setback Line and Building Setback are the same as Required Yard as defined herein. See Figure 2-2.

(Ord. No. 17, 8-3-1989; Ord. No. 29, 9-2-1993; Ord. No. 01-160, § 1, 9-29-2016)

## 300.091 - Stables; private.

Sec. 3.59. An accessory building used or to be used for the housing of horses or other domestic animals owned or used by the occupant of the premises, on which it is located, and by his immediate family.

## 300.092 - Stables; public.

Sec. 3.60. A building in the nature of a private stable to be used for the housing and caring for horses or any other domestic animals for hire.

## 300.092A - Stream Bank.

Sec. 3.60A. The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom.

(Ord. of 7-5-2007)

## 300.093 - Street.

Sec. 3.61. A public owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road, or other thoroughfare, except an alley.

## 300.094 - Story.

Sec. 3.62. That portion of a building between the surface of any floor and the floor surface next above or below it.

## 300.095 - Story; half.

Sec. 3.63. That portion of a building between the eaves and ridge lines of a pitched roof, which space may or may not be available for tenancy.

## 300.096 - Structure.

Sec. 3.64. Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

## 300.097 - Tourist cabins or courts.

Sec. 3.65. Any lot, site, tract or parcel of land upon which one or more cabins are constructed, designed and equipped to accommodate chiefly automobile tourists, consisting mainly of individual cabins and occasionally of double cabins with or without cooking facilities.

## 300.098 - Tourist home.

Sec. 3.66. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

## 300.098A - Tower.

Sec. 3.67[3.66A]. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes those used for transmission for radio and television, microwave, common carrier, cellular telephone, alternative tower

structures and the like. Tower includes the structure thereof and any support thereto.

(Ord. of 2-3-1999)

300.098B - Tower height.

Sec. 3.68[3.66B]. The distance measured from the finished grade of the parcel of land to the highest point on the tower or other structure, including the base pad and any antenna.

(Ord. of 2-3-1999)

300.099 - Township.

Sec. 3.67. Dorr Township, Allegan County, Michigan.

300.100 - Township Board.

Sec. 3.68. The Dorr Township Board.

300.101 - Mobile Home Park Act.

Sec. 3.69. Mobile Home Commission Act of 1976, as amended.

(Amend. of 1-3-1985)

300.102 - Use; nonconforming.

Sec. 3.70. The use of a building, structure or land, which was lawfully existing at the time this Ordinance became effective, but which does not comply with the present regulations of the district in which it is located.

300.102A - Wetland.

Sec. 3.70A. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

(Ord. of 7-5-2007)

300.103 - Yard.

Sec. 3.71. The open space on a lot between the lot line and the foundation or wall of the principal building, whichever is closer. See Figure 2-2.

(Ord. No. 17, 8-3-1989; Ord. No. 01-160, § 1, 9-29-2016)

300.104 - Yard; front.

Sec. 3.72. The space extending across the full width of the lot between the front lot line and the wall or foundation of the principal building whichever is closer. A corner lot has two front yards. See Figure 2-2.

(Ord. No. 17, 8-3-1989; Ord. No. 01-160, § 1, 9-29-2016)

300.105 - Yard; rear.

Sec. 3.73. The space extending across the full width of the lot between the rear lot line and the wall or foundation of the principal building, whichever is closer. See Figure 2-2.

(Ord. No. 17, 8-3-1989; Ord. No. 01-160, § 1, 9-29-2016)

300.105A - Yard, required.

Sec. 3.73A. The space between a lot line and the setback line. The required yards establish the area within which buildings and structures must be erected or placed. A Required Yard is the same as Setback and Building Line as defined herein. See Figure 2-2.

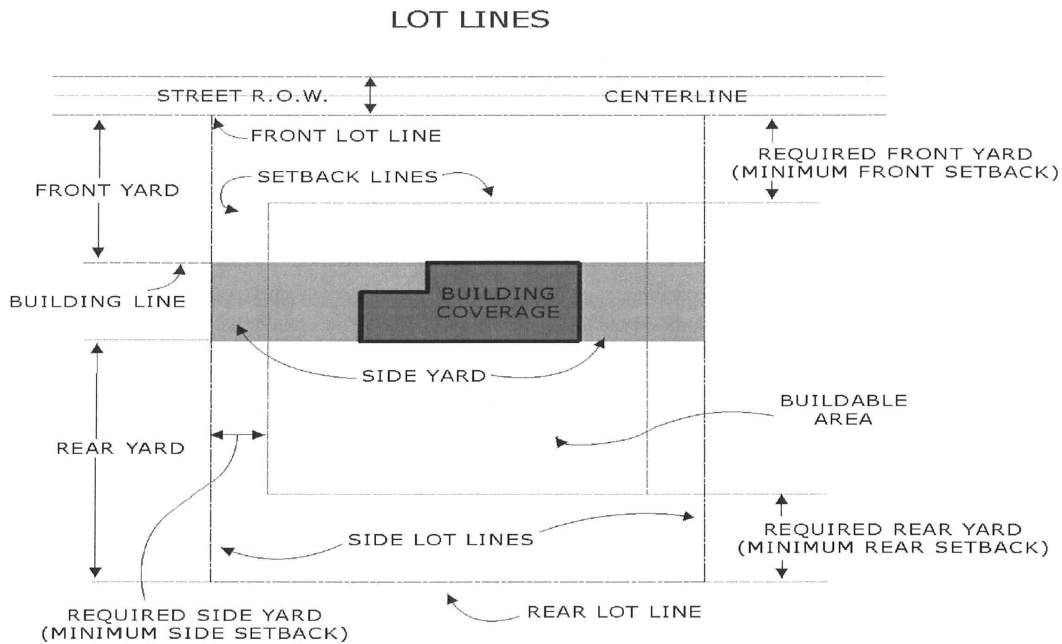


Figure 2-2

(Ord. No. 01-160, § 1, 9-29-2016)

300.106 - Yard; side.

Sec. 3.74. The space between the side lot line and the wall or foundation of the principal building, whichever is closer, extending from the front yard to the rear yard. See Figure 2-2.

(Ord. No. 17, 8-3-1989; Ord. No. 01-160, § 1, 9-29-2016)

300.107 - Zoning Act.

Sec. 3.75. The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

(Ord. of 1-15-2009)

300.108 - Zoning Inspector.

Sec. 3.76. The Dorr Township Zoning Inspector.

## 300.190 - GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts.

## 300.191 - The effect of zoning.

Sec. 4.01. Except as otherwise provided in this Ordinance, no lot, site or other parcel of land or use and no existing building or new building, structure or parts thereof, shall hereafter be used; and no building or structure shall be located, erected, constructed, reconstructed, altered or moved for purposes other than in conformity with the provisions of this Ordinance.

## 300.192 - Restoration of unsafe building.

Sec. 4.02. Subject to the provisions of the nonconforming Uses chapter, nothing in this Ordinance shall prevent the strengthening, restoring or removal to a safe condition of any part of any building or structure which is unsafe.

## 300.193 - Required area or yard.

Sec. 4.03. A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements. All lots, yards, courts, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located.

## 300.194 - Accessory buildings.

Sec. 4.04.

- (a) In any Zoning district, an accessory building may be erected detached from the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.
- (b) An accessory building or accessory structure shall not be constructed on a lot before the principal building except that a farm building as defined herein may be constructed or established on a lot before a principal building or use is established.
- (c) Detached accessory buildings must be located at least ten feet from the principal building unless it is attached to the principal building by a covered walkway.
- (d) Detached accessory buildings in the A, B-1 and B-2 Residential Zoning Districts shall be located only in the side or rear yard of a lot. Accessory buildings shall be located at least eight (8) feet from side and rear lot lines.
- (e) Detached accessory buildings in the Agricultural, Rural Agricultural and Rural Estates Zoning Districts shall be located at least fifty feet from front lot lines. Accessory buildings closer to the front lot line than the principal dwelling must be located at least twenty (20) feet from side property lines. Accessory buildings located in the side or rear yard must be located at least ten (10) feet from side and rear lot lines.
- (f) Accessory buildings in the Rural Estate and Rural Agricultural Zoning Districts may be constructed in the front yard of a parcel (the area between the house and the street) if the building is located a minimum of 250 feet from the front lot line. Such buildings shall comply with all required setbacks and other applicable requirements of this Zoning Ordinance.

The Planning Commission, however, may approve a detached accessory building for non-farm use which is closer than 250 feet from the front lot line as a Special Land Use in accordance with the procedures and standards of Section 15A herein provided the Commission also finds that the proposed accessory building will have an architectural character and design which matches or is

aesthetically similar to the dwelling unit on the same parcel.

(Ord. No. 17, 8-3-1989; Ord. No. 05-160, § 1, 9-29-2016; Ord. No. 04-200, Art. I.a., 10-29-2020)

#### 300.195 - Accessory uses.

Sec. 4.05. In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry.

#### 300.196 - Enclosed porches and garages attached to a dwelling.

Sec. 4.06. Enclosed porches and garages attached to a dwelling or other main building shall be deemed a part of such building for the purpose of determining yard space, areas, and setback.

#### 300.197 - Alleys as part of lot areas.

Sec. 4.07. Where any lot, site, or parcel of land abuts upon an alley, one-half of the width of said alley may be considered a part of the lot, site, or parcel for the purpose of computing the area of such lot, site, or parcel and for the purpose of computing the depth of any rear yard required under this Ordinance.

#### 300.198 - Temporary dwellings.

Sec. 4.08.

- (a) A garage, cellar, basement or other excavation, tent, camper, recreational vehicle, motor vehicle or other similar temporary structure, whether of a fixed or moveable nature, shall not be used as a dwelling.
- (b) In the event that an existing single family dwelling is damaged or destroyed so that it is no longer habitable the Zoning Administrator may approve a permit for the installation of a modular dwelling or mobile home on the same parcel to serve as a temporary dwelling for the owner of the damaged dwelling while the damaged dwelling is being rebuilt or restored. The temporary dwelling need not comply with the requirements of Section 4.35 [300.225] but shall comply with the applicable requirements of the Allegan County Health Department, the Dorr Township Building Code and the setback, installation and other applicable requirements of the Zoning Ordinance.

The permit shall expire 12 months from the date of issuance. The Zoning Administrator may allow an additional six months for the use of the temporary dwelling if it is demonstrated that such additional time is necessary to complete the restoration of the damaged dwelling. Upon the expiration of the permit the temporary dwelling shall be removed and the site reasonably restored to the condition which existed prior to the installation of the temporary dwelling.

(Amend. of 3-6-1980; Ord. of 11-1-2001)

#### 300.199 - Temporary non-residential uses in residential districts.

Sec. 4.09. The Planning Commission may grant a special use permit for a temporary building for a permitted commercial or industrial use in a residential district, provided the temporary use is incidental to the residential use of the district. In considering the special use permit, the Planning Commission shall utilize the same criteria as provided in Section 4.08. In no event shall a temporary use permitted under this Section continue longer than the time allowed in Section 4.08.

(Amend. of 3-6-1980)

#### 300.200 - Materials used in dwellings.

Sec. 4.10 The following shall be considered minimum standards to the extent that they do not conflict with the BOCA Basic Building Code, as amended, as adopted by the Township:

- (a) In no instance shall any dwelling or other accessory building thereto, in any zone, be constructed of tar paper or any other more flammable than the material commonly and generally used in the construction of frame buildings.
- (b) All materials, including those of which prefabricated and ready-cut dwellings and structures are made, shall be of good quality for the purpose intended, and shall conform to, in all respects, manufacturer's standards, and shall be free from imperfections which impair their strength and durability, and they shall be considered to be of good quality when such quality is not less than 90 percent of the average of their kind.
- (c) All lumber used in building and construction, except for temporary purposes, shall be free from rot, large or loose knots, shakes or imperfections whereby its strength or fitness may be impaired.
- (d) All brick, concrete, stone, concrete and cinder block and similar and comparable material used in the construction of dwellings, public and semi-public buildings, stores, shops and factories and all permanent and principal accessory buildings thereto, shall conform to the trade and manufacturer's standards.
- (e) Throughout the various Zoning Districts of the Township, no residential or other main buildings or accessory buildings thereto or other structures shall be made of or covered with scrap or waste material, material taken from packing cases, crates, or boxes, waste pieces of lumber, old and unfit lumber and unsightly and inferior objects of any kind.

#### 300.201 - Essential service.

Sec. 4.11. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam, or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wire, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any Zoning District.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

#### 300.202 - Height exceptions.

Sec. 4.12. The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot is permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

(Ord. of 2-3-1999)

#### 300.203 - Principal building on a lot.

Sec. 4.13. A lot or parcel shall not be devoted to more than one principal use except for groups of apartment, retail, or industrial buildings or other buildings which the Zoning Inspector deems to be a principal use collectively.

(Ord. 29, 9-2-1993)

## 300.204 - Double frontage lots.

Sec. 4.14. Buildings on lots having frontage on two intersecting or nonintersecting streets shall comply with front yard requirement on both such streets.

## 300.205 - Additional setbacks for structures adjacent to major streets.

Sec. 4.15. Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Dorr Township General Development Plan," as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- (a) Major County Primary—100 feet.
- (b) Minor County Primary—80 feet.
- (c) Collector Streets—66 feet.

## 300.206 - Private roads.

Sec. 4.16.

(a) *Applicability.*

- (1) Private roads are permitted in all zoning districts except the "F" Agriculture zone.
- (2) The provisions of this section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting or adjacent lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers.

- (b) *Existing private road.* After the effective date of this Amendment, no existing private roads shall be reconstructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot or parcel of land, dwelling or building which was not provided access by the private road as of the effective date of this Amendment, unless the existing private road is reconstructed according to the minimum construction standards and other requirements of this section. Existing private roads, however, may be used to access lots or parcels of land which were of record as of the effective date of this Amendment and which have the required lot width on the private road. For purposes of this subsection, repairs and maintenance to a private road, including significant repairs required by erosion, flooding or similar occurrences shall not be construed as improvements to or the reconstruction of a private road.

(c) *Procedure for permitting of private roads.*

- (1) Application and fee. An application to establish, construct, extend, improve or relocate a private road shall require approval by the Planning Commission as a Special Land Use in accordance with the procedures contained in Chapter XVA of this Ordinance. However, the application and site plan submittal requirements for private roads in Section 4.16(c) shall apply. An application for a private road shall contain or be accompanied by the following information:
  - (a) The name(s) of the owners and any other parties having any legal interest in the private road.
  - (b) Permanent parcel number or legal description of the property over which the private road is to be constructed.
  - (c) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
  - (d) A drawing(s), with a scale not less than one inch—200 feet containing the following information unless specifically waived by the Zoning Administrator. The drawing must be prepared and sealed by an engineer or land surveyor,



licensed by the State of Michigan, if the proposed private road is to be paved.

- (i) Location, route, elevations, dimensions of the private road in accordance with the standards of this Chapter.
- (ii) Proposed extensions of the private road.
- (iii) A layout including dimensions of the parcels to be served by the private road, including parcels to be accessed by future extensions.
- (iv) The location where the private road is to intersect with any public street.
- (v) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within 20 feet either side thereof.
- (vi) The location of any lakes, streams and drains within the proposed right-of-way or within 100 feet thereof.
- (vii) The location of any buildings and structures to be located within the private road right-of-way.
- (viii) A detail of the road cross-section.
- (ix) A drawing of the road profile.
- (e) A copy of the instruments describing and granting the private road easements.
- (f) A copy of a recordable private road maintenance or restrictive covenant agreement as described in Section 4.16(f) herein.
- (g) Evidence that the intersection of the private road with the public road is acceptable to the Allegan County Road Commission.

(2) *Review by Planning Commission.*

- (a) The Planning Commission shall review this information in conjunction with the Township Fire Chief to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township Attorney, Engineer or Planner.
- (b) If the Planning Commission finds that the application meets the requirements of this section, the application shall be approved and a Construction Permit issued for the construction of the private road. This Construction Permit shall consist of either a written permit or a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval or signed, one copy shall be kept by the applicant, and one by the Township.

This Construction Permit is not a private road permit and does not authorize construction of any buildings on the private road. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new Construction Permit shall be required before construction can begin.

- (c) If the Planning Commission denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.
- (d) Final Compliance Requirements. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:
  - (i) If the road is paved, a letter from a registered professional engineer or surveyor that the road has been constructed in compliance with the approved private road plans.
  - (ii) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Allegan County Register of Deeds office.
  - (iii) The Zoning Administrator shall also conduct an inspection of the private road to ensure that all other requirements of this section have been met.
- (e) Private road permit issuance. Upon approval of items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.

- (f) Permits for buildings on private roads. A building permit shall not be issued for any building, dwelling or structure with primary access from a private road unless (i) the private road has been completed in accordance with an approved Construction Permit, or (ii) the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved private road construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds for the purpose of the private road project if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.
- (d) *Minimum standards for private roads.*
- (1) A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of 60 feet.
  - (2) A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
  - (3) A private road shall intersect with or have direct connection to a public road, or to another private road or roads which intersect with or have direct connection to a public road.
  - (4) The area in which the private road is to be located shall have a minimum cleared width of 28 feet. All overhead branches extending over the traveled surface of the road shall be trimmed to a height of 14 feet above the ground.
  - (5) A three-foot wide road shoulder shall be provided on each side of the traveled road surface. The shoulder may be a three-foot wide grass strip provided there is a sufficient base to support a vehicle. Side ditches, if provided, shall be one on three front slope and one on two back slope.
  - (6) The traveled road surface shall have a minimum subbase of 12 inches of sand and a minimum base of six inches of MDOT 22a compacted gravel.
  - (7) The road surface shall have a minimum slope of two percent from the centerline of the road to the outside edge of the road shoulder.
  - (8) Private roads shall be designed with a longitudinal road grade not exceeding five percent to the extent practical. A longitudinal road grade up to a ten percent grade may be provided if it is determined by the Planning Commission and the Township Fire Department, on a case by case basis, that an increase in the road grade will not adversely affect public safety.
  - (9) Any private road which terminates at a dead end shall have a means for vehicle turn around acceptable to the Township Fire Department. The turn around may be in the form of a cul-de-sac, with a minimum radius of 40 feet and configured in accordance with the Road Commission's Detail of Residential Cul-De-Sac. Other turnaround designs may be approved by the Township Fire Chief. Temporary turnarounds may be considered when private roads are extended to property boundaries for future access to adjacent properties.
  - (10) A private road or interconnected private road system shall not serve more than 50 residential lots, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this section.
  - (11) The intersections of private roads with other public or private roads shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Road Commission and the Zoning Administrator. The minimum distance between intersections of public and/or private street rights-of-way shall be not less than 250 feet as measured along the right-of-way line thereof to the centerline of the intersecting streets.
  - (12) A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer

that it complies with applicable Allegan County Road Commission and State of Michigan requirements. Such bridge, culvert or other structure must be able to safely support a weight of 40,000 pounds to ensure fire truck access.

The applicant shall also obtain any necessary approvals from the Michigan Department of Environmental Quality prior to issuance of a Private Road Construction Permit.

- (13) The private road shall be given a street name that is not the same or similar to any other street name in the County. A street sign bearing the street name of the private road meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
  - (14) A stop sign shall be provided at the intersection of the private road with the public road.
  - (15) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
  - (16) The private road right of way shall be no closer than three feet from any property line abutting the parcel containing the private road unless the proposed private road is intended to provide access to the abutting property.
  - (17) The travel lane of a proposed private road shall be no closer than 50 feet from any existing dwelling units which are located on parcels abutting the parcel containing the proposed private road.
- (e) Required Road Width and Paving Requirements.
- (1) For private roads which provide access to no more than ten lots or dwelling units the private road shall have minimum travel width of 24 feet but need not be paved.
  - (2) For private roads which provide access to more than 10 lots or dwelling units the private road shall have minimum travel width of 24 feet and shall be paved.
  - (3) All private roads which are to be paved shall have minimum travel width of 24 feet and shall meet the Allegan County Road Commission paving standards for a local road or paving standards for a valley gutter road.
  - (4) For a private road which serves a commercial, office or industrial lot or building, the minimum width of the traveled portion of the road shall be 30 feet. The road shall, at a minimum, be paved in accordance with the requirements of the Allegan County Road Commission for industrial and commercial streets.
- (f) *Private road maintenance agreement.* The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a recordable or recorded road maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:
- (1) A method of financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
  - (2) A statement that the private road shall be regularly maintained, repaired, and snowplowed so as to assure that the private road is safe for travel and will allow for unimpeded access to emergency vehicles at all times.
  - (3) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
  - (4) A notification that no public funds of Dorr Township will be used to build, repair, or maintain the private road.
  - (5) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
  - (6) Each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use of the road; such rights shall be enforceable by seeking injunctive relief in a court of competent jurisdiction. Normal ingress and egress and use of a private road shall include use by

lot owners, and their families, guests, invitees, tradesmen, employees of public utilities, postal carriers, school bus drivers, operators of emergency vehicles, public safety officers, and others bound to or returning from any of the properties having the right to use the road.

- (7) If the private road entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the Township Fire Chief.

(Amend. of 1-3-1985; Ord. No. 92-1, 12-3-1992; Ord. of 2-3-1999; Ord. of 9-2-1999; Ord. of 6-20-2002; Ord. of 12-20-2007; Ord. No. 08-160, § 3, 9-29-2016)

#### 300.206A - Lots without public road frontage.

Sec. 4.16A. A lot may be created which does not abut a public street. Such lot shall not contain a dwelling unit but may contain farm buildings as defined herein as well as essential service buildings and structures and wireless communications towers and antennas.

(Ord. of 2-3-1999; Ord. No. 12-160, § 3, 10-27-2016)

#### 300.207 - Governmental improvements.

Sec. 4.17. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

#### 300.208 - Health department approval.

Sec. 4.18. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing water and sewage disposal of Allegan County.

#### 300.209 - Control of heat, glare, fumes, dust, noise, vibration and odors.

Sec. 4.19. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

#### 300.210 - Dumping rubbish and waste matter and wastewater.

Sec. 4.20. It shall be unlawful throughout the Township to permit wastewater from sinks or other similar drains, and sewage to drain onto the land, yard, or other spaces from dwellings, business places of all types, and accessory buildings thereto, and to throw any such wastewater and sewage onto said land; and it shall be unlawful for any person or organization to throw or dump empty cans, food containers, broken or whole bottles, crockery, or utensils of any kind, automobile bodies or parts, old tires, old stoves, discarded furniture or household furnishings and utensils, junk, parts of any machinery or appliances or any litter, flammable matter or substances, offal, ashes, clinkers, cinders, night soil, or any other similar waste objects, used concrete, bricks, and other forms of masonry, either upon land owned, occupied or used by any individual or company or upon any land in any public place, or privately owned of another, unless such place has been designated as a public dumping ground by the Township; and it shall be unlawful to drain any wastewater, water containing waste or foreign substances or otherwise contaminated, or any sewage, raw or treated, from any dwelling or business place of any kind or from any accessory building, either by open ditch or by pipes or by throwing or dumping the same into any ditch, creek or stream of any kind in the Township.

Notwithstanding the foregoing provisions, however, it shall be lawful for the Township Board of Dorr Township to grant a permit to a person, firm or corporation engaged in draining septic tanks within the Township to deposit said matter, consisting of waste or sewage taken from said septic tanks as located solely within Dorr Township, upon such dumping ground within said Township as

designated by the Township Board, and subject to the express conditions regarding said disposition as set forth by the Township Board. An annual permit fee of \$25.00 shall be charged by the Township Board of any person, firm or corporation engaged in the aforesaid operation.

#### 300.211 - Gasoline service stations.

Sec. 4.21. All gasoline service stations hereafter constructed shall be located on corner lots, provided, however, that upon the approval of the Planning Commission, a service station may be located on a parcel other than a corner lot.

In considering such alternate location, the Planning Commission shall consider the following criteria:

- (a) The proposed location of the gasoline service station;
- (b) The proximity of the proposed gasoline service station to nearby residentially zoned properties;
- (c) The potential adverse effect of the proposed gasoline service station upon adjacent properties;
- (d) The traffic that would be generated by the proposed gasoline service station in a location other than a corner lot unless provision is made for a minimum of 75 feet of street frontage.

(Amend. of 3-6-1980)

#### 300.212 - Mixed occupancies.

Sec. 4.22. In the event that any building or structure is used in part for dwelling purposes, in connection with any business, industrial or professional enterprise, the part thereof used for dwelling purposes shall have a floor space for each dwelling unit thereof, exclusive of any part of said business, professional or industrial building or part thereof, of not less than 720 square feet; and in no instance shall the part of such building used for dwelling purposes be located in the basement or cellar thereof, and that in each such instance that part of said building used for dwelling purposes shall be separated from the rest of the building by sufficient and adequate fire walls.

#### 300.213 - Home occupations.

Sec. 4.23. As defined, home occupations are permitted in all zoning districts which permit residential dwelling units, except, however for the A and B-1 residential district, where home occupations may be permitted only when authorized by the Planning Commission as a special use.

All home occupations shall be subject to the following conditions:

- (a) The use must be conducted entirely within the dwelling or an accessory building constructed as an integral part of the dwelling.
- (b) The use may not change the character of the residential building in which it is located.
- (c) The use may be carried on only by persons residing in the dwelling who are related to each other by blood or marriage.
- (d) The use may not occupy more than 50 percent of one story of a dwelling.
- (e) No signs advertising the home occupation may be erected on the premises unless otherwise permitted by right in the zoning district in which the use is located. In considering the issuance of a special use permit, the Planning Commission shall consider, the following standards:
  - (a) The nature of home occupations.
  - (b) The effect of the home occupation on the surrounding neighborhood.
  - (c) The environmental effects of the home occupation.
  - (d) The nature of the surrounding neighborhood.
  - (e) Potential traffic congestion resulting from the home occupation.

(f) Provision for parking for clientele which may result from the operation of the home occupation.

(Amend. of 1-3-1985)

300.214 - Grade levels.

Sec. 4.24. All dwellings and all business places shall observe all established and determined grade levels. In areas where there are two or more dwellings or other structures in any one block, the average of the grade level thereof shall determine the grade level for that area. In all areas where no grade level has been determined or established by buildings thereon, grade level shall first be determined by the Allegan County Road Commission for that area; and when so determined, it shall become the grade level thereof. It shall be unlawful to erect or construct any commercial, industrial or other building and place of business, or any main, principal and permanent building in any agricultural area, other than a residence, with the top of the foundation or basement walls, together with the plates thereon, more than 24 inches above the established or determined grade level.

(Amend. of 1-3-1985)

300.215 - Reserved.

Sec. 4.25. [Repealed January 3, 1985.]

300.216 - Reserved.

Sec. 4.26. [Repealed by Ord. No. 17, August 3, 1989.]

300.217 - Required road access.

Sec. 4.27. A building, dwelling unit, or structure shall be erected only on a lot, parcel of record, or condominium building site which abuts a public street or private road as required herein except that farm buildings in the Agricultural Zoning District and essential service buildings and structures, and wireless communication towers and antennas are exempt from this requirement.

(Amend. of 1-3-1985; Ord. of 9-2-1999; Ord. No. 12-16O, § 3, 10-27-2016)

300.218 - Reserved.

Sec. 4.28. [Deleted by an Ordinance adopted March 15, 2001.]

300.219 - Airports.

Sec. 4.29.

(a) *Definitions.*

- (1) *Airport.* The term airport when used in this Ordinance means any privately owned location which is used for the landing or taking off of one or more aircraft, including helicopters, and which provides facilities for the shelter, supply or care of one or more aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant right-of-way either heretofore or hereafter established.
- (2) *Airport Hazard.* The term airport hazard when used in this Ordinance means any structure, building, tree or use of land or of appurtenances thereof, which obstructs the airspace required for the safe flight of aircraft in landing and taking off.

- (b) No existing airport which is located on a parcel zoned A, B-1, B-2, or C Local Business, may be increased in size, or in the number of aircraft regularly stored, sheltered or supplied thereon, or regularly landing on or taking off therefrom. An increase in size shall include the lengthening or widening of an airstrip, and any increase in the physical dimension of the

structures or buildings located within the boundaries of the airport.

- (c) No existing airport shall be increased in size or expanded as provided in subsection (b) in areas zoned other than A, B-1, B-2, or C Local Business, except following the issuance of a special use permit by the Township Planning Commission. No such permit may be granted unless it is demonstrated that such expansion shall not 1) create an "airport hazard" or 2) constitute a nuisance which shall interfere with the enjoyment and use of neighboring residential, agricultural or C Local Business parcels, as provided in subsection (e) below.
- (d) No new airports shall be constructed or used in any zone other than I, F or E commercial. In said zoning districts, new airports may be constructed or used following the issuance of a special use permit by the Township Planning Commission. No such permit allowing the construction or use of any new airports shall be granted unless it is demonstrated that: 1) No airport hazard will exist at said site, and 2) that the construction and/or use of the proposed airport will not constitute a nuisance, based upon the criteria set forth in subsection (e) below.
- (e) The agency of Township government which shall determine whether a new airport or the expansion of an existing airport shall create an airport hazard, or constitute a nuisance shall be the Township Planning Commission. Said agency, in making its determination shall consider the following factors:
  - 1) the character of present and proposed flying operations;
  - 2) the proximity of houses, domesticated fowl or livestock, and existing airports to the airport;
  - 3) increases in noise level created by increased use of the airport, or increased length of the landing strip;
  - 4) the probable effect of the airport or expansion thereof on the property value of neighboring parcels of land;
  - 5) the possibility of disruptive economic influence on the raising of livestock and domesticated fowl; and
  - 6) the danger to residents from the probability of accidents on landing or taking off of aircraft.

(Amend. of 3-6-1980)

300.220 - Reserved.

Sec. 4.30. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.221 - Reserved.

Sec. 4.31. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.222 - Reserved.

Sec. 4.32. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.223 - Reserved.

Sec. 4.33. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.224 - Reserved.

Sec. 4.34. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.224A - Reserved.

Sec. 4.34A. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.224B - Reserved.

Sec. 4.34B. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.224C - Reserved.

Sec. 4.34C. [Repealed by Ord. No. 08-16O, September 29, 2016.]

300.225 - Minimum standards for dwellings.

Sec. 4.35. All dwellings in Dorr Township located outside of designated mobile home parks shall comply with the following standards, in addition to those contained elsewhere in this Zoning Ordinance:

- (a) The minimum usable square footage for all dwellings, including mobile homes, shall be uniform in each zoning district, although such standards may vary from zoning district to zoning district.
- (b) All dwellings shall have a minimum width across any front, side or rear elevation of 24 feet, and shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P. A. 230, as amended, except that dwellings located in the B-3 residential zoning district shall have a minimum width across any front, side or rear elevation of 14 feet. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulation for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulation shall apply.
- (c) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Residential Construction Code and shall have a wall of the same perimeter dimensions as the dwelling extending a minimum 42" below finished grade and a minimum of 6" above finished grade. The foundation walls must be constructed of masonry, concrete, stone, or all weather wood that meets applicable building codes and is aesthetically compatible with design and appearance of other single family residences within the vicinity. The Zoning Administrator may seek the assistance of the Township Assessor in determining aesthetic compatibility of the foundation wall with those of other single family dwellings in the vicinity. Certain exceptions to these requirements regarding the depth of the foundation may be permitted in the event the residence is a mobile home which must be installed and secured to the foundation by anchoring systems or devices that comply with the regulations of the Michigan Mobile Home Commission and the manufacturer's specifications for securing of the mobile home to the foundation. The Zoning Administrator shall have the discretion to reduce the required minimum depth below finished grade in the amount necessary to comply with the rules and regulations of the Michigan Mobile Home Commission and/or the manufacturer's specification for the installation and securing of the mobile home to the foundation, but the Zoning Administrator shall not have the discretion to waive the requirement that the top of the foundation wall will be located a minimum of 6" above the finished grade.
- (d) No dwellings shall have any exposed towing mechanism, undercarriage or chassis. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed.
- (e) All dwellings must have a storage area within a basement, closet areas, an attic, or in a separate fully enclosed structure constructed of equal or better quality than the principal dwelling not less in area than fifteen percent of the interior living area of the dwelling exclusive of storage space for automobiles.
- (f) All dwellings must be aesthetically compatible in design and appearance with other residences in the vicinity, including where appropriate, roof overhang, a front and rear or front and side exterior door, and permanently attached steps or porch areas where an elevation differential requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon a review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this Section, as well as the character, design and appearance of one or more residential dwellings located outside a mobile home park within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so



developed, by the character, design and appearance of one or more residential dwellings located outside a mobile home park throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- (g) All room or other area additions to a dwelling must be of equivalent quality in workmanship and materials as the principal structure, including a foundation as for the principal structure and permanent attachment to said foundation.
- (h) All dwellings shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said home shall be of a type and quality conforming to the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable snow load and roof strength requirements.
- (i) All dwellings must be properly maintained against deterioration and/or damage from the elements, or otherwise, by prompt and appropriate repairs, surface coating and other appropriate protective measures. The foregoing standards shall not apply to a mobile home located within a licensed mobile home park, except to the extent required by law.

(Amend. of 3-4-1982; Amend. of 1-3-1985; Ord. of 7-19-2007)

### 300.226 - Wireless communication towers and antennas.

#### Sec. 4.36.

- (a) *Purpose.* It is the intent of this section to regulate those wireless communication towers and antennas in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of this section. However, if such requirements would preclude or prevent the operation of the antenna, then such requirements shall only apply to that extent which allows the antenna to reasonably operate.

- (b) Wireless communication towers are permitted in all zoning districts subject to approval, except that wireless communication towers are not permitted in the Rabbit River Protection Overlay Zone.
- (c) Exemptions for antennas only. The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Dorr Township:
  - (1) Amateur radio antennas operating under a license issued by the Federal Communications Commission;
  - (2) Television reception antennas;
  - (3) Antennas used primarily for a farm operation;
  - (4) Citizen band radio antennas;
  - (5) Short wave antennas;
  - (6) Satellite dishes;
  - (7) Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.
- (d) Definitions. As used in this section:
  - (1) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

- (2) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
  - (3) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
  - (4) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
  - (5) "Height" is measured from the top of the antenna to the average grade within 25 feet of the base of the support structure.
- (e) New towers and antennas not exceeding 100 feet in height and the co-location of new wireless communications equipment and modification of existing wireless communications equipment and support structures not exceeding 100 feet in height permitted by right.

New towers and antennas not exceeding 100 feet in height and the co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications equipment and support structures not exceeding 100 feet in height shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable Township building and electrical permits.

- (1) Application and Submittal Information The applicant shall file with the Township an application for wireless communications equipment and wireless communications support structures under subsection (c) that shall include the following information.
  - (i) A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored.
  - (ii) A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
  - [(iii)—(vi). Reserved.]
  - (vii) A description of the tower maintenance program and any applicable maintenance agreement, prepared so as to ensure long-term continuous maintenance of the antenna and tower and any supporting structures.
  - (viii) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
  - (ix) Security measures including emergency contact personnel.
  - (x) The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
  - (xi) All required fees shall be paid to the Township at the time of application.

- (2) Site Plan Requirements The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:
- (i) The date on which the site plan was prepared as well as the name of the preparer.
  - (ii) A north arrow and legal description of the property.
  - (iii) The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower.
  - (iv) A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties.
  - (v) The height of the tower and antenna and its distance to all property lines.
  - (vi) Any buildings or structures existing on the parcel.
  - (vii) The distance to the closest building on adjacent property.
  - (viii) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower.
  - (ix) Any tower supporting structures or devices.
  - (x) Type and height of fencing to be installed around the tower or an equipment building.
  - (xi) Elevation drawings of any buildings designed to serve the tower.
  - (xii) Access road, width and construction standards along with access easement.
  - (xiii) Any lighting proposed to be located on the tower.
  - (xiv) Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.
- (3) Procedures:
- (i) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.54 E. 1. and 2.
  - (ii) Upon approval of the application, the applicant may proceed to obtain the applicable building and electrical permits.
- (4) Review Standards In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:
- (i) The existing or proposed wireless communications support structure or antenna or existing equipment compound is in compliance with the Dorr Township Zoning Ordinance and applicable building and electrical codes.
  - (ii) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Dorr Township Planning Commission or Zoning Administrator.
  - (iii) The antenna or tower shall be permanently secured to a stable foundation.
  - (iv) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.
  - (v) An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
  - (vi) An antenna may be mounted on the roof of a principal or accessory building, but it shall not exceed a height of ten feet, as measured from the base of the antenna.
  - (vii) All antennas and towers must be grounded to protect against damage from lightning.
  - (viii) Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be

subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.

- (ix) Satellite dish antenna less than one meter across (39.37 inches) shall be exempt from these regulations.
  - (x) A building permit shall be required for all towers or antennas except those antennas operating under a license issued by the Federal Communications Commission and roof-mounted antennas.
- (f) **Wireless Communications Equipment and Support Structure Allowed by Special Use Permit.**  
Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure, and which exceeds a height of 100 feet, and which does not meet the criteria for exemption of Section 4.36 (g), may be allowed in all zoning districts if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter XVA of this Zoning Ordinance.
- (g) **Criteria for Exemption from Special Land Use Approval:** In order to be exempt from the requirement to obtain approval as a special land use, the application must show that the proposed project meets all of the following requirements:
- (1) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - (2) The existing wireless communications support structure or existing equipment compound is in compliance with the Dorr Township Zoning Ordinance and applicable building and electrical codes.
  - (3) The proposed collocation and any subsequent collocations will not do any of the following:
    - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;
    - (ii) Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or
    - (iii) Increase the area of the existing equipment compound too greater than 2,500 square feet.
    - (iv) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Dorr Township Planning Commission or Zoning Administrator; and
    - (v) Any wireless communications equipment which meets the requirements of subsection (g) (3)(i) and (ii) but does not meet the requirements of subsection (g) (3)(iii) or (g) (3)(iv) shall only be approved if the co-location complies with the requirements of Section 4.36 (f).
- (h) **Procedures:**
- (1) An application for a Special Use Permit for wireless communications equipment and support structures shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 4.36 (i) and (j) following. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).
  - (2) Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Section 19.03 of this Ordinance.
  - (3) The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 4.36 (g) (5). Failure to do so shall result in the approval of the application as submitted.
  - (4) Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws.
- (i) **Application Requirements:** In addition to normal application requirements, an application for wireless communications

equipment and wireless communications support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.

- (1) *Proposed Use* - A graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/antenna will be anchored.
- (2) *Location Justification* — Written materials which document the need for the proposed location.
- (3) *Ownership Interest* -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
- (4) *Other Tower Locations* - A map depicting other locations of wireless - communications support structures within three miles of the proposed site.
- (5) *Co-Locations* -Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Dorr Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures.
- (6) Any proposed commercial wireless communication tower and antenna shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment in the form of a lease agreement from the property owner and from at least one carrier to locate on the tower at the time of application.
- (7) *Engineering Certification and Plans* — A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
- (8) *A description of the tower maintenance program and any applicable maintenance agreement, prepared so as to ensure long-term continuous maintenance of the antenna and tower and any supporting structures.*
- (9) *A decommissioning plan* explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
- (10) *Security measures* including emergency contact personnel.
- (11) *Liability* - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
- (j) Site Plan Requirements: Eight copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by Section 4.36 (2) and any information required by Chapter XVA Special Land Uses, of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.
- (k) Performance Standards: Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
  - (1) A new wireless communications support structure containing an antenna shall be set back from all property lines a

distance of not less than the 100% of the height of the tower from any property line or road right of way as measured from the tower base. The Planning Commission may modify the required setback if the Township Engineer determines that the structural integrity of the structure will withstand high winds and impacts and that the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the Township engineering review.

- (2) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;
- (3) All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
- (4) The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
- (5) The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be 300 feet. A structure greater than 300 feet may be approved, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that the proposed structure and attached equipment in excess of 300 feet will be safe and also reduce the total number of potential similar structures within Dorr Township and the surrounding areas;
- (6) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within twelve months of the cessation of operations at the site unless a time extension is approved by the Dorr Township Zoning Board of Appeals. A copy of relevant documents (including a signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that the tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities shall be removed by the township. A bond shall be posted to cover the removal cost of any abandoned towers, the amount as determined by the Dorr Township Board. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.
- (7) In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;
- (8) The antenna or tower shall be permanently secured to a stable foundation;
- (9) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
- (10) All antennas and towers must be grounded to protect against damage from lightning;
- (11) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;
- (12) Tower structures and communication facilities shall incorporate a color and design scheme which reduces visual impact to the surrounding area.
- (13) Unobstructed access shall be provided to the support structure, for operation, maintenance, repair and inspection purposes.
- (14) All towers shall be equipped with an anti-climbing device.
- (15) The Planning Commission may require that wireless telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them. The Commission may require

plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen. Alternatively, the Planning Commission may require that a greenbelt be provided along perimeter lot lines if the landscaping would mitigate the visual impact of the tower for adjoining properties. Such landscaping shall comply with the requirements of Section 4.41 (b), (d), and (e) herein.

(n) Approval Standards In order to approve the application, the Planning Commission shall find that:

- (1) The proposed use and structure meet the Special Land Use approval standards of Chapter 15A;
- (2) The proposed use and structure meet requirements of this Section 4.36;
- (3) Approval of the project will fill a significant gap in the service coverage of the applicant; and
- (4) That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.

(o) Conditions of Approval Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal laws.

(p) Noncompliance with Section 4.36 (f) Requirements

If the Planning Commission determines to deny an application for Special Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 4.36 (f) or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies

- (1) A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
- (2) There is not substantial evidence on the record justifying a denial; or
- (3) A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of Section 4.36 (f) and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

(Ord. No. 12-16O, § 1, 10-27-2016)

300.226A - Reserved.

Sec. 4.36A. [Repealed by Ord. No. 12-16O, October 27, 2016.]

300.227 - Permitted yard encroachments.

Sec. 4.37. The following yard encroachments shall be permitted under the provisions of this Ordinance:

- (a) Certain architectural features such as cornice, eaves, gutters, chimneys, pilasters, and similar features may project three feet into the required front setback areas, five feet into required rear setback areas, and two feet into the required side yard setback areas.
- (b) An unenclosed porch, deck, or awning may project into the required rear setback area for a distance not to exceed 15 feet; into a required front setback area for a distance not to exceed five feet; and into a required side setback area for a distance not to exceed three feet, but in no case shall a balcony, unenclosed porch, deck, or awning be placed closer than five feet to any lot line.
- (c) Fire escapes, outside stairways, and balconies, if of open construction, may project into the required yard to a maximum of five feet.

(Ord. No. 29, 9-2-1993)

300.228 - Fences, walls and screens.

Sec. 4.38.

(a) *Construction.*

- (1) All fences and walls shall be of sound construction and shall be properly maintained.
- (2) Barbed wire, spire tips, sharp objects, or aboveground electrically charged fences shall not be erected in or abutting any residentially zoned district, except that farms, as defined herein, may use barbed wire or aboveground electrically charged fences.
- (3) Barbed wire and electrically charged fences which existed in or abutted residential zoning districts as of the date of adoption of this Section may be repaired or replaced if damaged or destroyed or for maintenance purposes.
- (4) Fences greater than six feet in height may not be of a solid or opaque construction except as permitted by Section 12.06 herein.

(b) *Location and height.*

- (1) *Residential zoning districts.* All walls or fences in the required front yard shall be limited to a maximum height of four feet. The maximum fence or wall height in the side yard or rear yard shall be limited to six feet in height.
- (2) *All other zoning districts.* All walls or fences in these zoning districts shall be limited to a maximum height of ten feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
- (3) It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement of private roads. In addition, fences, walls and screens shall be subject to the provisions of Section 4.39, Clear Vision Area.

- (c) In all zoning districts a fence or wall shall be erected so that the finished side of the fence or wall faces adjacent properties with any posts or supports located on the inside of the fence or wall.

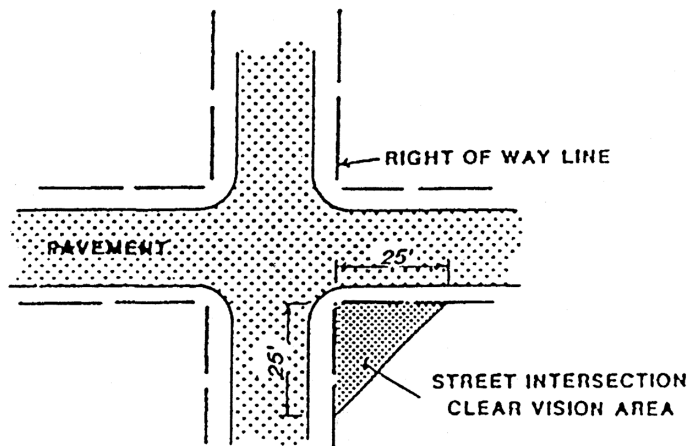
(Ord. No. 29, 9-2-1993; Ord. of 5-18-1995; Ord. of 9-19-2002)

300.229 - Clear vision area (see figure 1).

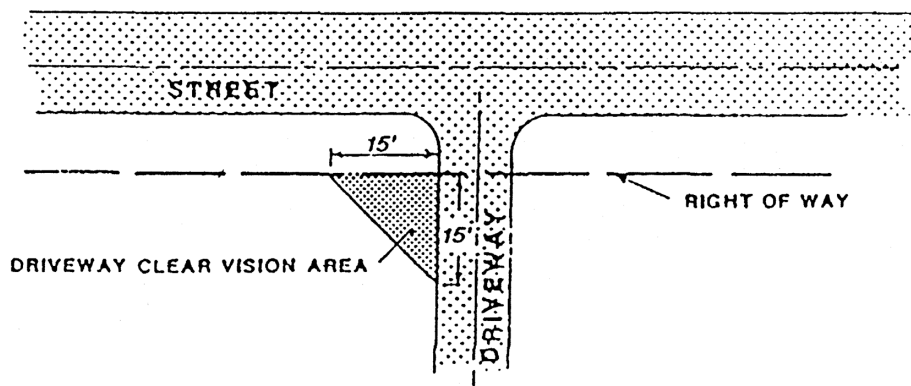
Sec. 4.39.

- (a) *Street intersection.* No fence, wall screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersection right-of-way lines 25 feet from the point of intersection of the right-of-way lines.
- (b) *Driveway; street intersection.* No fence, wall, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway 15 feet from the point of intersection of the right-of-way line and driveway. The three-foot height limit shall be measured from the lowest elevation of the segment of the intersection road and driveway's centerlines which lies between the point of intersection of the centerlines and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way line driveway.
- (c) Plantings existing as of the date of adoption of this Section which do not comply with Section 4.39(a) and (b) and which create sight obstructions for drivers or pedestrians shall be considered a violation of this Section.





**b. CLEAR VISION AREA--STREET-DRIVEWAY INTERSECTION**



*Clear Vision Area*

(Ord. No. 29, 9-2-1993)

300.230 - Maximum lot width to depth ratio.

Sec. 4.40.

- (a) In all zoning districts, a building shall not be constructed or occupied on a lot or parcel if the depth of the lot or parcel exceeds four times its width, unless such nonconforming lot was created and of record prior to the effective date of this section.
- (b) The depth of lot shall be measured along a line located midway between the side lot lines and connected to the front and rear lines. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (c) The Planning Commission may permit the creation of a lot or parcel which does not comply with this section to be used for the construction of a building as a special land use under Chapter XVA. An instrument giving notice of a special land use granted under this section shall be recorded in the office of the Register of Deeds. In determining whether to grant such special land use permit, the Planning Commission must find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands or flood plain, and that creation or use of such lot will not conflict with other Township ordinances and regulations, unless appropriate variance or waiver is received from such other ordinances or regulations.

(Ord. of 5-5-1994; Ord. No. 08-160, § 3, 9-29-2016)

## 300.231 - Landscaping/greenbelt standards.

Sec. 4.41. The purpose of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the Township to be an important element of land development, which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township.

The landscape standards of this article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(a) *Applicability.*

- (1) The standards contained in this article shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this article, subject to the limitations given in subsection (b) of this section. The regulations of this article shall not apply to individual single-family and two-family dwelling units.
- (2) *Modification of required landscaping.* For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the Commission shall consider the following criteria:
  - (i) The amount of space on the site available for landscaping.
  - (ii) Existing landscaping on the site and on adjacent properties.
  - (iii) The type of use on the site and size of the development.
  - (iv) Existing and proposed adjacent land uses.
  - (v) The effect the required landscaping would have on the operation of the existing or proposed land use.

(b) *General regulations.*

- (1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- (2) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- (3) For the purpose of this article, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both yards.

(c) *Landscaping requirements.*

- (1) A landscape area or greenbelt as required herein shall be provided as follows:
  - (i) Wherever a Commercial or Industrial zone abuts an A, B-1, I, B-2, B-3 or PUD zone.
  - (ii) Whenever a Commercial or Industrial zone abuts a non-conforming residential use such as a house in a Commercial zone.
  - (iii) Wherever a non-residential use such as a church, school, office, hospital or library which is allowed in a residential zone abuts a residential use or residential zone, a greenbelt shall be required; however, the amount of landscaping may be modified according to the criteria in Section 4.41(a)(2) [300.231(a)(2)].
  - (iv) Whenever a Commercial or Industrial zone abuts an Agriculture, Rural Agriculture or Rural Estate zone, a greenbelt shall be provided if existing dwelling(s) exist in such abutting zones. The criteria of Section 4.41(a)(2) [300.231(a)(2)] herein shall be considered in determining the need for the greenbelt.
- (2) Landscaping requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this article shall apply.

- (d) *Width and planting requirements for green belts.*
- (1) A greenbelt shall be a minimum of 15 feet wide.
  - (2) For each 25 linear feet abutting the adjacent property, three trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
- (e) *Plant spacing and size requirements.*
- (1) Plant materials shall not be placed closer than four feet from the fence line or property line.
  - (2) Evergreen trees shall be planted not more than 25 feet on centers, and shall be not less than five feet in height.
  - (3) Ornamental trees or tree-like shrubs shall be planted not more than ten feet on centers, and shall not be less than four feet in height.
  - (4) Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than three feet in height.
  - (5) Large deciduous trees shall be planted not more than 25 feet on centers, and shall be not less than three inch caliper.
- (f) *Berms, walls and fences.*
- (1) If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this article. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width shall be increased as needed to accommodate maximum berm side slopes of one foot vertical rise to three feet horizontal.
  - (2) A screen wall or fence may be used for all or part of the greenbelt. If a fence or screen wall is used, the following regulations shall apply.
    - (i) Required quantities of plant materials may be reduced by 50 percent for that area abutting the fence or wall.
    - (ii) The fence or wall shall comply with the applicable regulations of Section 4.38 [300.228] of this Ordinance.
- (g) Stormwater detention/retention areas shall be permitted within greenbelts provided they do not reduce the screening effect.
- (h) Solid waste dumpsters may be located in greenbelts, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.
- (i) *Front yard landscaping.* Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements.
- (1) For each 75 feet in length of road frontage three trees shall be planted within the front yard. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
  - (2) Shrubs at a rate of one per each tree required.
  - (3) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
  - (4) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.
- (j) *Off-street parking area landscaping requirements.* All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:
- (1) One canopy tree for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area.
  - (2) Trees shall be located to prevent damage by motor vehicles.
  - (3) Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six feet wide and shall contain at least one canopy tree.

- (4) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance with area and at driveway entrances.
  - (5) All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
  - (6) Where any parking area, excepting areas serving one-family or two-family dwellings, abuts or faces a public right-of-way, a three-foot-high continuous obscuring screen at least three but no more than four feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or manmade material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise or appearance may create a nuisance or safety hazard for residents.
  - (7) Landscaping required for greenbelts and front yard landscaping that abuts off-street parking areas may substitute for up to 50 percent of the required parking lot landscaping.
- (k) *Minimum standards for berms.*
- (1) Wherever a berm is used to meet the minimum requirements of this article, it shall have a maximum height of five feet above grade.
  - (2) Berms shall be constructed so as to maintain side slopes not to exceed a one-foot vertical rise to three feet horizontal ratio.
  - (3) Berm areas shall be covered with grass or other living ground cover.
  - (4) Berms shall be constructed so as not to alter drainage patterns on the site or on adjacent properties.

(Ord. of 4-4-2002)

### 300.232 - Open space preservation projects.

#### Sec. 4.42.

- (a) *Purpose.* Act No. 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50 percent of the property as open space and placing dwellings on the remaining portion. The number of dwellings cannot be less than the number which would be permitted on the land without the open space preservation regulations.

The purpose of this section is to adopt open space preservation provisions consistent with the requirements of Act 177.

- (b) *Definitions.* Words and phrases used in this Section, if defined in Act 177, shall have the same meaning as provided in the Act.
- (c) *Review procedure.* An open space preservation project shall be reviewed by the Planning Commission in accordance with the requirements of site plan review contained in Chapter 14A [XIVA, 300.641] of this Ordinance and according to the requirements and standards contained in this Section.
- (d) *Items submitted for review.*
- (1) The applicant shall submit an application for an open space preservation project as required by Dorr Township.
  - (2) *Open Space Preservation Plan.* The applicant shall submit ten sets of the Open Space Preservation Plan which shall include information required by Section 14A.06 [300.646] of this Ordinance and the following information:
    - (i) The areas devoted to preserved open space.
    - (ii) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing

Zoning Plan, as approved by the Planning Commission.

- (iii) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
  - (iv) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - (v) If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that the soils are suitable for on site septic systems.
- (3) If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Dorr Township Subdivision Ordinance or the Dorr Township Site Condominium regulations, as applicable.
- (4) *Existing Zoning Plan.* In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan.

This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:

- (i) Date, north arrow and scale, which shall not be more than 1" = 200'.
  - (ii) Location of streets adjacent to and within the site.
  - (iii) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
  - (iv) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
  - (v) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit written documentation from the Allegan County Health Department that at least 50 percent of the lots are suitable for on site disposal systems. Such lots shall be spread evenly over the site.
  - (vi) The Existing Zoning Plan shall illustrate all unbuildable land, which shall include slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.
- (e) *Determination of number of lots.* The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

(f) *Open space requirements.*

- (1) *Required open space.* Not less than 50 percent or more than 60 percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state(i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney.
- (2) *Areas not counted as open space.*
  - (i) The area within all public or private road rights-of-way.
  - (ii) Golf course.
  - (iii) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.

- (iv) Fifty percent of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
  - (v) Fifty percent of the area of floodplains and 50 percent of areas of slopes which are 20 percent or over.
- (3) *Standards for open space.* The following standards shall apply to the preserved open space required by this Section:
- (i) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the Planning Commission, is substantially similar to these uses.
  - (ii) The open space shall be available for all residents of the development, subject to reasonable rules and regulations.
  - (iii) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
  - (iv) A portion of the open space shall be reasonably useable by the residents.
  - (v) Open space shall be located so as to be reasonably accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
  - (vi) Wherever open space on the site proposed for an open space preservation project abuts an adjacent parcel, a fence shall be provided. The fence must be a minimum of four feet high and constructed with chain link, woven wire or similar sturdy material in order to deter trespassing from the open space onto adjacent property. However, a fence need not be provided where open space abuts an existing public road right-of-way.
- (4) *Methods to preserve open space.* The applicant shall submit before final approval of the project a copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this Section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording with the Allegan County Register of Deeds and shall be subject to the approval of the attorney, consistent with the terms of this Section. The legal instrument shall:
- (i) Indicate the proposed permitted use(s) of the open space.
  - (ii) State the parties who have an ownership interest in the open space.
  - (iii) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, walking trails, picnic areas, park or playground equipment, or similar improvements that are approved by the Planning Commission.
  - (iv) Require that the open space be maintained by parties who have an ownership interest in the open space.
  - (v) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
- (g) *Development requirements.*
- (1) *Water and sanitary sewer.* Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department.
  - (2) *Minimum lot sizes and setbacks.* In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.
    - (i) For Open Space Preservation projects the minimum lot sizes shall not be less than the following:

	Minimum Lot Size	Minimum Lot Width
RE and F Zones	20,000 square feet	110 feet
RA Zone	1.5 acres	150 feet

- (ii) Each lot shall have a minimum lot width of 75 feet at the front lot line. This minimum lot width must then be expanded to the required minimum building setback line shall be the minimum width required in Section 4.42g(2)(i) above.
  - (iii) The minimum setback for buildings may be reduced to not less than 20 percent of the minimum required setbacks for the zoning district in which the Open Space Preservation project is located.
  - (iv) The Planning Commission may allow a decrease in the above minimum lot sizes however, for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.
- (3) *Compliance with zoning district.* The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and setback requirements.
- (4) *Maximum number of lots.* The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission.
- (5) *Perimeter lots.* Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing). The Planning Commission may however, allow a decrease in the minimum lot sizes specified in Section 4.42(g)(2)(i) [300.323(g)(2)(i)] for non-perimeter lots for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.
- (6) *Sidewalks.* The Planning Commission may require sidewalks in accordance with the Township's Site Condominium regulations or Subdivision Ordinance.
- (7) *Private roads.* A private road which is part of an Open Space Preservation project shall comply with the requirements for private roads as contained in Section 4.16 [300.206] of this Ordinance.
- (8) *Grading.* Grading shall comply with the following requirements:
- (i) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
  - (ii) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.
- (h) *Standards for approval.* Prior to approving a site plan for an Open Space Preservation project, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.
- (1) The site plan complies with all open space requirements of this Chapter.
  - (2) The houses are arranged to respect the natural features of the site and so residents can benefit from viewing or utilizing the required open space.
  - (3) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
  - (4) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
  - (5) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
  - (6) All streets and driveways shall be developed in accordance with the Township's Private Road Ordinance or the Allegan County Road Commission standards.
  - (7) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring

properties or the public stormwater drainage system. Provisions shall be made to accommodate stormwater, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

- (8) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.
- (i) *Conditions of approval.* As part of an approval to an Open Space Preservation Plan, the Planning Commission may impose additional conditions that may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 4.42(h) [300.232(h)] are met.
- (j) *Validity of approved site plans.*
- (1) An approved Open Space Preservation Plan which is also approved under the Township's Site Condominium Ordinance or Subdivision Ordinance shall remain valid as prescribed in these Ordinances.
- (2) For all other approved Open Space Preservation Plans, the approval shall be valid for one year from the date of approval as regulations by Section 14A.07(b) [300.647(b)] of this Ordinance.
- (k) *Performance guarantee.* The Planning Commission may require reasonable performance guarantees in accordance with Section 14[A].07(a) [300.647(a)] of this Ordinance.
- (l) *Amendments to approved site plan.*
- 1) Any person who has been granted site plan approval for an Open Space Preservation Project shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- 2) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- (i) Reduction in the number of dwellings.
- (ii) An alteration of the required open space which does not materially affect the approved intended use of the open space.
- (iii) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- (iv) Changes required or requested by the Township for safety reasons or to better accommodate stormwater management or other utilities.
- (v) Changes which will preserve the natural features of the site without changing the basic site layout.
- (vi) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.



(Ord. of 11-21-2002)

300.233 - Wind energy system (WES).

Sec. 4.43.

(a) *Purpose.* The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

(b) *Definitions.*

(1) Wind Energy System (WES) — shall mean any combination of the following:

- i) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- ii) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- iii) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- iv) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- v) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

(Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)

(2) On Site Use Wind Energy System — A WES the purpose and use of which is to provide energy to only the property where the WES structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.

(3) Single WES for Commercial Purposes — A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

(4) Wind Farm — Clusters of two or more WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

(5) Utility Grid Wind Energy Systems — A WES designed and constructed to provide electricity to the electric utility grid.

(6) Structure Mounted WES — A WES mounted or attached to an existing structure or building.

(7) Interconnected WES — A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

(8) WES Height — The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.

(9) WES Setback — The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

(10) Nacelle — In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.

(11) Shadow Flicker — Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

(12) Applicant — The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any

approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the land owner and the owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

(c) *Wind energy systems allowed as a permitted use.*

Any On Site Use Wind Energy System including structure mounted WES which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

- (1) The height of the WES with the blade in vertical position shall not exceed 65 feet.
- (2) A WES shall be set back from all lot lines a distance which is at least equal to 1.1 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.
- (3) A structure mounted WES shall have a distance from the nearest property line which is at least equal to 1.1 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position.  
The blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.

- (4) A permit shall be required to be obtained from Dorr Township to construct and operate any WES, including structure mounted WES, 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Dorr Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

- (5) An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

(d) *Wind energy systems which require a special use permit.* Any WES including a structure mounted WES which is greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems may be allowed as a Special Use only within the F, RE, RA, E, and I Zoning Districts subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter XVA of this Zoning Ordinance:

- (1) Site Plan Requirements. For those WES for which a Special Use is required the following items shall be included with or on the site plan: federal building, structural and electrical codes.
  - (i) All requirements for a site plan contained Chapter 14A herein.
  - (ii) Dimensions of the area purchased or leased which is to contain the WES.
  - (iii) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
  - (iv) Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
  - (v) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES [is] or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
  - (vi) Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel

where the WES is proposed to be located.

- (vii) Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
  - (viii) Land uses within 300 feet of the parcel.
  - (ix) Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
  - (x) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
  - (xi) Security measures proposed to prevent unauthorized trespass and access.
  - (xii) Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
  - (xiii) Additional information as required by Chapter XVA Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
  - (xiv) The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.
- (2) Height — The height of a WES for which a Special Use is required shall be determined by compliance with the requirements of this Section 4.43(d).
- (3) Setbacks — The setback for a WES shall be at least equal to 1.1 times the height of the WES. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard setback. A reasonable setback shall be maintained from overhead electrical transmission lines.
- (4) Rotor or Blade Clearance — Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.
- (5) Lighting — A WES shall provide lighting as may be required by the FAA.
- (6) Maintenance Program Required — The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- (7) Decommissioning Plan Required — The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.
- (8) Siting Standards and Visual Impact.
- (i) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
  - (ii) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.
- (9) Insurance — The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.
- (10) Performance Guarantee — If a Special Use is approved pursuant to this section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.
- (e) *Standards for all wind energy systems.* All WES shall comply with the following:
- (1) *Sound Pressure Level.*

- (i) On Site Wind Energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB shall be ambient dB (A) plus 5 dB (A).
  - (ii) Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 4.43(e)(i) above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.
- (2) *Shadow Flicker*. The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
- (3) *Construction Codes and Interconnection Standards*.
  - (i) All applicable state construction and electrical codes and local building permit requirements;
  - (ii) Federal Aviation Administration requirements;
  - (iii) The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
  - (iv) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
  - (v) Private landing strips in or adjacent to Dorr Township;
  - (vi) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
- (4) *Safety*.
  - (i) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
  - (ii) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
    - (1) Tower climbing apparatus shall not be located within 12 feet of the ground.
    - (2) A locked anti-climb device shall be installed and maintained.
    - (3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
  - (iii) All WES shall have lightning protection.
  - (iv) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors.
  - (v) The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.
- (5) *Signs*.
  - (i) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
    - (1) The words "Warning: High Voltage"
    - (2) Emergency phone numbers.
  - (ii) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
- (6) *Electromagnetic Interference*. WES shall be designed, constructed and operated so as not to cause radio and television interference.
- (7) *Maintenance*. WES must be kept and maintained in good repair and condition at all times and shall not pose a

potential safety hazard.

- (8) All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- (9) A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

(Ord. of 9-4-2008; Ord. No. 08-160, § 3, 9-29-2016)

### 300.233A - Composting facilities.

#### Sec. 4.43

- (a) *Purpose.* The purpose of this section is to provide for permissible composting of yard clippings in all zoning districts, and to permit composting facilities in certain zoning districts as defined and regulated by Part 115 of the Natural Resources and Environmental Protection Act, Solid Waste Management, Act 451 of 1994 as amended. Composting is an activity which is valued by Dorr Township for its positive impact and should be properly regulated in order to minimize objectionable characteristics.
- (b) *Definitions:*
- (1) "Composting facility" shall mean a facility where composting of yard clippings or other organic materials occurs using mechanical handling techniques such as physical turning, windrowing, or aeration or using other management techniques as approved by the Michigan Department of Environmental Quality.
  - (2) "Composting" shall mean the process by which yard clippings or other organic materials are converted to compost humus.
  - (3) "Yard clippings" shall mean leaves, grass clippings, vegetables or other garden debris, shrubbery or brush or tree trimmings less than 4 feet in length and 2 inches diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal wastes, roots, sewage sludge, or garbage.
- (c) *Composting and composting facilities permitted.*
- (1) Composting of yard clippings on the property where the yard clippings are generated is permitted by right in all zoning districts except the I-Industrial Zoning District and the E-Commercial Zoning District, subject to the following restrictions:
    - a. Decomposition must not create a nuisance;
    - b. The composting facility or other area where compost is located may not contain more than 200 cubic yards of yard clippings in the A, B-1, B-2 and B-3 Residential Zoning Districts and may not contain more than 100 cubic yards of yard clippings in the C & D Commercial Zoning Districts;
    - c. No composting is permitted in the Rabbit River Overlay Zone.
  - (2) A person may compost yard clippings on a farm, as that term is defined in section 2 of the Michigan Right to Farm Act, MCL 286.472, if composting does not otherwise result in a violation of state statutes and is done in accordance with generally accepted agricultural and management practices (GAAMPs) under the Michigan Right to Farm Act, and if one of more of the following apply:
    - a. Only yard clippings generated on the farm are composted;
    - b. There are not more than 5,000 cubic yards of yard clippings on the farm regardless of the source of those yard clippings. The owner or operator of the farm may receive compensation for receiving yard clippings to compost on the farm;

- (3) A person may compost yard clippings on a farm, as that term is defined in section 2 of the Michigan Right to Farm Act, if there are more than 5,000 cubic yards of yard clippings on the farm at any time, and all of the following requirements are met:
- a. The farm operation accepts yard clippings generated at locations other than the farm only to assist in management of waste material generated by the farm operation;
  - b. The farm operation does not accept yard clippings generated at a location other than the farm for monetary or other valuable consideration;
  - c. The owner or operator of the farm registers with the Department of Agriculture on a form provided by the Department of Agriculture and certifies that the farm operation meets and will continue to meet the requirements of subparagraphs a. and b., above.
- (4) Composting of yard clippings other than composting expressly permitted under subsection (c)(1), above, is not permitted in the A, B-1, B-2, C & D zoning districts, unless the composting facility or composting operation is on a farm as defined by the Right to Farm Act which may be lawfully operated in the zoning district in which it is located, has no more than 5,000 cubic yards of yard clippings on the farm at any one time, and is in compliance with the regulatory requirements of the Right to Farm Act and the Natural Resources and Environmental Protection Act.
- (5) Composting of yard clippings and other organic materials, whether or not such clippings and composting materials originate on the premises where the composting occurs, may be permitted in the I-Industrial and E-Commercial Zoning Districts only by special use permit, utilizing the standards contained in the Zoning Enabling Act and in the provisions of the Dorr Township Zoning Ordinance regarding approval of special land uses.
- (6) Failure of a composting facility or operation to register as a composting facility with the Michigan Department of Environmental Quality when required to do so under applicable state statutes shall be considered a violation of the Dorr Township Zoning Ordinance.
- (d) *Wholesale and Retail Sale of Composted Yard Clippings.* The owner or operator of a composting facility or other operation composting yard clippings may not sell the compost which results from the composting of yard clippings at retail or wholesale unless such sales are permitted in the zoning district in which the composting facility/operation is located.
- (e) *Site Plan Review Required.* All composting facilities and operations which contain over 200 cubic yards of yard clippings are subject to the requirements of Chapter 14A and the requirements of the zoning district in which the facility is located.
- (f) *Composting Facility Operation and Management Plan.* As part of site plan review, in addition to applicable State of Michigan, Allegan County, and local regulations, the operator of any proposed Composting Facility shall submit a proposed Operation and Management Plan containing the following information:
- (1) Type of organic material to be composted and the proposed use of the compost.
  - (2) Hours of operation and access by the public or customers.
  - (3) Type of equipment utilized on the site.
  - (4) Security measures such as gates, fences, and lighting.
  - (5) Techniques used to minimize odors.
  - (6) Landscaping and buffer plans.
  - (7) Measures to be taken in handling and disposing of inorganic materials such as plastic, concrete, glass and metal.
  - (8) Any proposed accessory structure and uses.
- (g) The operator of any composting facility or composting operation which is not exempt under the provisions of Section 4.43[300.233A](c)(1) shall demonstrate to the satisfaction of the planning commission that all applicable State of Michigan and Allegan County permits have been obtained for such operation.

## 300.234 - MET Tower.

## Sec. 4.44.

- (a) A MET Tower may be permitted as a Special Use only within the F, RE, RA and I Districts, subject to the regulations and requirements of this section and also the special use review procedures and standards of Chapter XVA of this Zoning Ordinance.
- (b) For purposes of this Section a MET Tower is a meteorological tower used for the measurement of wind speed.
- (c) Application Requirements. An applicant for a MET Tower shall submit an application in accordance with the requirements of Chapter XVA of this Ordinance and shall also submit the following materials;  
An applicant for a MET Tower shall submit an application in accordance with the requirements of Section 4.30 of this Ordinance and shall also submit the following materials;
  - (1) A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
  - (2) A description of the height of the MET tower and its design including cross section and elevation drawings and a diagram of how the tower will be anchored to the ground.
  - (3) An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
  - (4) A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
  - (5) A description of the tower maintenance program.
  - (6) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District.
  - (7) Security measures including emergency contact personnel.
  - (8) Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.
    - (a) The date on which the site plan was prepared.
    - (b) A north arrow and legal description of the property.
    - (c) Property lines and dimensions of the parcel containing the tower, as well as the area leased for the tower if applicable, the height of the MET tower and its distance to all property lines.
    - (d) Any buildings or structures existing on the site and the use of the parcel.
    - (e) The distance to the closest building on adjacent property.
    - (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower.
    - (g) Guy wires, guy wire anchors and any other tower supporting structure or device.
    - (h) Type and height of fencing to be installed around the tower or an equipment building.
    - (i) Elevation drawings of any buildings designed to serve the tower.
    - (j) Access road; width and construction standards.
    - (k) Any lighting proposed to be located on the tower.
- (d) General Requirements. A MET tower shall comply with all of the following:
  - (1) The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as

measured from the base of the tower

- (2) All applicable state construction and electrical codes and local building permit requirements;
  - (3) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
  - (4) The Michigan Airport Zoning Act (Public Act 23 of 1950);
  - (5) The Michigan Tall Structures Act (Public Act 259 of 1959);
  - (6) A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
  - (7) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.
- (e) Planning Commission Review. The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in Section 4.32 herein. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions in its approval of a MET tower in accordance with Section 4.34 herein including but not limited to a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

In approving a MET Tower the Commission shall require that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site.

(Ord. of 9-4-2008; Ord. No. 08-160, § 3, 9-29-2016)

#### 300.235 - Medical marijuana dispensaries.

Sec. 4.45. A medical marijuana dispensary as defined herein shall not be commenced, conducted, operated, or utilized in any zoning district or on or from any property within Dorr Township.

(Ord. of 11-17-2011, § 2)

#### 300.236 - Medical marijuana additional regulations.

Sec. 4.46.

- (A) A registered primary caregiver or any other person shall not distribute medical marijuana or possess medical marijuana with intent to deliver in any building or on any parcel which is within a 1,000-foot radius of any school or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7410, to insure community compliance with federal "Drug-Free School Zone" requirements.
- (B) All medical marijuana shall be contained within the dwelling unit occupied by the registered primary caregiver or qualifying patient, in an enclosed, locked facility inaccessible on all side and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient.
- (C) The enclosed locked facility which is used for the growing, cultivating and processing of medical marijuana shall be properly vented and all electrical apparatus and equipment used for the growing, cultivating and processing of medical marijuana shall comply with the Michigan Building Code as well as all other applicable State of Michigan Codes.
- (D) If a room with windows is utilized as a growing location for medical marijuana, such windows shall be shielded without alteration to the exterior of the residence between the hours of 11:00 p.m. to 7:00 a.m. to prevent glare from such lights



being a nuisance or distraction to nearby residents or property owners.

(Ord. of 11-17-2011, § 3)

300.237 - Front yard setback averaging.

Sec. 4.47. Where the front yard for existing buildings is less than the minimum required front yard of this chapter, the minimum front yard for a proposed building shall be the average of the front yards for those existing buildings on the same block and on the same side of the street. There shall be at least two existing buildings on the same block in order to establish an average front yard, otherwise the required minimum yard for the zoning district shall apply. In no case shall the front yard be less than 20 feet.

(Ord. No. 03-160, § 2, 9-29-2016)

300.238 - Keeping of animals and livestock on non-farm parcels.

Sec. 4.48. In the RE, RA and AG zoning districts the raising and keeping of farm animals and livestock including cattle, swine, horses, sheep, goats, or fowl or similar animals where such activity is not a farm as defined herein is permitted. The area on which the animal(s) are kept shall be enclosed by a fence or similar barrier to prevent the animal(s) from trespassing onto adjoining property and the area shall be kept in a sanitary condition and free from odor.

(Ord. No. 07-160, § 1, 9-29-2016)

300.239 - Regulations for keeping chickens in the B-1 zone.

Sec. 4.49. Chickens are permitted to be kept in the B-1 zoning district subject to the following regulations:

- a) No more than ten chickens shall be permitted on any lot.
- b) Roosters are not permitted.
- c) The applicant shall provide a covered, predator-proof chicken coop that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and provides at least four square feet of area per chicken.
- d) A sturdy outdoor enclosure for the keeping of the chickens shall also be provided which contains at least 10 sq. ft. per chicken. The enclosure shall be considered a fence and shall be subject to the applicable requirements of Sections 4.38 herein. The enclosure shall be constructed and kept in a condition so as to prevent rats, mice, or other rodents from getting inside.
- e) Chickens shall be kept in the coop or enclosure at all times.
- f) The coop and enclosure shall not be allowed to fall into disrepair and shall be kept in a clean and sanitary condition with manure removed on a regular basis so it does not produce an odor noticeable off site or attract flies or other insects.
- g) Disposal of waste must be off site or on site in a compost bin approved by the Zoning Administrator. The compost bin shall be maintained so it is odor free and does not attract flies or other insects.
- h) Feed for the chickens shall be kept in a predator-proof container.
- i) The chicken coop, enclosure, feed container, and compost bin shall only be located in the rear yard and shall be at least eight feet from the side and rear lot lines.
- j) It shall be unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature.

(Ord. No. 06-160, § 1, 9-29-2016)

## 300.240 - SIGNS

## 300.241 - Description and purpose.

Sec. 4A.01. This chapter is intended to regulate the size, number, location and manner of display of signs in Dorr Township in a manner consistent with the following purposes:

- a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- c) To conserve and enhance community character.
- d) To promote uniformity in the size, number or placement of signs within districts.
- e) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for proper placement of signs to safely direct motorists to their destination.
- f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- g) It is further recognized that special circumstances or events may create the need for portable signage for a limited and reasonable period of time.
- h) The purpose of this Ordinance does not include the regulation of the content or any information included on a sign.

(Ord. No. 06-190, 7-25-2019)

## 300.242 - Definitions.

Sec. 4A.02.

- a) *Banner sign*: A temporary sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- b) *Billboard*: A sign located within 500 feet of the Right of Way of US 131.
- c) *Commercial Establishment*: A business operating independently of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
- d) *Electronic Changeable Message Sign*: A sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs.
- e) *Flag sign*: A flag which is attached to a pole.
- f) *Freestanding sign*: A sign not attached to a building or wall which is supported by one or more poles or braces or rests on the ground or on a foundation resting on the ground.
- g) *Government sign*: A sign erected or required to be erected by Dorr Township, Allegan County, or state or federal government, or any agency thereof.
- h) *Ground sign*: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be

at least fifty (50) percent of the width of the sign in order to be a ground sign.

- i) *Incidental sign*: Barber poles and signs under 2 square feet in size or a sign that is not visible from adjoining properties or any road Right of Way. Incidental signs may be freestanding or wall signs provided one of the two above requirements are met.
- j) *Mural*: A design or representation painted or drawn on a wall.
- k) *Placard*: An incidental sign not exceeding two (2) square feet.
- l) *Pole sign*: A freestanding sign which is supported by a structure or poles or braces which are less than fifty (50) percent of the width of the sign.
- m) *Projecting sign*: A display sign which is attached directly to a building wall, extends more than fifteen (15) inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.
- n) *Reader board*: A portion of a sign on which copy is changed manually.
- o) *Roof line*: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- p) *Roof sign*: A sign erected above the roof line of a building.
- q) *Sign*: A device, structure, fixture or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- r) *Temporary sign*: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, such as "A frame" signs or signs on movable trailers whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.
- s) *Wall sign*: A sign painted on or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.
- t) *Window sign*: A sign installed inside a window and intended to be viewed from the outside.

(Ord. No. 06-190, 7-25-2019)

#### 300.243 - Signs prohibited.

Sec. 4A.03. A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited:

- a) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights excluding electronic changeable message signs which are permitted in accordance with Section 4A.07 [300.246].
- b) Roof signs except such signs shall be permitted in Commercial and Industrial zones.

(Ord. No. 06-190, 7-25-2019)

#### 300.244 - Signs Exempted.

Sec. 4A.04. The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 4A.06 [300.246].

- a) Official traffic signs erected by a government agency.
- b) Window signs.
- c) Murals.
- d) Incidental signs.
- e) Flags or insignia of any nation, state, township, community organization or educational institution.

(Ord. No. 06-190, 7-25-2019)

300.245 - Sign permits and application.

Sec. 4A.05.

- a) *Permits required.* A sign permit shall be required for the erection, use, and construction of all permanent signs except those exempted herein.
- b) *Issuance of sign permit.* The building inspector or zoning administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit shall be installed or under construction within one year of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

(Ord. No. 06-190, 7-25-2019)

300.246 - Sign Regulations applicable to all districts.

Sec. 4.A.06.

- a) All signs and supports shall be properly maintained and installed and shall not be allowed to become unsightly or unsafe through disrepair or as a result of the weather.
- b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- c) Signs shall not be placed in, upon or over any public right of way, or alley, except as may otherwise be permitted by the Allegan County Road Commission or Michigan Department of Transportation.
- d) A light pole, or other support structure not specifically designed as a sign support structure may not be used for the placement of any sign unless specifically approved for such use.
- e) A sign shall not be erected where by reason of its position, shape, color, or other characteristics, interfere with, obstruct or be confused with an official traffic sign, signal, or device.
- f) A sign shall not contain flashing, moving or animated parts except for automatic changeable copy signs or barber pole signs.
- g) A wall sign shall not extend beyond the edge of the wall to which it is affixed.
- h) A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.
- i) Pole signs shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- j) All pole signs shall be set back at least five feet from all lot lines as measured to the base of the sign.
- k) All signs shall be stationary.
- l) All projecting signs, including awnings and marquees shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.

(Ord. No. 06-190, 7-25-2019)

300.247 - Electronic Changeable Message ("ECM") Signs.

Sec. 4.A.07.

- a) The dwell time, defined as the interval of change between each individual message, shall be at least six seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
- b) An electronic changeable message sign shall not have any flashing, blinking, alternating, sequentially lighted, animated,

rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, or simulated movement of text or images.

- c) An electronic changeable message sign shall not exceed a maximum illumination of 6,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum brightness. However, even if the sign complies with the illumination requirements above, the sign shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle; or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
- d) Prior to the issuance of a sign permit for an electronic changeable message sign, the applicant shall provide to the Township Zoning Administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this Section.
- e) An electronic changeable message sign shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
- f) An electronic changeable message sign shall not have a white background in order to reduce glare.
- g) An electronic changeable message sign is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this Article. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
- h) Any premises or parcel on which an electronic changeable message sign is located may also display a temporary sign in accordance with the requirements of this Section.
- i) The electronic changeable message portion of a sign shall not exceed 75% of the overall sign face.

(Ord. No. 06-190, 7-25-2019)

#### 300.248 - Billboards.

Sec. 4A.08. Billboards are permitted only in those areas which are within 500 feet of U.S. 131 subject to the following:

- a) Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e. two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "b" below.
- b) No billboard shall be located within 1,320 feet of another billboard measured in any direction.
- c) No billboard shall be located within 250 feet of a residential zone.
- d) No billboard shall be located closer than 75 feet from a property line adjoining a public right of way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- e) Billboards may be constructed to a maximum size of 672 square feet per face provided they are located within 100 feet of a freeway right-of-way. Any billboard placed farther than 100 feet but not more than 500 feet from the freeway right of way shall not exceed 64 square feet per face.
- f) The height of a billboard shall not exceed 35 feet above:
  - 1) The grade of the ground on which the billboard sits, or
  - 2) The grade of the abutting roadway, whichever is higher.
- g) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any

adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- h) The adjacent area to U.S. 131 is the area measured from the nearest edge of the right of way of said freeway and extending 500 feet perpendicularly and then along the line parallel to the right of way line, on both sides of the freeway.
- i) Billboards are required to be positioned in a manner as to be seen primarily from US 131.
- j) Billboards are subject to and must comply with requirements of Public Act 106 of 1972, as amended, also known as the "Highway Advertising Act".
- k) The non-conforming provisions of Chapter 16 [300.760] of this Ordinance shall apply to pre-existing outdoor signs and billboards.

(Ord. No. 06-190, 7-25-2019)

200.249 - Reserved.

Sec. 4A.09. Reserved.

(Ord. No. 06-190, 7-25-2019)

300.250 - Nonconforming signs, illegal signs, and signs accessory to nonconforming uses.

Sec. 4A.10.

- a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of adoption of this Ordinance is hereby deemed to be nonconforming.
- b) Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged or extended.
- c) A nonconforming sign may be diminished in size or dimension or the copy [of] the sign amended or changed without jeopardizing the privilege of nonconforming use.
- d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

(Ord. No. 06-190, 7-25-2019)

300.251 - Measurement of signs.

Sec. 4A.11.

- a) Unless otherwise specified within this ordinance for a particular type of sign, the [area] of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less except for billboards as specified herein.

(Ord. No. 06-190, 7-25-2019)

## 300.252 - F, RE and RA Agricultural Districts.

Sec. 4A.12. The following signs are permitted in the Agricultural, Rural Estates and Rural Agricultural Zoning Districts:

- a) Signs as permitted and regulated by Sections 4A.04, 4A.05, and 4A.06.
- b) WALL SIGNS- for permitted uses other than dwellings.
  1. One sign per street frontage to be placed on that side of the building which directly faces the street.
  2. A wall sign shall not exceed 100 square feet.
- c) GROUND SIGNS- for permitted uses other than dwellings.
  1. One per parcel not to exceed 32 square feet in area.
  2. The height of a ground sign shall not exceed six (6) feet above grade.
  3. Ground signs shall be set back a minimum of 10 feet from the front lot line and a minimum of 25 feet from all other lot lines.
- d) TEMPORARY SIGNS. Temporary signs shall be set back a minimum of five (5) feet from the front lot line and ten (10) feet from all other lot lines and are subject to the following provisions:
  1. One temporary sign is permitted for each whole increment of 50 feet of road frontage.
  2. The maximum area permitted for each sign is 16 square feet.
  3. The total combined maximum area of temporary signs shall not exceed 64 square feet.
- e) BILLBOARDS- as regulated by Section 4A.08 [300.248] herein.
- f) The Planning Commission may allow by Special Use Permit the installation of Electronic Changeable Message Signs, subject to the regulations in 4.A.07 and size and location requirements of this zoning district based on sign type, as well as the standards for Special Use in Section 4.32 [300.222]

(Ord. No. 06-190, 7-25-2019)

## 300.253 - Residential Districts.

Sec. 4A.13. The following signs are permitted in the A, B1, B2, and B3 Zoning Districts.

- a) Signs as permitted and regulated by Sections 4A.04, 4A.05, and 4A.07.
- b) WALL SIGNS- For non-residential uses only:
  1. One sign per street frontage to be placed on that side of the building which directly faces the street.
  2. A wall sign shall not exceed 100 square feet.
- c) GROUND SIGNS- On properties used for residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile or manufactured home parks, schools, places of worship or other permitted non-residential uses:
  1. One per parcel not to exceed 32 square feet in area.
  2. The height of a ground sign shall not exceed six (6) feet above grade.
  3. Ground signs shall be setback a minimum of 10 feet from the front lot line and a minimum of 25 feet from all other lot lines.
- d) TEMPORARY SIGNS. Temporary signs shall be set back a minimum of five (5) feet from the front lot line and ten (10) feet from all other lot lines and are subject to the following provisions:
  1. One temporary sign is permitted for each whole increment of 50 feet of road frontage.
  2. The maximum area permitted for each sign is 8 square feet.
  3. The total combined maximum area of temporary signs shall not exceed 32 square feet.

- e) BILLBOARDS- as regulated by Section 4A.08 [300.248] herein.
- f) The Planning Commission may allow by Special Use Permit the installation of Electronic Changeable Message Signs, subject to the regulations in 4.A.07 and size and location requirements of this zoning district based on sign type, as well as the standards for Special Use in Section 4.32 [300.222].

(Ord. No. 06-190, 7-25-2019)

#### 300.254 - Commercial Districts.

Sec. 4A.14. The following signs are permitted in the C/D Local Business and the E Commercial Districts.

- a) Signs as permitted and regulated by Sections 4A.04, 4A.05, and 4A.07.
- b) WALL SIGNS-
  - 1. Each commercial establishment shall be permitted to have one wall sign. For each commercial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each commercial establishment shall have no more than one sign per wall. Wall signs shall not exceed 100 square feet in area.
  - 2. Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or other non-residential zoning district.
  - 3. Each commercial establishment may be allowed an additional two square feet of wall sign for every one square foot reduction in the amount of the permitted pole sign area. This additional wall sign area may be added to a permitted wall sign to increase its size or may be a separate sign. However, no wall may contain more than one sign.
- c) FREESTANDING SIGNS- One ground or pole sign shall be permitted for each lot and shall also be subject to the following:
  - 1. *Pole Signs*- A sign of at least 64 square feet shall be permitted for each lot and shall also be subject to the following:
    - i. The size of a sign may be increased by two square feet for every five feet of lineal lot frontage over 100 feet up to a maximum sign area of 100 square feet. (See Schedule A [300.256]).
    - ii. In addition to the above, for each foot that a sign is set back from the minimum sign setback requirement of this section, the size of a sign may be increased by one additional foot. In no case shall a sign exceed 120 square feet.
    - iii. For those lots with more than one commercial establishment, the size of the pole sign may be increased by 50 percent of the size allowed by Section (c)(1)(a) above up to a maximum size of 160 square feet.
    - iv. Pole signs shall not exceed 35 feet in height.
    - v. The support structure(s) for a pole sign shall not be more than two feet wide on any one side.
    - vi. Pole signs over 35 feet in height may be permitted by the Planning Commission as a Special Use on properties on that within 500 feet of the US 131 and 142<sup>nd</sup> Avenue intersection as measured from the edge of the right of way of the US 131 access ramp subject to the following criteria:
      - a. The General Standards for Special Use in Section 4.30 [300.220].
      - b. The ability of highway travelers to locate the use without the proposed increased sign height.
      - c. The topography of the highway or adjacent lands, or existence of trees or other natural or manmade features which may obscure a sign of lesser height.
      - d. Whether the identification of the use can be accomplished by some other means.
      - e. Whether such sign is necessary for the safety or convenience of highway travelers.
      - f. The impact of such sign on the occupants or owners of nearby lands.
      - g. Whether the proposed height is the minimum necessary to serve its intended purpose.
  - 2. *Ground signs*- One sign of not more than 64 square feet shall be permitted for each lot and shall also be subject to the following:
    - i. The height of a ground sign shall not exceed six feet above ground.



- ii. Ground signs shall be set back a minimum of five feet from the front and side lot lines. In addition, the placement of signs shall conform to the requirements of Section 4A.06 herein.
- d) PROJECTING SIGNS- One sign per building not to exceed 35 square feet. The sign shall be a minimum of eight feet above the ground and not project more than five feet from the building nor shall it be closer than two feet from the edge of the street.
- e) ROOF SIGNS- One per building not to exceed one and one-half square feet of sign area per one lineal foot of ground floor building frontage. Such sign shall not be more than 10 feet above the roof nor exceed the maximum building height permitted in the zoning district.
- f) TEMPORARY SIGNS. Temporary signs shall be set back a minimum of five (5) feet from the front lot line and ten (10) feet from all other lot lines and are subject to the following provisions:
  1. One temporary sign is permitted for each whole increment of 50 feet of road frontage.
  2. The maximum area permitted for each sign is 32 square feet.
  3. The total combined maximum area of temporary signs shall not exceed 64 square feet.
- f) BILLBOARDS- As regulated by Section 4A.08 herein.
- g) ELECTRONIC CHANGEABLE MESSAGE SIGNS, subject to the regulations in 4.A.07 and size and location requirements of this zoning district based on sign type. Electronic changeable message signs shall not be placed closer than twenty-five (25) feet to any property which is used or zoned as Residential.

(Ord. No. 06-190, 7-25-2019)

#### 300.255 - Industrial District.

Sec. 4A.15. The following signs are permitted in the "I" Industrial Zoning District.

- a) Signs as permitted and regulated by Sections 4A.04, 4A.05, and 4A.07.
- b) WALL SIGNS-
  1. Each industrial establishment shall be permitted to have one wall sign. For each industrial establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each establishment shall have no more than one sign per wall.
  2. The size of the wall sign shall not exceed 100 square feet in area.
  3. Wall signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or other non-residential zoning district.
- c) GROUND SIGNS- One ground sign per lot is permitted subject to the following regulations:
  1. The sign shall not exceed 64 square feet in area.
  2. The height of a ground sign shall not exceed six feet in height.
  3. Ground signs shall be set back a minimum of five feet from the front lot line and five feet from side lot lines.
- d) SIGNS PLACED AT INDUSTRIAL PARK ENTRANCES- One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone, wrought iron, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped with low level lighting.
- e) TEMPORARY SIGNS. Temporary signs shall be set back a minimum of five (5) feet from the front lot line and ten (10) feet from all other lot lines and are subject to the following provisions:
  1. One temporary sign is permitted for each whole increment of 50 feet of road frontage.
  2. The maximum area permitted for each sign is 32 square feet.
  3. The total combined maximum area of temporary signs shall not exceed 64 square feet.

- f) BILLBOARDS- As regulated under the provisions of Section 4A.08 [300.248]
- g) ELECTRONIC CHANGEABLE MESSAGE SIGNS, subject to the regulations in 4.A.07 and size and location requirements of this zoning district based on sign type. Electronic changeable message signs shall not be placed closer than twenty-five (25) feet to any property which is used or zoned as Residential.

(Ord. No. 06-190, 7-25-2019)

300.256 - Schedule A; Area of pole sign per Section 4.A.14[300.254] (c)(1)(i) (commercial districts).

<i>Lineal Feet of Road Frontage</i>	<i>Permitted sign size in square feet</i>
0-100	64
105	66
110	68
115	70
120	72
125	74
130	76
135	78
<u>140</u>	80
145	82
150	84
155	86
<u>160</u>	88
165	90
170	92
175	94
180	96
185	98

190 and over	100
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(Ord. No. 06-190, 7-25-2019)

## CHAPTER V

### 300.260 - MAPPED DISTRICTS

#### 300.261 - Zoning districts.

Sec. 5.01. For the purpose of this Ordinance, the Township of Dorr is hereby divided into the following districts to be known as:

- (a) A Residential
- (b) B-1 Residential
- (c) B-2 Residential
- (d) B-3 Residential
- (e) C Local Business
- (f) D Commercial
- (g) E Commercial
- (h) I Industrial
- (i) RE Rural Estate and Open Space
- (j) F Agricultural
- (k) RP - Rabbit River Protection Overlay Zone

(Ord. of 7-5-2007)

#### 300.262 - Zoning map.

Sec. 5.02. The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Dorr Township, Allegan County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- (e) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
- (f) Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall

be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

300.263 - Areas not included within a district.

Sec. 5.03. In every case where land has not been included within a district on the zoning map, such land shall be in the F Agricultural Zoning District.

## CHAPTER VA

### 300.270 - PUD-PLANNED UNIT DEVELOPMENT DISTRICT

300.271 - Intent.

Sec. 5A.01. This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this chapter to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- a) To encourage the use of land in accordance with its character and adaptability.
- b) To promote the conservation of natural features and resources including prime agricultural land.
- c) To encourage innovation in land use planning and development.
- d) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of Dorr Township.
- e) To promote and ensure greater compatibility of design and use between neighboring properties.
- f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.
- g) To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making.

300.272 - PUD authorization.

Sec. 5A.02. A Planned Unit Development may be approved in any location within Dorr Township by the Township Board. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health safety and welfare mechanisms being designed into the development, and the following.

300.273 - Qualifying conditions.

Sec. 5A.03.

- a) In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two acres except in the case of a two-family or multiple family dwelling project for which the minimum area requirement shall be one acre.

300.274 - Development requirements.

Sec. 5A.04.

- a) *Density*: The density for residential uses shall not exceed the maximum density allowed for the zoning district in which the be located. In each case, the maximum density for residential uses shall be determined by the Township Board after review Planning Commission based on the standards contained in Section 5A.05(i).
- b) *Dwelling Unit Computation*: The density permitted by the Township Board shall be multiplied by the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:
  - 1) Area within existing road rights-of-way.
  - 2) One-half of the land within the 100-year floodplain.
  - 3) One-half of areas permanently inundated by water.
- c) *Open Space*: The Planning Commission may require that up to 10 percent of the gross acreage devoted to residential uses in a PUD be set aside as open space for the benefit and use of all residents. If such open space is required, the applicant shall provide documentation which demonstrates to the satisfaction of the Township Board that such open space areas are preserved and maintained.

For the benefit of the residents of the PUD, the Planning Commission may also require recreational amenities or facilities such as basketball and tennis courts, play structures, bike paths, ball fields and other similar recreational amenities.

- d) *Mixed Uses*: Residential and non-residential uses may be permitted within the same PUD district upon demonstration to the Township Board that such uses meet the intent of this chapter. It shall also be demonstrated that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

The permitted density for residential uses in a mixed use development shall be determined by the Township Board upon recommendation of the Planning Commission.

- e) *Applicable Regulations*: The Township Board upon the recommendation of the Planning Commission may waive or modify or otherwise vary the applicable regulations of the underlying zoning district relative to lot size, lot width, setbacks, structure height, signs, parking and loading, landscaping, general provisions and other applicable regulations. Such waiver or modification shall be based on the application of site planning criteria to achieve integration of the project with the characteristics of the project area. In making these determinations, the criteria considered shall include the following:
  - 1) Number and type of dwelling units.
  - 2) Proximity to adjacent existing and future land uses. The extent to which the PUD is buffered from adjacent and nearby existing land uses, by landscaping or other means.
  - 3) Presentation of existing vegetation or other natural features on site.
  - 4) Topography on the site.
  - 5) Provision of public or community water and sanitary sewer.
  - 6) Approval of the Allegan County Health Department for private or community septic systems and wells.
  - 7) Appropriateness of the lots as building sites.
  - 8) Overall design of the project relative to its compatibility with nearby existing or proposed land uses.

300.275 - Application and processing procedures.

Sec. 5A.05.

- a) *Preapplication Conference*. Before submitting an application for a PUD, an applicant may meet with the Planning Commission to submit information regarding a proposed PUD and to confer with the Planning Commission about the proposed application and the PUD.

- b) *Application for PUD Approval.* An application for PUD rezoning shall be in accordance with the application procedures for site review as required by Chapters 14A and 19 of this Ordinance.
- c) *Preliminary Development Plan.*
- 1) An applicant for PUD rezoning shall submit a site plan in accordance with the requirements for Preliminary Site Plan Review as set forth in Chapter 14A of this Ordinance.
  - 2) If required by the Planning Commission, the preliminary or final development plan shall include any of the following:
    - (i) *An environmental impact assessment.* Such assessment shall describe the effect and impact, whether adverse or otherwise, that the proposed PUD will or may have upon or with respect to the following matters.
      - 1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
      - 2) Population in the immediate area and the Township; local school systems; traffic congestion.
      - 3) Additional costs to governmental units and school districts, police and fire protection; storm water drainage; water supply and sewage disposal.
      - 4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
      - 5) General appearance and character of the area; historic structures and places; archeological site and artifacts.
      - 6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County health department; county road commission; county drain commissioner; department of natural resources; intermediate school district; local board of education; county sheriff's department; local fire department and other appropriate agencies.
        - (i) Traffic impact study.
        - (ii) A community impact analysis.
        - (iii) An economic feasibility study for the principal uses of the proposed PUD.
        - (iv) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.
- d) *Review of Preliminary Development Plan.* The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD. A copy of the Planning Commission's recommendations as contained in the minutes of the Planning Commission shall be forwarded to the Township Board. The recommendations of the Planning Commission shall be based on the following considerations:
- 1) The requirements of this Ordinance.
  - 2) The setback and placement of buildings and structures.
  - 3) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.
  - 4) Off-street parking and loading areas where required.
  - 5) Screening and buffering, including type, dimensions and character of materials used therefore.
  - 6) Area and location of yards and other open spaces.
  - 7) Refuse and service area.
  - 8) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
  - 9) Open spaces and recreational area.

- 10) Drainage courses, flood [flood] plains, lakes, streams, and wetlands.
  - 11) Gross density of the development.
  - 12) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.
  - 13) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.
- e) *Advisory Public Hearing.* In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such hearing, the Planning Commission shall give notice as required by PA 110 of 2006 as amended and Section 19.03 of this Ordinance.
- f) *Final Development Plan.*
- 1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 14A of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.
  - 2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD plus the following:
    - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendation have not been included.
    - (ii) Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
    - (iii) Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.
- g) *Public Hearing on Final Development Plan.* The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. The giving of public notice for the public hearing and the convening of the public hearing shall proceed in accordance with PA 110 of 2006 as amended and Section 19.03 of this Ordinance.
- h) *Consideration of Final Development Plan by Planning Commission.* After a public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The recommendations of the Planning Commission shall then be transmitted to the Township Board.
- i) *Standards for Approval.* In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:
- 1) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
  - 2) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
  - 3) The PUD will be compatible with the Master Plan of the Township and consistent with the intent and purposes of this chapter.
  - 4) The PUD will not result in significant adverse effects upon nearby adjacent lands, and will not significantly change the essential character of the surrounding area.
  - 5) A PUD shall be designed and laid out so as to provide for the preservation of natural resources and natural features

wherever reasonably possible.

- j) *Final Consideration of PUD by Township Board.* The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.
- k) *Conditions of Approval.* The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.
- 1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
  - 2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
  - 3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed.

- l) *Effect of Rezoning.* If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property involved in accordance with PA 110 of 2006 as amended. The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. All approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

(Ord. of 1-15-2009)

300.276 - Amendments to approved PUD.

Sec. 5A.06.

- a) An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- b) *Minor Amendments.* A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions of the plan.

The following items shall be considered as minor changes:

- 1) Reduction of the size of any building and/or sign.



- 2) Movement of buildings and/or signs by no more than ten feet.
- 3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- 4) Changes of building materials to a higher quality.
- 5) Changes in floor plans which do not alter the character of the use.
- 6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 7) Changes required or requested by the Township for safety reasons.
- 8) Changes which will preserve the natural features of the site without changing the basic site layout.
- 9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not mitior, resubmission to the Planning Commission for all amendment shall be required and conducted in the same manner as an original application.

#### 300.277 - Performance guarantees.

Sec. 5A.07. The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Township Board, and shall be conditioned upon faithful compliance with all of the provisions and requirements of the PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

#### 300.278 - Time limitations on development.

Sec. 5A.08. Each PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

### CHAPTER VB

#### 300.280 - CONSERVATION SUBDIVISION-PLANNED UNIT DEVELOPMENT DISTRICT (CS-PUD)

## 300.281 - Description and purpose.

Sec. 5B.01. The intent of this Chapter is to offer an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which may incorporate the permanent preservation of open space, agricultural lands and other valuable natural and cultural resources. Flexibility is permitted in lot area and required yards, but it is also intended that each CS-PUD development will afford reasonable protection to uses that are near and adjacent to the CS-PUD development.

(Ord. of 2-3-2000)

## 300.282 - Authorization.

Sec. 5B.02. A CS-PUD may be approved by the Township Board following a recommendation from the Planning Commission in any location zoned as A, B-1, B-2, RE, RA or PUD, or any area master planned for Rural Agricultural, Rural Estate, Low Density Residential, or Medium Density Residential within Dorr Township in accordance with the procedures of this Ordinance. The granting of a CS-PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map. An approval granted under this chapter shall constitute part of the Zoning Ordinance.

(Ord. of 2-3-2000)

## 300.283 - Application and processing procedures.

Sec. 5B.03. The procedure for a CS-PUD development shall be subject to the Application and Processing Procedures set forth in Section 5A.05 of Chapter 5A, PUD-Planned Unit Development District. In addition to those requirements for preliminary plan review required in Section 14A.04, the preliminary site plan shall be prepared with the following information and in the following manner:

*STEP 1 Identify Areas to be Preserved*

- (a) Prepare a site plan of the proposed CS-PUD development that identifies the *Primary Conservation Areas* and *Secondary Conservation Areas* which shall include:

*Primary Conservation Areas*

- (1) Wetlands.
- (2) Floodplains.
- (3) Soils that will not sustain on-site septic systems.
- (4) Steep slopes (20 percent or over).

*Secondary Conservation Areas*

- (1) Significant wildlife habitats.
  - (2) Woodlands.
  - (3) Farm land.
  - (4) Meadows and hedgerows.
  - (5) Farm buildings and fences.
  - (6) Historic, cultural, and archeological features.
  - (7) Views into and out from the site.
  - (8) Any other area which, due to significant natural or cultural features, is determined to be worthy of preservation.
- (b) Next, identify on the plan those areas or features of the Secondary Conservation Areas which shall be preserved as Dedicated Open Space in addition to the Primary Conservation Areas. These areas shall together constitute at least 40 percent of the site according to the requirements of Section 5B.08 herein.

(The remaining areas are potential development areas where house sites may be located.)

(c) Next, determine the number of house sites permitted for the site according to the requirements of Section 5B.05 herein.

*STEP 2 Locate House Sites* On the same site plan, illustrate the tentative location of house sites. Within conservation subdivision developments, house sites are identified before determining the location of lot lines and streets. The location of house sites shall be based upon the following criteria:

- (a) House sites shall be located within the potential development areas identified in Step 1 and beyond the boundaries of those areas identified as Primary Conservation Areas or that portion of the Secondary Conservation Areas which shall become Dedicated Open Space.
- (b) Houses should be placed so that the predominant view from the house is of open space and not of dwellings on the opposite side of the street.
- (c) Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- (d) Avoid siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features. Avoid siting two-story walk-out dwellings with the rear of the dwelling facing the public road right-of-way thus giving the appearance of a three-story dwelling and detracting from the rural view.

*STEP 3 Locate Streets and Trails* On the same site plan illustrate the location of streets and trails. The following criteria shall apply when locating streets and trails:

- (a) Avoid crossing wetlands, wildlife habitat, or other sensitive natural areas with streets. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.
- (b) Avoid long straight street segments that encourage speeding; curving roads or shorter straight segments at 90 degrees to each other (a traditional town-like arrangement) are preferable.
- (c) Whenever possible, street systems should be designed to produce *terminal vistas* (views) of open spaces, village greens, water features, meadows or playing fields.
- (d) Where possible, streets should allow *single loading* of house sites, which allows all homes views of open spaces within the development.
- (e) Every effort should be made to connect each street with another so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- (f) Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods. These cul-de-sacs should be designed with a central island where existing trees can be preserved or native species can be planted.
- (g) Whenever possible, streets within a CS-PUD should be designed to connect with adjoining properties. In considering whether or not to require a private or public street to connect with an adjoining property, the Planning Commission and Township Board shall consider the following criteria:
  - (1) The road extension is necessary to provide a secondary means of access for emergency vehicles.
  - (2) The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the public street system to access adjoining residential areas.
  - (3) The road extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant.

If such a connection is required the applicant shall construct the road to the adjacent property line at the time that the private road is built or the applicant shall record an agreement to construct the road connection when the adjacent property develops and the Planning Commission determines the necessity of the road connection.

Upon completion of the connection the applicant shall record a statement that the connection shall remain open at all times for the uninterrupted movement of people and vehicles.

- (h) Conservation subdivision developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that takes advantage of the Primary and Secondary Conservation Areas, and that provides linkage to future neighborhoods and developments that may occur adjacent to the development.
- (i) Within Conservation Subdivisions, individual house sites may be served by individual or shared driveways from existing roads. All lots need not be served by a continuous road system but may be served by several non-connected roads.

*STEP 4 Draw Lot Lines.*

- (a) On the same site plan draw the location of lot lines within the development. Modifications of the applicable regulations may be modified per Section 5B.04 herein. Lot sizes and widths shall allow for adequate separation of wells and septic systems.
- (b) Additional information.
  - (1) In addition to the drawing required by Section 5B.03(a)—(d) above, the applicant shall provide documentation from the Allegan County Health Department that the building sites are acceptable for on-site well and septic systems.
  - (2) If the applicant is also seeking approval for a private road, information required by Section 4.16 herein shall also be submitted.
- (c) Review of Preliminary and Final Site Plan.
  - (1) The Commission shall review the plan according to the requirements of Section 5A.05(d) herein. The Commission may conduct a site inspection in order to provide more direction to the applicant in preparing a final CS-PUD site plan.
  - (2) The applicant shall revise the Preliminary Site Plan in accordance with the recommendations of the Planning Commission and submit this plan for additional review by the Commission. Upon acceptance of the Preliminary Site Plan by the Commission, the applicant shall prepare a Final Site Plan in accordance with the requirements of Section 5A.05(f) of the Ordinance.
  - (3) The Planning Commission shall schedule a public hearing and make a recommendation to the Township Board in accordance with the requirements of Section 5A.05 of the Zoning Ordinance.

(Ord. of 2-3-2000)

300.284 - Permitted uses.

Sec. 5B.04. Land and buildings in a CS-PUD may only be used for the following uses or combination of such uses:

- (a) Single family detached dwelling units.
- (b) Two-family attached dwelling units (duplexes) provided that such dwellings shall not constitute more than 20 percent of the total dwellings in a CS-PUD.
- (c) Multi-family dwelling units up to 12 units per building but only if the land requested for rezoning to CS-PUD is designated for such use in the Township Master Plan.
- (d) Other uses may be allowed by the future land use recommendation of the Township Master Plan and the recommended zoning district as listed in the table in Section 5B.06 below.
- (e) Limited farming activities if conducted within the Dedicated Open Space, and only if the land is recommended for Rural

Agricultural, or Rural Estate uses in the Township Master Plan. For purposes of this section, farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of a CS-PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the CS-PUD.

- (f) Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the CS-PUD and designed to be used primarily by residents of the CS-PUD.
- (g) Accessory uses, structures and buildings which are customarily associated with the uses specified above.

(Ord. of 2-3-2000)

300.285 - Modification of applicable regulations.

Sec. 5B.05. Requirements applicable to lot area, lot width, building setback, structure heights, signs, parking and loading, private roads, landscaping, sidewalks, general provisions and other applicable regulations within a CS-PUD shall be determined by the Planning Commission and the Township Board in order to achieve the purposes of this section, and in order to achieve the intent of the site design principals in Section 5B.03. (Minimum floor area shall be as regulated by the existing zoning of the site or by the zoning recommended for the site in the Township Master Plan.) In determining these requirements, the Planning Commission and Board shall base their decisions upon the criteria listed in Section 5A.04(e) and the following criteria:

- (a) Whether the modifications help to preserve the best features of the site which contribute to rural or community character.
- (b) Whether the modifications maintain or improve habitat for wildlife.
- (c) Whether the modifications maintain valuable open space for the residents.
- (d) Whether the modifications result in building placement which enhances the views into and out of the site.
- (e) Whether on-site well and septic system placement will satisfy the requirements for approval of the Allegan County Health Department.
- (f) Whether the modifications will result in building or road placement which would have a significant positive or negative impact on adjacent properties with regard to drainage, pedestrian or driver safety, or privacy.
- (g) Whether access for emergency vehicles is available to all dwellings.

(Ord. of 2-3-2000)

300.286 - Density regulations.

Sec. 5B.06.

- (a) The area which is requested for rezoning to CS-PUD shall only be developed in accordance with the density and land uses recommended by the Township Master Plan or by the existing zoning of the property. The permitted number of dwellings per acre (density) for the proposed CS-PUD shall be based on the density requirements of the zoning district which is recommended within the future land use category proposed by the Master Plan or by the existing zoning of the property.
- (b) The maximum density for residential uses shall be determined by the Township Board after review by the Planning Commission based on the standards contained in Section 5A.05(i), Standards for Approval. This density shall be calculated using the following table:

DENSITY TABLE

Master Plan Category	Zoning District	Maximum Avg. Density
Rural Agriculture	RA Rural Agricultural	1 Unit/3 acres
Rural Estate and Open Space	RE Rural Estate	1 Unit/acre

Low Density Residential	A Residential	2.9 Units/acre
	B-1 Residential	2.9 Units/acre w/o public sewer 3.63 Units/acre w/public sewer 2.9 Units/acre for two-family w/public sewer and water 1.45 Units/acre w/o public utilities
Medium Density Residential	B-2 Residential	One- and two-family dwellings: Same as B-1 above. 4.36 Units/acre for multi-family dwellings w/opublic sewer and water 9.68 Units/acre for multi-family dwellings w/public sewer and water

(c) *Formula to determine number of dwellings.* To determine the number of dwelling units which may be constructed within the CS-PUD, multiply the permitted density from the Density Table by the total acreage of the site excluding one-half those areas within the 100-year flood plain, wetland areas and areas permanently inundated by water such as lakes, ponds, streams and rivers, one-half of the areas with existing slopes of 20 percent or more and one-half of the area of any golf course. The Planning Commission and the Township Board may in their discretion allow fewer dwelling units than would otherwise be permitted by this section.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Natural Resources or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

- (d) *Formula for additional dwellings.* Additional dwellings beyond that which is allowed by Section 5B.06(b) may be permitted at the discretion of the Township Board and Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the CS-PUD. Items which could be added to a CS-PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:
- (1) Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
  - (2) Additional landscaping to preserve or enhance the rural view along the roadway.
  - (3) Enhancement of existing wetlands, subject to applicable regulations.
  - (4) Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents.
  - (5) Provision of a public or private community water and/or sanitary sewer system.
- (e) If additional dwelling units are permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in the Density Table by the total acreage of the site including wetlands, floodplain, bodies of water, steep slopes, golf courses, and portions of the site within existing road right-of-way. In no case shall the number of dwelling units exceed what is permitted by this subsection.

(Ord. of 2-3-2000)

300.287 - Minimum project size.

Sec. 5B.07. The minimum size of a parcel that may be approved for a CS-PUD shall be ten acres of contiguous land.

(Ord. of 2-3-2000)

## 300.288 - Unified control.

Sec. 5B.08. The proposed CS-PUD shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, performance guarantees, covenants and/or deed restrictions that indicate that the development will be completed in its entirety, as proposed.

(Ord. of 2-3-2000)

## 300.289 - Preservation of open space.

## Sec. 5B.09.

- (a) A minimum of 40 percent of the gross parcel area shall be designated as dedicated Open Space. All areas identified as Primary Conservation Areas shall be preserved as Dedicated Open Space, however, only one-half of the Primary Conservation Area shall be contributed to that 40 percent of Dedicated Open Space required by this section. The remainder of the land to be counted as Dedicated Open Space shall consist of Secondary Conservation Areas as defined in Section 5B.03(b) and other lands if necessary, except as noted in Section 5B.09(b).
- (b) The following areas shall not be considered eligible for Dedicated Open Space for the purposes of this section:
  - (1) The area within any public road right-of-way.
  - (2) The area within private road access easements.
  - (3) Any easement for overhead utility lines unless adjacent to qualified open space.
  - (4) Fifty percent of any lakes, streams, detention ponds, or other surface water bodies, wetlands, and floodplains.
  - (5) The area within a platted lot or site condominium lot.
  - (6) One-half of parking areas.
- (c) The applicant shall guarantee that all required open space areas of the development shall be maintained in perpetuity and in a manner approved by the Township as part of project authorization. Documents shall be presented that bind all successors and future owners in fee title to commitments made and approved at the time of authorization. This provision shall not prohibit the transfer of ownership or control, provided that notice of such transfer is provided to the Township, and that the land uses continue as approved in the final CS-PUD development plan, unless an amendment is approved by the Township Board.
- (d) Options for dedicating open space may include:
  - (1) Recorded deed restrictions or covenants that run perpetually with the land.
  - (2) Transfer to a non-profit land trust.
  - (3) Conservation easements established per Public Act 197 of 1980 as amended.
  - (4) Public dedication of open space.
- (e) Standards for Dedicated Open Space:
  - (1) Dedicated open space shall be for use by all residents of the PUD, subject to reasonable rules and regulations. In the case of a golf course, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees and assessments for use.
  - (2) The Dedicated Open Space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
  - (3) If the site contains a lake, stream or other body of water, the Township may require that a portion of the Dedicated Open Space shall abut the body of water.
  - (4) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural

condition or landscaped to help reduce the view of houses on-site from the adjacent roadway and preserve the rural view.

- (5) A Dedicated Open Space area shall be configured such that the open space is reasonably usable by residents of the PUD. The minimum size of a Dedicated Open Space shall be 20,000 square feet; provided, however, that the Dedicated Open Space abutting a public street may be less than 20,000 square feet; and, further provided, that the Planning Commission may approve other Dedicated Open Space areas of less than 20,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the PUD.
  - (6) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
  - (7) Open space areas shall be located so as to be reasonably accessible to the residents of the PUD. Pedestrian access points to the Dedicated Open Space areas on the interior of the PUD shall be provided and shall be clearly identified by signs or a visible improved path for safe and convenient access.
  - (8) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical.
  - (9) Dedicated Open Space may consist of ball fields, tennis courts, swimming pools and related buildings, community buildings and golf courses, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.
- (f) The method selected to preserve the Dedicated Open Space shall:
- (1) Indicate the proposed allowable use(s) of the dedicated open space.
  - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - (3) Provide standards for scheduled maintenance of the open space.
  - (4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of cost upon the property owners.

(Ord. of 2-3-2000)

#### 300.289A - Amendments to approved CS-PUD.

Sec. 5B.10. Any changes to an approved Final CS-PUD Development Plan shall be subject to the conditions for approval as stated in Section 5A.06 of Chapter 5A PUD Planned Unit Development of the Dorr Township Zoning Ordinance.

(Ord. of 2-3-2000)

#### 300.289B - Performance guarantees.

Sec. 5B.11. Any requirements for performance guarantees for a CS-PUD shall be subject to the requirements stated in Section 5A.07 of Chapter 5A PUD Planned Unit Development in the Dorr Township Zoning Ordinance.

(Ord. of 2-3-2000)

#### 300.289C - Time limitations on development.

Sec. 5B.12. Time limitations on development of a CS-PUD shall be subject to the requirements stated in Section 5A.08 of Chapter 5A PUD Planned Unit Development in the Dorr Township Ordinance.

(Ord. of 2-3-2000)



## 300.289D - Parking of commercial vehicles.

Sec. 5B.13. The outdoor parking of commercial vehicles on lots of less than two acres is prohibited as regulated by Ordinance No. 03-04, the Dorr Township Commercial Vehicle Parking Ordinance.

(Ord. of 5-6-2004; Ord. No. 03-04, 5-6-2004)

## CHAPTER VC

## 300.290A - RABBIT RIVER PROTECTION OVERLAY ZONE

## 300.290A.1 - Intent and purpose.

Sec. 5C.01. The standards contained in this Chapter govern the use and alteration of land within a specified distance of, rivers, creeks and contiguous wetlands and other Rabbit River features in Dorr Township, in order to accomplish the following objectives:

- a) Implement the water quality protection, environmental protection and rural character protection goals and policies of the Dorr Township Master Plan.
- b) Achieve the Township's resource protection and community character goals in a manner that is reasonable and sensitive to local conditions and concerns of property owners.
- c) Protect water quality and habitat quality in the, rivers, creeks, and their contiguous wetlands and other Rabbit River features in Dorr Township, and thereby protect the public health, safety and general welfare, by encouraging filtering of storm water runoff through natural vegetative buffers along stream corridors, and by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.
- d) Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for effective vegetative buffers adjacent to stream corridors, and by prohibiting excavation and building activities within a specified distance from stream banks and the contiguous to streams wetlands.
- e) Protect the natural character and appearance of streams, stream corridors and their contiguous wetlands, which contribute to the valued natural character of the community, its quality of life and its property values.

(Ord. of 7-5-2007)

## 300.290A.2 - Applicability and Administrative Action.

## Sec. 5C.02.

- a) Applicability. The standards contained in this section shall be applicable to all land within specified distances adjacent to the Rabbit River and those rivers, drains, streams, and creeks located within the "RP-Rabbit River Protection Overlay Zone" identified on the Dorr Township Zoning Map as amended and the wetlands contiguous to the identified rivers, streams, and creeks, as defined herein.
- b) Exemptions. The standards contained in this Chapter shall not be applicable to:
  1. A lot or parcel, of one acre or less in size which was a "lot of record" on or before the effective date of this amending ordinance, which was adopted on 7-5-2007.
  2. Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
  3. The cleaning out, straightening, widening, deepening, or extending, consolidation, relocation, tiling, and connection of Drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.

4. All activities that are authorized in a permit issued by the Michigan DEQ pursuant to Parts 31, 301, 303 or 315 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.
  5. Forestry operations that are conducted within the natural vegetation zone when done in conformance with generally accepted forestry management practices (GAFMPs) as defined and prescribed under the auspices of the Right to Forest Act Public Act 676 of 2002. However, the following practices shall not be considered exempt by this ordinance and shall be prohibited within the Rabbit River Protection Overlay zone unless specifically approved by the State of Michigan.
    - i) Cutting stream bank trees.
    - ii) Removal of ground cover or understory vegetation.
    - iii) Felling trees into the stream bed or leaving logging debris in the stream.
    - iv) Servicing or refueling equipment.
    - v) Mechanical site preparation and site preparation burning.
    - vi) Mechanical tree planting.
    - vii) Broadcast application of pesticides or fertilizers.
    - viii) Handling, mixing, or storing toxic or hazardous materials (fuels, lubricants, solvents, pesticides, or fertilizers).
  6. Publicly owned or operated parks.
- c) Administrative Action. The decision on any application for a zoning approval or a permit for an activity on property subject to the Rabbit River protection standards of this Chapter shall be made by the Zoning Administrator.

(Ord. of 7-5-2007)

### 300.290A.3 - Overlay Area: Natural Vegetation Zone: Definition, Intent and Delineation.

#### Sec. 5C.03.

- a) Definition and Intent: The land area subject to the Rabbit River overlay protection standards of this section shall be the Natural Vegetation Zone which includes all lands located within 35 feet of the ordinary high water mark of the stream, and all contiguous wetlands as defined in this ordinance.

The natural vegetation zone is intended to provide a functional vegetative corridor along the edge of a stream. Its functions shall be to protect water quality, animal habitat and aesthetic values of the Rabbit River feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low water temperatures, and screening man-made structures.

- b) Delineation of Natural Vegetation Zone. The limits of the "natural vegetation zone" as used and defined in this Chapter is required to be accurately shown on all site plans, land division plans, subdivision plans (plats), site condominium plans, plans for planned unit developments, and all applications for building permits submitted for review by Dorr Township.

Any such plans for sites on which is located any protected riparian area subject to these regulations shall include the following statement:

"There shall be no clearing, grading, earth change, placement of fill, construction or disturbance of vegetation within the area labeled as being subject to the Rabbit River protection standards of the Dorr Township zoning regulations, except as permitted by Chapter 5C of the Dorr Township Zoning Regulations."

(Ord. of 7-5-2007)

### 300.290A.4 - Development Standards in the Natural Vegetation Zone.

Sec. 5C.04. Land located within the natural vegetation zone shall be subject to the following development standards:

- a) A dwelling unit or other principal building and any accessory buildings shall not be constructed within the natural vegetation except that the following structures may be permitted:
1. Flood control or bank protection structures permitted or constructed by authorized state or federal agencies.
  2. Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the Rabbit River feature.
  3. Boardwalk access to or through wetlands when constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.
  4. One pump house per lot housing a pump used for irrigation when setback at least 15 feet from the high water mark, and having a maximum ground coverage of nine square feet.
- b) On-site sanitary waste treatment systems are prohibited within the natural vegetation zone.
- c) The area within the natural vegetation zone shall be kept in a predominantly natural condition. Clearing or removal of existing trees shrubs and groundcover shall be limited to the following:
1. Removal of isolated diseased or dead trees and damaged trees that are in an unstable condition and that pose a safety hazard. The stumps and root structures of removed trees shall be left in place.
  2. Removal of noxious plants and shrubs, including poison ivy, poison sumac and poison oak and other plants regarded as common nuisance in Section 2, Public Act 359 of 1941 as amended and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the Township Clerk.
  3. Planting of native species that are contained on a "List of Native Species" maintained on file in the office of the Township Clerk is permitted.
  4. Limited removal of vegetation which complies with the following standards:
    - i) Sufficient live root system and vegetation must be retained to provide for bank stabilization and erosion control, to encourage infiltration of runoff, and to provide shading of the water surface.
    - ii) Existing vegetation between a height of three feet above the ground and the ground surface shall remain undisturbed and in a natural condition except as otherwise provided for herein.
    - iii) Select pruning and removal of vegetation above a height of three feet shall be permitted.
    - iv) Existing vegetation including an existing turf lawn may be removed and/or managed, along, one or both sides of the Rabbit River feature to allow a path parallel with the waterway but only on the outer edge of the 35 feet natural vegetation zone so as to avoid damage to the stream bank. Within this corridor an unpaved trail or path with a maximum width of eight feet is permitted.
    - v) Clearing that is required to construct the exempt structures permitted in Section 5C.02, subsection b above, is permitted.
- d. Prohibited activities: The following activities are prohibited in the natural vegetation zone:
1. Storage of motorized vehicles or petroleum products.
  2. Storage or use of toxic or hazardous materials.
  3. Storage of herbicides or pesticides.
  4. Storage of fertilizer.
  5. Placement of fill or dumping of any refuse.
  6. Concentrated drainage flow by ditches, under drains or other similar systems.
  7. Topsoil, sand and gravel extraction.

(Ord. of 7-5-2007)

Sec. 5C.05. Within any A, B1, B2, C, D, E or PUD zoning district affected by the Rabbit River Protection Overlay District the minimum lot width and depth for all lots with any part located within this Rabbit River Protection Overlay and created after the effective date of this Chapter shall be as follows:

- a) Minimum Lot area: 20,000 square feet.
- b) Minimum Lot Width: 100 feet.
- c) Maximum Lot Depth: The depth of each lot shall be sufficient to accommodate all setbacks and yard requirements of this overlay zone and the underlying district, and shall not have a width to depth ratio of more than 1 to 4.
- d) Minimum Principal Structure Setback: A principal structure shall not be erected closer than 100 feet from the high water mark of the stream or contiguous wetland except on non-conforming lots of record or where there are steep banks.
- e) Principal Structure exception for steep banks. Where there is a steep stream bank, a principal structure (but not a septic system) may be constructed closer to the Rabbit River feature according to the following schedule:

Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the principal structure may locate no closer than (b) horizontal feet from the bluff or the high water mark, whichever is greater:

<i>Bank height</i>	<i>Setback from Bluff or high water mark</i>
(a)	(b)
10	90
15	80
20	70
25	60

(Ord. of 7-5-2007)

CHAPTER VD

300.290B - MIXED USE DISTRICT (MX)

300.290B.01 - Intent.

Sec. 5D.01. The Mixed Use District is established to provide an area where both light industrial uses as well as wholesale, retail, service, and office uses are appropriate due to the visibility and access provided by the US 131 freeway. The Dorr Township Master Plan recommends a number of areas parallel to U.S. 131 for Mixed Use. These areas would provide desirable exposure to freeway traffic for a range of commercial uses while providing easy access for industrial uses via the interchange at 142nd Avenue. The intent of this district is to allow a variety of uses, as may be desired by the marketplace, to function within a defined area with regulations designed to create a positive business image. The regulations contained in this district are intended to ensure that uses are situated and designed so they are attractive and orderly in appearance as viewed from US 131 and are compatible in appearance and function with other uses allowed in this district.

(Ord. No. 03-140, 12-22-2014)

300.290B.02 - Authorization and Procedure.

Sec. 5D.02. A Mixed Use zoning district may be approved by the Township Board in any location which is recommended for Mixed Use by the Dorr Township Master Plan in accordance with the regulations of this Chapter, provided that the land proposed for rezoning to Mixed Use shall have the required minimum frontage of 100 feet on a paved public road, and be served by public water and/or sanitary sewer. The required minimum frontage does not include land adjacent to the US 131 freeway.

(Ord. No. 03-140, 12-22-2014)

300.290B.03 - Permitted uses.

Sec. 5D.03. Land and/or buildings in the Mixed Use District may be utilized for the following uses, or a combination of the following uses, subject to the site plan review requirements of Chapter 14A herein:

- (a) Any use allowed in the I Industrial Zoning District, except those uses permitted by Special Use Permit unless such use or uses are specifically allowed by Section 5D.04 herein.
- (b) Any use permitted in the E Commercial District except those uses permitted by Section 11.02(a).
- (c) Uses permitted by Special Use Permit in the E District are permitted in the MX District, except special controlled uses (Adult Entertainment Businesses) regulated by Section 300.536, Section 11.06 herein.
- (d) Indoor and outdoor recreation facilities which by their nature can attract a large number of users or which operate in a manner which can negatively affect nearby properties. Such uses include, but are not limited to, bowling alleys, movie theaters, miniature golf courses and go-cart tracks.
- (e) The repair or assembly of products sold by a permitted use in this district provided it does not constitute the principal use and all such work is performed inside.
- (f) Health and physical fitness establishments.
- (g) Gas station/convenience stores.
- (h) Motor vehicle service stations and gas service stations which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services. All such services shall take place within an enclosed building and no materials or parts shall be kept outdoors except as otherwise permitted by this Chapter. Limited outdoor repair of vehicles is permitted provided such activities do not create a nuisance to adjacent properties.
- (i) Mini warehouses and self-storage buildings.
- (j) Shops or stores for carrying on the trade of electricians, decorators, painters, upholsterers, photographers, similar artisans.
- (k) Indoor recreation establishments such as video arcades and video gaming establishments, indoor rock climbing and athletic fields, skating rinks and pool and billiards establishments.
- (l) Establishments for the repair of small engines, appliances and similar equipment.
- (m) The wholesale or retail manufacture, sale, leasing, or distribution of the following:
  - (1) Temporary mobile storage units (pods) and temporary refuse collection units.
  - (2) Farm, lawn, and garden products including fencing, equipment, picnic and patio furniture, and landscaping products.
  - (3) Indoor and outdoor recreation and play equipment including basket-ball hoops, play structures, swimming pools, and hot tubs.
  - (4) Boating products and equipment including boat cradles, paddleboats, canoes, kayaks, pontoons, and motorized watercraft.

- (5) Signs.
- (6) Concrete fences and walls, and walls and fences of similar material.
- (7) Utility trailers, animal trailers, and similar trailers.
- (8) Metal fabrication.
- (9) Golf carts and off-road vehicles.
- (10) Granite or marble or similar products or raw materials.
- (n) Uses and structures customarily incidental and accessory to the principal use.
- (o) Essential public service equipment.
- (p) Other uses which are determined by the Planning Commission to be similar in nature and operation to the above uses.

(Ord. No. 03-140, 12-22-2014)

#### 300.290B.04 - Special uses.

##### Sec. 5D.04.

- (a) Outdoor Display and Sale of Items as regulated by Section 5D.07 [300.290B.07].
- (b) Salvage yards and recycling facilities including the repair, re-furbishment and sale of salvaged materials including vehicles.
- (c) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- (d) Display, filling, sale and distribution of propane tanks.
- (e) Asphalt, concrete or similar refining and manufacturing.

(Ord. No. 03-140, 12-22-2014; Ord. No. 08-190, Art. I, 9-26-2019)

#### 300.290B.05 - District regulations.

Sec. 5D.05. Buildings and structures shall not be erected or enlarged in the Mixed Use PUD District unless the following requirements are met and maintained:

- (a) *Minimum lot size.* Any site zoned for MX shall not be less than 15,000 square feet with 100 feet of lot width at the front lot line.
- (b) *Front yard.* Each lot or parcel shall have a minimum front yard of 50 feet from each road right-of-way line which abuts the lot or parcel including the U.S. 131 right-of-way.
- (c) *Side yard.* The minimum side yard requirement shall be 25 feet where a Mixed Use District abuts an A, B, RE, or RA District. No side yard shall be required where a Mixed Use District abuts a zoning district other than A, B, RA or RE. Where no side yard is required, and where building to the side lot line is not desired, a minimum yard of more than 10 feet shall be required.
- (d) *Rear yard.* A rear yard shall not be less than 25 feet except that if the rear lot line abuts an A, B, RE, or RA Zoning District the rear yard shall not be less than 50 feet.
- (e) *Maximum building height.* Building and structures shall not exceed a height of 45 feet or three stories above grade, whichever is less except as provided by Section 4.12 [300.202]. However, in the case where a third story is occupied by human activity, the Township Board may approve a height of 45 feet or three stories only upon written recommendation by the Fire Chief.
- (f) *Landscaping.* Landscaping as required by Section 4.41 [300.231] shall be provided. For purposes of application of the landscaping requirements, an MX District shall be considered the same as a Commercial or Industrial zone.
- (g) *Access Roads.* Uses within the MX District shall provide vehicular cross-access between adjacent MX Districts, and

between MX Districts and adjacent Industrial Districts via an access drive, private road, or new public road insofar as practical. The location of future access to undeveloped adjacent parcels that are master planned for Mixed Use or Industrial land use shall be provided on the MX site plan.

- (h) *Application of District Regulations.* The District Regulations of Section 5D.05 [300.290B.05] shall apply to all MX projects unless justification satisfactory to the Planning Commission for modifying a particular standard is submitted by the applicant. In determining the appropriate regulations, the Planning Commission shall consider the following:
- (1) The nature of existing and future land uses adjacent to and near the site.
  - (2) Whether or not the modification of the regulation requested will result in a project which better satisfies the purposes of the MX Zone.
  - (3) Whether or not the modification of the regulation requested will have an adverse impact on nearby properties and uses.
  - (4) Whether or not the modification of the regulation requested will result in the preservation of a significant natural feature on the site such as trees, wetlands, swales, or steep slopes.
  - (5) Whether or not the modification of the regulation requested is necessary due to the topography or other unique characteristic of the site.
  - (6) Whether or not the modification of the regulation requested will impede or improve access for fire, police, and emergency vehicles.

(Ord. No. 03-140, 12-22-2014)

#### 300.290B.06 - Site Development Standards.

Sec. 5D.06. The following development standards are designed to mitigate negative impacts on nearby properties and to enhance a positive business image and shall apply to all uses in the Mixed Use District:

- (a) Any material which is stored or kept outside and which faces or abuts an A, B, RE or RA zone or public street, except as permitted by Section 50.07 [300.290B.07], shall be screened by a solid fence or wall or comparable landscaping or berm at least six feet in height and no material shall be stacked higher than the screen. Outdoor storage areas shall not be located in any front yard including the area between the building and the U.S. 131 right-of-way.
- (b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
- (c) Any use permitted shall not create a vibration which is discernible to off-site residents or occupants.
- (d) Dumpsters shall not be located within the front yard including the yard adjacent to the US 131 right-of-way and shall be screened by a six-foot high wall or fence.
- (e) All business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- (f) Structure facade. At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, including US 131, shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material, or a combination of these materials. The use of composite wood and particle board material is prohibited. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.
- (g) Outdoor lights, whether on a pole or mounted on a building shall not be higher than 35 feet above grade and shall have a cut-off fixture with a maximum light source of 400 watts. The Planning Commission may modify these requirements for display lighting, building lighting or security lighting provided such lighting does not create a nuisance or glare for drivers

on adjacent roadways or for residents on nearby properties.

- (h) Pedestrian walkways shall be included and shall be designed to ensure that pedestrians can walk safely and easily throughout the site.
- (i) Buildings, roadways, and open space areas shall be designed to minimize the alteration of environmental site features.

(Ord. No. 03-14O, 12-22-2014)

#### 300.290B.07 - Outdoor display and sale of items permitted as a special use.

Sec. 50.07. Outdoor display of items for sale, lease, or distribution which are manufactured, repaired, serviced, or distributed by a use permitted by Section 5D.03 [300.290B.03]. Other items which are not manufactured, repaired, serviced, or distributed by the permitted use but are similar to such items may be displayed outdoors and sold on a limited basis if approved by the Planning Commission as a special land use. In addition to the provisions for all Special Uses contained in this ordinance, outdoor display shall only be approved if the Planning Commission finds:

- (a) All items displayed are kept in an orderly and aesthetically pleasing manner, and are not kept outdoors for storage purposes only.
- (b) Outdoor display of items shall in no case be permitted in a public or private road right-of-way, nor in any location that may impede access by emergency vehicles.
- (c) The outdoor display does not violate the sign regulations of Dorr Township. The decision to permit lettering on the outdoor display of items and the height of the outdoor display shall be at the discretion of the Planning Commission.

(Ord. No. 03-14O, 12-22-2014)

#### 300.290B.08 - Additional regulations.

Sec. 5D.08.

- (a) Landscaping shall be provided as required by Section 4.41 [300.231] herein.
- (b) A site plan shall be required for all uses according to the requirements of Chapter 14A [300.630] herein.
- (c) Off-street parking shall be provided in accordance with the requirements of Chapter 15[300.720] herein.

(Ord. No. 03-14O, 12-22-2014)

#### 300.290B.09. - Existing Approved MPUD.

Sec. 5D.09. Those Mixed Use Planned Unit Developments that were given Final PUD Site Plan approval prior to December 22, 2014, and which all or only part of the PUD existed as of the effective date of this Ordinance shall be considered to be conforming uses and shall continue to be regulated by the conditions and the final site plan previously approved for the particular MXPUD.

A minor or major change to an existing MXPUD shall be subject to the procedures and requirements as set forth in Section 5A.06 [300.290B.06] herein except that a major change shall only require site plan approval by the Planning Commission and shall be subject to the public hearing requirements of this Ordinance and the applicable requirement of this Chapter VD.

(Ord. No. 03-14O, 12-22-2014)

## CHAPTER VI

### 300.290 - A RESIDENTIAL DISTRICT

#### 300.291 - Description and purpose.



Sec. 6.01. This Zoning District is intended for single family residential uses together with associated religious, educational, and recreational facilities.

(Ord. No. 03-160, § 1, 9-29-2016)

#### 300.292 - Use regulations.

Sec. 6.02. In any A Residential District in the Township, no building, structure, or part thereof, shall be erected, altered or used on any lot or other parcel of land used, in whole or in part, for other than any one or more of the following specific uses:

- (a) Single family dwellings
- (b) Churches, mosques, synagogues and similar places of religious worship.
- (c) Public Schools
- (d) Adult Foster Care Family Home (1-6 adults)
- (e) Family Child Care Home (1-6 minor children)
- (f) Wind Energy Systems which are 65 feet in height or less per Section 4.43.
- (g) Essential public services per Section 4.11.
- (h) Accessory buildings and uses per Sections 4.04 and 4.05.

(Ord. No. 03-160, § 1, 9-29-2016)

#### 300.293 - Special land uses.

Sec. 6.03. The following uses may be permitted in the A Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 15A herein.

- (a) Group Child Care Home (7-12 minor children) per Section
- (b) Adult Day Care Home (1-6 adults)
- (c) Adult Foster Care Small Group Home (7-12 adults)
- (d) Private schools.
- (e) Municipal fire stations and service buildings.
- (f) Home occupations per Section 4.23.
- (g) Parks, play grounds, community centers, libraries, museums, hospitals and similar public and institutional uses owned or operated by a governmental agency or non-profit agency.
- (h) Housing for the elderly, including retirement housing, assisted living facilities and nursing care facilities.

(Ord. No. 17, 8-3-1989; Ord. No. 03-160, § 1, 9-29-2016)

#### 300.294 - Area regulations.

Sec. 6.04. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

- (a) Minimum Front Yard Setback. 35 feet from each front lot line. See also Section 4.15 of this and 4.47 Ordinance.
- (b) Minimum Side Yard Setback: Eight feet on each side for residential uses (dwelling units); 25 feet on each side for non-residential uses
- (c) Minimum Rear Yard Setback: 25 feet.
- (d) Minimum Lot Area: 15,000 square feet
- (e) Minimum Lot Width: 40 feet measured at the front lot line between the side lot lines. This minimum lot width must then

be expanded such that the lot width at the required minimum building setback line shall be at least 100 feet. This minimum lot width of 100 feet must be maintained throughout the entire remaining portion of the parcel.

- (f) Maximum Building Lot Coverage: All buildings, including accessory buildings, shall not cover more than 20 percent of total lot area.
- (g) Maximum Height: 35 feet for principal buildings. Any unattached accessory building shall have a maximum height of ten feet at the eaves, and a total height of not more than 20 feet.

(Ord. No. 92-1, 12-3-1992; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004; Ord. No. 03-160, § 1, 9-29-2016)

#### 300.295 - Minimum floor area & garage requirement.

##### Sec. 6.05.

- (a) Floor living space area of any dwelling in this district, measured on the outside perimeter, exclusive of breezeway and attached garage shall be as follows:
  - (1) A one story house with full basement shall contain a minimum of 1,200 square feet of floor space.
  - (2) A one and one-half story house shall have a minimum first floor area of 1,000 square feet.
  - (3) A bi-level house shall have living area on the upper level of not less than 1,000 square feet.
  - (4) A tri-level house shall have living area on the upper two floors of not less than 1,200 square feet.
  - (5) A two story house shall have a minimum first floor area of 1,000 square feet.
  - (6) An "earth sheltered" home, a substantial portion of which is located below grade, which meets applicable building code requirements, shall have a main floor area of 1,200 square feet.
- (b) Each dwelling in this District shall have a garage of at least one and one-half stalls attached to the dwelling.

(Amend. of 1-3-1985; Ord. No. 03-160, § 1, 9-29-2016)

#### 300.296 - Additional regulations.

##### Sec. 6.06. Keeping of animals.

- (a) In this District of the Township, it shall be unlawful to keep such animals as horses, cattle, pigs, goats and poultry. However, this provision shall not prohibit the keeping of ordinary household pets such as cats and dogs, but not to exceed three household pets.
- (b) Parking of commercial vehicles. The outdoor parking of commercial vehicles on lots of less than two acres is prohibited as regulated by Ordinance No. 03-04, the Dorr Township Commercial Vehicle Parking Ordinance.
- (c) Parallel lines. The front line or face of all structures hereafter erected shall be parallel with the front lot line. Variances may be granted by the Board of Appeals in accord with the provisions of Section 18.10.

(Ord. No. 29, 9-2-1993; Ord. of 9-19-2002; Ord. of 5-6-2004; Ord. No. 03-04, 5-6-2004; Ord. No. 03-160, § 1, 9-29-2016)

## CHAPTER VII

#### 300.330 - B-1 RESIDENTIAL DISTRICT

#### 300.331 - Description and purpose.

Sec. 7.01. This Zoning District is intended for single and two family residential uses together with associated religious, educational, and recreational facilities.

(Ord. No. 04-160, § 1, 9-29-2016)

## 300.332 - Use regulations.

Sec. 7.02. In any B-1 Residential District in the Township, no building, structure or part thereof shall be erected, altered or used, or any lot or other land used, in whole or in part, for other than any one or more of the following specific uses:

- (a) Any use permitted by Section 6.02 of the A Residential District.
- (b) Two family dwellings.
- (c) The keeping of such animals as horses, cattle, pigs, goats and poultry, except as limited in Section 7.06.
- (d) Accessory buildings and uses per Sections 4.04 and 4.05 and as required below.
  - (1) Accessory buildings in this District shall include a private garage, attached or detached to the dwelling. It may be attached to the dwelling thereon when it does not obstruct or interfere with the light or ventilation thereof, and when it harmonizes architecturally with the dwelling.
  - (2) No private garage shall be constructed on any lot or any other parcel of land that is to be used for dwelling purposes, except that the application for a permit therefor is accompanied by a drawing for the construction of a suitable dwelling thereon, and an assurance in writing that such dwelling will be built within a reasonable time, such time to be determined by the Building Inspector.
  - (3) All accessory buildings shall be placed at the rear of the dwelling; and upon all corner lots, all such accessory buildings shall not be nearer the street side line than 20 feet and shall in all events, be placed far enough from the street lines so as not to obstruct the view of automobile traffic on the highways to the extent of creating a traffic hazard.

(Ord. No. 04-160, § 1, 9-29-2016)

## 300.333 - Special land uses.

Sec. 7.03. As permitted in the A Residential District

(Ord. No. 04-160, § 1, 9-29-2016)

## 300.334 - Maximum height.

Sec. 7.04. 35 feet

(Ord. No. 04-160, § 1, 9-29-2016)

## 300.335 - Area regulations.

Sec. 7.05.

- (a) Minimum Setbacks: Same as the A Residential District
- (b) Minimum Lot Area for Single Family Dwellings and Other Uses:
  - (1) 15,000 sq. ft. for parcels not served by public sanitary sewer.
  - (2) 12,000 sq. ft. for parcels which are served by public sanitary sewer
- (c) Minimum Lot Width for Single Family Dwellings and Other Uses: 40 feet at the front lot line. This minimum lot width must then be expanded such that at the minimum required front building setback there is a lot width of 100 feet. This minimum lot width of 100 feet must be maintained throughout the entire remaining portion of the parcel.
- (d) Minimum Lot Area for Two Family Dwellings:
  - (1) 15,000 square feet for parcels served by public utilities.
  - (2) 30,000 sq. ft. for parcels not served by public utilities,

- (e) Minimum Lot Width for Two Family Dwellings: 40 feet at the front lot line, expanding to 100 feet at the minimum required setback line where lots are served with public water and sewer, and expanding to 150 feet at the minimum required front setback for lots not served by public water and sewer. These widths must then be maintained throughout the remainder of the lot.
- (f) All buildings, including accessory buildings, shall not cover more than 20 percent of the total lot area.

(Ord. No. 92-1, 12-3-1992; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004; Ord. No. 04-16O, § 1, 9-29-2016)

#### 300.336 - Minimum floor area.

##### Sec. 7.06

- (a) No one story, one family dwellings, hereafter erected, altered or moved upon any land or premises in this district, shall have a floor space at the first floor level, exclusive of attached garages, unenclosed porches or other accessory structures, of less than 900 square feet.
- (b) No one family dwelling of more than one story, hereafter erected or moved upon any land or premises in this district, shall have a floor space at the first floor level, exclusive of attached garages, unenclosed porches and other accessory structures, of less than 750 square feet with a total minimum floor area of 1,450 square feet.
- (c) No two family dwelling, hereafter erected, altered or moved upon any land or premises in this District, shall have a floor space for each dwelling unit thereof, exclusive of attached garages, unenclosed porches or any other accessory structures, of less than 700 square feet on the first floor.
- (d) For the purposes of this Section, "first floor" and "first floor level" in the case of an approved earth-sheltered or berm dwelling shall mean the main floor area of the dwelling.

(Amend. of 1-3-1985; Ord. of 1-5-1995; Ord. No. 04-16O, § 1, 9-29-2016)

#### 300.337 - Additional regulations.

##### Sec. 7.07.

- (a) Keeping of Animals. Animals such as horses, cattle, pigs, and goats are permitted to be kept on a parcel provided they are not located or kept within the area 200 feet from the front lot line. However, chickens may be located or kept on a parcel subject to the requirements of Section 4.49 herein.
- (b) In any event, this provision shall not prohibit the keeping of ordinary household pets such as cats and dogs, but not to exceed three household pets.
- (c) Parking of commercial vehicles. The outdoor parking of commercial vehicles on lots of less than two acres is prohibited as regulated by Ordinance No. 03-04, the Dorr Township Commercial Vehicle Parking Ordinance.

(Ord. No. 29, 9-2-1993; Ord. of 9-19-2002; Ord. of 5-6-2004; Ord. No. 03-04, 5-6-2004; Ord. No. 04-16O, § 1, 9-29-2016)

## CHAPTER VIII

### 300.370 - B-2 RESIDENTIAL DISTRICT

#### 300.371 - Description and purpose.

Sec. 8.01. This Zoning District is intended for medium density one and two family and low density multiple family residential uses along with religious, educational, and recreational facilities and certain other uses.

#### 300.372 - Use regulations.

Sec. 8.02. In any B-2 Residential District in the Township, no building or structure or part thereof, shall be erected, or altered or used on any lot, or any lot or other land used, in whole or in part, for other than any one or more of the following specific uses:

- (a) Any use permitted by Section 7.02 of the B-1 Residential District.
- (b) Multiple family dwellings.
- (c) Offices.
- (d) Funeral Homes.
- (e) Accessory buildings and uses per Sections 4.04 and 4.05.

(Amend. of 1-3-1985; Ord. of 5-5-1994; Ord. No. 09-16O, § 1, 9-29-2016)

300.373 - Special land uses.

Sec. 8.03. As permitted in the A Residential District

(Ord. No. 09-16O, § 1, 9-29-2016)

300.374 - Maximum height.

Sec. 8.04. 35 feet

(Ord. No. 09-16O, § 1, 9-29-2016)

300.375 - Area regulations.

Sec. 8.05. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

(a) Minimum Setbacks:

- (1) One and two family dwellings. Same as the B-1 Residential District.
- (2) Multiple family dwellings and other permitted uses.
  - (i) Front: 35 feet.
  - (ii) Side: The height of the building.
  - (iii) Rear: 35 ft.

(b) Minimum Lot Width:

- (1) The minimum lot width for a single or two family dwelling, or an individual multi-family building located on its own lot shall be 40 feet at the front lot line, expanding to 100 feet at the required front setback line and then maintained throughout the entire remaining portion of the lot.
- (2) A lot which contains more than one duplex or multi-family building shall have at least 66 feet of lot width at the front lot line on a public road, expanding to 100 feet at the required front setback line and then maintained throughout the entire remaining portion of the lot.

(c) Minimum Lot Area:

- (1) Single Family Dwellings: 12,000 square feet for parcels which are served by public sanitary sewer. 15,000 square feet for parcels not served by public sanitary sewer.
- (2) Two Family Dwellings: 15,000 square feet for parcels served by public sanitary sewer. 30,000 square feet for parcels not served by public sanitary sewer.
- (3) Multi Family Dwellings: 4,500 square feet per dwelling unit for parcels served by public sanitary sewer. 10,000 square feet per dwelling unit for parcels not served by public sanitary sewer.

(4) Lot Area for all other uses: 15,000 square feet.

(d) Landscaping Requirements.

(1) Front Yard: As required by Section 4.41 (i) herein.

(2) Greenbelt. A greenbelt shall be provided whenever a multifamily use or any non-residential use permitted in the B-2 zone abuts the A or B-1 Zoning District. The greenbelt shall comply with the requirements for greenbelts as set forth in Section 4.41 herein.

(e) Covered parking areas. Any lot containing multiple family dwellings which contain more than six dwelling units in total shall provide one carport, unattached garage or other covered parking area for each dwelling unit. Such structure shall be constructed of approved materials, as provided in Section 4.10 of this Ordinance, and in applicable Building Codes.

(Amend. of 1-3-1985; Ord. No. 92-1, 12-3-1992; Ord. of 5-6-2004; Ord. No. 04-04, 5-6-2004; Ord. No. 09-160, § 1, 9-29-2016; Ord. No. 03-200, Art. I, 9-24-2020)

#### 300.376 - Minimum floor area.

Sec. 8.06. Each single family and two family dwelling shall have minimum floor area as is required in the B-1 District. Each multifamily dwelling shall have minimum floor area as follows: One-bedroom unit, 700 square feet per unit; additional bedrooms shall require an additional 100 square feet of floor area for each additional bedroom.

(Ord. of 5-6-2004; Ord. No. 04-04, 5-6-2004; Ord. No. 09-160, § 1, 9-29-2016)

#### 300.377 - Additional regulations.

Sec. 8.07.

(a) Keeping of Animals. Animals such as horses, cattle, pigs, goats and poultry are permitted to be kept on a parcel provided they are not located or kept within the area 200 feet from the front lot line.

(b) Parking of commercial vehicles. The outdoor parking of commercial vehicles on lots of less than two acres is prohibited as regulated by Ordinance No. 03-04, the Dorr Township Commercial Vehicle Parking Ordinance.

(c) Sidewalks in condominium projects. Sidewalks shall be constructed in all Condominium Projects in accordance with the Subdivision Design Standards found in 270.070.

(Ord. No. 29, 9-2-1993; Ord. of 8-17-1998; Ord. of 9-19-2002; Ord. of 5-6-2004; Ord. of 5-6-2004; Ord. No. 03-04, 5-6-2004; Ord. No. 04-04, 5-6-2004; Ord. No. 09-160, § 1, 9-29-2016)

### CHAPTER VIIIA

#### 300.410 - B-3 RESIDENTIAL DISTRICT

#### 300.411 - Purpose and use regulations.

Sec. 8A.01. The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended, and the Mobile Home Code as established by this Act. A mobile home park established within this district shall be subject to the site plan review procedures of Chapter XIVA herein.

Communal sewer and water facilities which meet all State and County regulations shall be provided for each mobile home park. If public sewer and/or public water facilities are available, the mobile home park shall be connected to such facilities.

(Ord. of 5-5-1994)

## 300.412 - Use regulations.

Sec. 8A.02. In any B-3 Residential District in the Township, no building, structure or part thereof shall be erected, altered or used, or any lot or other land used, in whole or in part, for other than any one of the following specific purposes:

- (a) Any use permitted in the A Residential Zoning District.
- (b) One family dwellings.
- (c) Institutions of an educational or charitable nature, not including penal or correctional institutions.
- (d) Accessory buildings incidental to any of the above uses when located on the same premises.

## 300.413 - Height regulations.

Sec. 8A.03. Same as the A Residential District.

## 300.414 - Area regulations.

Sec. 8A.04.

- (a) *Front yard set back.* Same as A Residential.
- (b) *Side yard.* Same as A Residential.
- (c) *Rear yard.* Same as A Residential.
- (d) *Lot area and width.*

(1) For single family houses and other permitted uses in this district not served by public sewer, the minimum lot area shall be 15,000 square feet, excluding road right-of-way or private easements, with a minimum lot width of 40 feet at the front lot line. This minimum lot width must then be expanded such that at the minimum required front building setback there is a lot width of 100 feet. This minimum lot width of 100 feet must be maintained throughout the entire remaining portion of the parcel.

(2) For single family dwellings and other permitted uses in this district that are served by public sewer, the minimum lot area shall be 12,000 square feet, excluding road right-of-way or private easements, with a minimum lot width of 40 feet at the front lot line. This minimum lot width must then be expanded such that at the minimum required front building setback there is a lot width of 100 feet. This minimum lot width of 100 feet must be maintained throughout the entire remaining portion of the parcel.

(3) All buildings, including accessory buildings, shall not cover more than 20 percent of the total lot area.

(Ord. No. 92-1, 12-3-1992)

## 300.415 - Minimum floor area.

Sec. 8A.05. No single-family dwellings hereafter erected, altered or moved upon any land or premises in this district shall have a floor space at the first floor level, exclusive of attached garages, unenclosed porches, or other accessory structures, of less than 840 square feet.

An approved "earth-sheltered" or "berm" dwelling, a substantial portion of which is located below grade, and which meets applicable building code restrictions shall have a main floor area of 840 square feet.

## 300.416 - Additional regulations.

Sec. 8A.06. It shall be unlawful to keep such animals as horses, cattle, pigs, goats and poultry in this zoning district. This regulation shall apply only to the front 200 feet of a lot measured from the center of any adjoining highway. In any event, this provision shall not prohibit the keeping of ordinary household pets, such as cats and dogs, but not to exceed three household pets in total.

(Amend. of 1-3-1985)

## CHAPTER IX

### 300.450 - C LOCAL BUSINESS DISTRICT

#### 300.451 - Description and purpose.

Sec. 9.01. The Local Commercial Zoning District is intended to provide for commercial establishments in both the C and D Zoning Districts which provide both neighborhood and community wide shopping and service opportunities for township residents and passing traffic. These commercial uses are similar in character to neighborhood businesses and services, yet offer a wider range of commercial opportunities. Certain regulations are designed to maintain the physical character of downtown Dorr.

(Ord. No. 29, 9-2-1993; Ord. of 4-15-2008)

#### 300.452 - Use regulations.

Sec. 9.02. Land and/or buildings in the C and D, Local Commercial District may only be used for the following, subject to the site plan review requirements of Chapter 14A herein.

- (a) Any non-residential use permitted in the A and B Residential Districts.
- (b) Personal service establishments such as barber shops, beauty salons, shoe repair, photographic studios, dry cleaning, self service laundry facilities, and other similar establishments.
- (c) Retail shops and stores, including but not limited to bakeries, pharmacies including those with a drive-up window, hardware stores, appliance, electronics and furniture stores, clothing shops, video rental and sales and similar uses.
- (d) Professional offices of doctors, dentists, including medical clinics, lawyers, architects, planners, engineers, realtors, and other similar professions.
- (e) Offices for governmental agencies, libraries, museums, and similar public uses.
- (f) Business or trade schools.
- (g) Dancing, art, and music studios.
- (h) The repair or assembly of products sold by a permitted use in this district provided it does not constitute the principal use and all such work is performed inside.
- (i) Catering establishment.
- (j) Pet shop including grooming services.
- (k) Financial and business service establishments such as banks with or without drive up windows.
- (l) Health and physical fitness establishments.
- (m) Gas station/convenience stores.
- (n) Motor vehicle service stations and gas service stations which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services. All such services shall take place within an enclosed building and no materials or parts shall be kept outdoors. Limited outdoor repair of vehicles is permitted provided such activities do not create a nuisance to adjacent properties.
- (o) Eating and drinking establishments with or without drive through or drive up facilities. Outdoor dining is permitted. If the outdoor dining area is located on a public sidewalk then the dining area must not encroach upon a minimum of five feet of unobstructed sidewalk space adjacent to the curb or driving lane. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of 36 inches.



- (p) Establishments serving alcoholic beverages, with or without live music subject to any applicable State of Michigan regulations.
- (q) Veterinary clinics including those which provide kennel services except that outdoor runs are prohibited.
- (r) Mini warehouses/self storage buildings.
- (s) Shops or stores for carrying on the trade of electricians, decorators, painters, upholsterers, photographers, similar artisans except metal workers.
- (t) Indoor recreation establishments such as video arcades and video gaming establishments, indoor rock climbing and athletic fields, skating rinks and pool and billiards establishments.
- (u) Establishments for the repair of small engines, appliances and similar equipment.
- (v) Uses and structures customarily incidental and accessory to the principal use.
- (w) Essential public service equipment.
- (x) Residential dwellings above retail, service and office uses subject to the following:
  - (1) The dwelling unit(s) shall only be located on the second and/or third floors of a building.
  - (2) The dwelling unit(s) shall be completely separated from the non- residential uses in the same building with a separate means of entrance and internal or external staircase.
  - (3) Each dwelling unit shall contain a minimum of 700 square feet of floor area for a one bedroom unit and an additional 100 square feet of floor area for each additional bedroom.
  - (4) Second and third story residential uses shall comply with all applicable accessibility requirements of the Americans with Disabilities Act.
  - (5) Off street parking shall be provided as required by this Ordinance.
  - (6) A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this Section and with the Township Building Code, Fire Code and the County Health Department. The entire building containing the dwelling unit(s) shall be also be brought into compliance with the Building Code and Fire Code before an occupancy permit is issued.
- (y) Other uses which are determined by the Planning Commission to be similar in nature and operation to the above uses.

(Amend. of 3-6-1980; Amend. of 9-3-1981; Ord. No. 29, 9-2-1993; Ord. of 4-15-2008)

#### 300.453 - Special uses.

Sec. 9.03. Land and/or buildings in the C and D, Local Commercial District may only be used for the following uses when approved for a Special Use Permit by the Planning Commission, subject to the provisions for Special Uses as contained in this Ordinance.

- (a) Essential public services buildings.
- (b) Housing for the elderly including retirement housing, assisted living and nursing facilities.
- (c) Adult and child day care centers.
- (d) Indoor and outdoor recreation facilities which by their nature can attract a large number of users or which operate in a manner which can negatively affect nearby properties. Such uses include but are not limited to bowling alleys, movie theaters, miniature golf courses and go cart tracks.

(Ord. No. 29, 9-2-1993; Ord. of 4-15-2008)

#### 300.454 - Height regulations.

Sec. 9.04. No building shall exceed 35 feet in height except as provided by Section 4.12 herein.

(Ord. of 4-15-2008)

## 300.455 - Area regulations.

## Sec. 9.05.

- (a) *Front yard.* For lots which have frontage on 142<sup>nd</sup> Avenue between Cedar and Hickory or on 12<sup>th</sup> Street the minimum required front yard along each street abutting the lot shall be equal to the average front setback of existing non-residential buildings along the same street provided that no building shall be setback more than 75 feet.

For all other lots the minimum required front yard shall be 35 feet along each street abutting the lot except that if existing buildings on the same block in the C or D zone have a setback less than 35 feet a proposed building or addition may have a minimum setback equal to the average setback of the existing buildings but in no case shall the setback be less than 20 feet.

- (b) *Side yard.*

(1) A minimum side yard of 25 feet shall be required when a lot in the C or D District abuts an A, B, RE, or RA District.

(2) There shall be no side yard requirement when a lot in the C or District abuts a zoning district other than an A, B, RA or RE District except in cases when it is not desired to build to the side lot line in which case a minimum side yard of more than 10 feet shall be required.

(3) There shall be no side yard requirement when a lot in the C District abuts a zoning district other than an A, B, RA, or RE zone except in cases when it is not desired to build to the side lot line, in which case a minimum side yard of more than ten feet shall be required.

- (c) *Rear yard.* A rear yard shall not be less than 25 feet except that if the rear lot line abuts an A, B, RE, or RA Zoning District the rear yard shall not be less than 50 feet. {NOTE: the current rule requires a 25 ft setback when abutting A, B, RE, & RA zones and no rear setback in all other cases.}

- (d) *Lot area and width.* For lots which have frontage on 142<sup>nd</sup> Avenue between Cedar and Hickory or on 12<sup>th</sup> Street a minimum lot size and width is not required.

For all other lots the minimum lot size shall be 15,000 square feet with 100 feet of width at the front lot line. This minimum width shall be maintained throughout the remainder of the lot.

(Ord. No. 92-1, 12-3-1995; Ord. of 11-1-2001; Ord. of 5-6-2004; Ord. of 4-15-2008; Ord. No. 01-04, 5-6-2004)

## 300.455A - Additional regulations.

## Sec. 9.05.

- (a) Landscaping shall be provided as required by Section 4.41 [300.231] herein.
- (b) A site plan shall be required for all uses according to the requirements of Chapter 14A [300.630] herein.
- (c) Off street parking shall be provided in accordance with the requirements of Chapter 15[300.720] herein.
- (d) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material or a combination of these materials. The use of composite wood and particle board material is prohibited.

In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

- (1) The location of the addition or renovation relative to the existing building.
- (2) The size relative to the existing building.
- (3) The location of the existing building.
- (4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- (5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
- (6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

(Ord. No. 17, 8-3-1989; Ord. No. 29, 9-2-1993; Ord. of 4-4-2002; Ord. of 4-15-2008)

## CHAPTER X

## CHAPTER XI

### 300.530 - E COMMERCIAL DISTRICT

#### 300.531 - Description and purpose.

Sec. 11.01. This district is intended for the purpose of accommodating a wide variety of retail and service establishments to serve the shopping needs of local residents and the motoring public primarily along 142<sup>nd</sup> Avenue.

(Ord. No. 29, 9-2-1993; Ord. of 12-4-2008)

#### 300.532 - Use restrictions.

Sec. 11.02. Land and/or buildings in the E, Commercial District may only be used for the following, subject to the site plan review requirements of Chapter 14A herein.

- (a) Any use permitted in the C and D Local Commercial Districts.
- (b) Public or private clubs and lodges or similar places of assembly.
- (c) Motels and hotels.
- (d) Printing, lithography, publishing, and photocopy establishments.
- (e) Ambulance service establishments.
- (f) Tire shops including recapping and re-treading.
- (g) Motor vehicle detailing establishments excluding spray painting and body repair of motor vehicles.
- (h) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- (i) Medical and dental laboratories.
- (j) Radio and television studios.
- (k) Establishments for the distribution of dairy products.
- (l) Municipal garages, utility service buildings, or storage yards.

(m) Uses and structures customarily incidental and accessory to the principal use.

(n) Other uses which are determined by the Zoning Administrator to be similar in nature and operation to the above uses.

(Amend. of 3-6-1980; Ord. No. 29, 9-2-1993; Ord. of 12-4-2008)

#### 300.533 - Special uses.

Sec. 11.03. Land and/or buildings in the E, Commercial District may only be used for the following uses when approved for a Special Use Permit by the Planning Commission, subject to the provisions for Special Uses as contained in this Ordinance.

- (a) Special uses as permitted in the C and D Local Commercial Districts.
- (b) Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or modular homes, and similar uses.
- (c) Vehicle body shops provided all work is performed within an enclosed building and the outside storage of vehicles is screened from the view of nearby properties.
- (d) Automatic and self serve vehicle wash facilities.
- (e) Outdoor movie theatres.
- (f) Machine shops and tool and die establishments.
- (g) Outdoor places of assembly for public amusement or entertainment or assembly.
- (h) Special controlled uses as regulated by Sec. 300.536, Sec. 1106 herein.
- (i) Retail building supply and equipment stores.
- (j) Retail nurseries and garden centers.

(Amend. of 3-6-1980; Ord. No. 29, 9-2-1993; Ord. of 12-4-2008)

#### 300.534 - Height regulations.

Sec. 11.04. No building shall exceed 35 feet in height except as provided by Section 4.12 herein.

(Ord. No. 29, 9-2-1993; Ord. of 12-4-2008)

#### 300.535 - Area regulations.

Sec. 11.05.

- (a) *Front yard.* A minimum of 75 feet along each street abutting the property.
- (b) *Side yard.*
  - (1) A minimum side yard of 25 feet shall be required when a lot in the E District abuts an A, B, RE, or RA District.
  - (2) There shall be no side yard requirement when a lot in the E District abuts a zoning district other than an A, B, RA or RE District except in cases when it is not desired to build to the side lot line in which case a minimum side yard of more than 10 feet shall be required.
- (c) *Rear yard.* A rear yard shall not be less than 25 feet except that if the rear lot line abuts an A, B, RE, or RA Zoning District the rear yard shall not be less than 50 feet.
- (d) *Lot area and width.* The minimum lot size shall be 15,000 square feet with 100 feet of width at the front lot line. This minimum width shall be maintained throughout the remainder of the lot.

(Ord. No. 29, 9-2-1993; Ord. of 12-4-2008)

#### 300.536 - Additional regulations.

## Sec. 11.05.

- (a) Landscaping shall be provided as required by Section 4.41 [300.231] herein.
- (b) A site plan shall be required for all uses according to the requirements of Chapter 14A [300.630] herein.
- (c) Off street parking shall be provided in accordance with the requirements of Chapter 15[300.720] herein.
- (d) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission in reviewing a site plan may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, depending upon the type of review required, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

- (1) The location of the addition or renovation relative to the existing building.
- (2) The size relative to the existing building.
- (3) The location of the existing building.
- (4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- (5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
- (6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

(Ord. of 12-4-2008)

## 300.537 - Adult entertainment businesses.

NOTE: The following Adult Entertainment Business section is new and replaces the Special Controlled Use Section.

## Sec. 11.06.

(a) *Adult Entertainment Definitions.*

- (1) *Adult entertainment business* shall mean any store, establishment, tavern, club, or theater having as a substantial or significant portion of its trade, the display, barter, rental or sale of books, peep booths, magazines, periodicals, video movies, films, photographs, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined hereinafter, OR any "sexually oriented adult entertainment premises", as defined hereafter, including but not limited to adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades.

For purposes of this Ordinance, any establishment or premises having more than ten percent of its square footage of the floor area open to the public devoted to the display, barter, rental or sale of printed matter, pictures, graphics, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific adult activities" or "specified anatomical areas" shall be presumed to have a substantial or significant portion of its trade devoted to such regulated activities.

- (2) *Adult materials* means materials that are distinguished or characterized by their emphasis on matter depicting,

describing or relating to specified sexual activities or specified anatomical areas, but shall not include movies rated "G," "PG," "PG-13," or "R," the registered trademarks of the Motion Picture Association of America. For purposes of this article, the term "materials" include pictures, text, videos, audio tapes, cartoons, books, magazines, novelties, and other printed items.

- (3) *Novelty* means any instrument, device, or paraphernalia which depicts or describes any "specified sexual activities," or "specified anatomical areas," or which is designed for use, or commonly used, in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.
  - (4) *Peep booth* means a viewing room, other than a private room not authorized for admittance by patrons, of less than 150 square feet of floor space upon the premises of an adult entertainment business regulated herein where there is exhibited photographs, films, motion pictures, video cassettes, video reproductions, or other visual representations, or which depict or describe specified anatomical areas or specified sexual activities.
  - (5) *Sexually oriented adult entertainment* means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.
  - (6) *Sexually oriented adult entertainment premises* means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.
  - (7) *Specified anatomical areas* shall mean:
    - i. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
    - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - (8) *Specified sexual activities* shall mean:
    - i. Human genitals in a state of sexual stimulation or arousal.
    - ii. Acts of human masturbation, sexual intercourse, or sodomy.
    - iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
  - (9) *State of nudity*. A person appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, or genitals.
- (b) *Restriction on Locations of Adult Entertainment.*
- (1) An adult entertainment business may be located only in a "E" Commercial zone.
  - (2) An adult entertainment business shall be permitted only by special use permit granted by the Township Planning Commission, and after public hearing as otherwise required by the Township for issuance of a special use permit. The special use permit shall be approved only if there has been compliance with all provisions of this Ordinance and all other applicable Township Ordinances.
- An adult entertainment business shall not be located:
- i. Within 500 feet of the property line of any single-family, two-family or multiple-family residential use. For purposes of this section, the term "multiple-family residential use" shall specifically include, but not by way of limitation, any retirement, convalescent or nursing home or facility or other housing for the elderly.
  - ii. Within 500 feet of the property line of any public or private school, college or university, or of any nursery school, day nursery or child care center.
  - iii. Within 500 feet of the property line of any church or other religious facility or institution.
  - iv. Within 500 feet of any public park.
  - v. Within 500 feet of any other adult entertainment business.

The distances provided for in this subsection shall be measured by projecting a straight line, without regard for intervening buildings or structures, from the nearest point of the building, structure or tenant space within which the proposed use is to be located to the nearest point of the property line, specified use from which the proposed use is to be separated.

(c) *Enclosed Portions Requirement.*

No person shall appear in a state of nudity except within the fully enclosed portions of the structure housing the adult entertainment business.

(d) *Exterior Structural Requirements.*

All adult entertainment businesses must comply with the following exterior structural requirements:

- (1) The merchandise or activities of the adult entertainment business shall not be visible from any point outside the business.
- (2) The exterior of the adult entertainment business shall not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
- (3) The exterior of the building containing the adult entertainment business shall not be painted any color other than a single neutral color.

(e) *Signs.*

Signs for an adult entertainment business shall comply with the following requirements:

- (1) One free standing sign and one wall sign is permitted per parcel
- (2) A sign shall not exceed 50 square feet in area
- (3) A sign shall not contain any photographs, silhouettes, drawings, or pictorial representations of any manner which refer to, or depict, any state of nudity, specified anatomical areas, or specified sexual activities.
- (4) A sign shall not contain any flashing lights and shall only be internally illuminated
- (5) Signs for an adult entertainment business shall also comply with the requirements of Chapter 4A of the Township Zoning Ordinance, except that the above requirements shall supersede the requirements of Chapter 4A where applicable.
- (6) A sign shall be prominently displayed on or next to the door to the enclosed area so that it can be easily viewed by any person who approaches the door of the enclosed area. Typeface must be as large as any other typeface that advertises adult material on the premises, but in no case shall the letters be less than one-half inch tall. This sign shall read as follows:

RESTRICTED AREA

ADULT MATERIAL ENCLOSED

MUST BE 18 YEARS OLD OR OLDER TO ENTER

Any other advertising of adult materials on the premises shall include the following legend:

ADULT MATERIAL

MUST BE 18 YEARS OLD OR OLDER

TO VIEW, RENT OR PURCHASE

This legend shall be in legible typeface and shall be as large as the largest typeface in the advertisement.

(f) *Regulations on Sale, Rental or Viewing Of Adult Materials.*

Adult materials may be held for sale, rent, or view in the Township only in accordance with the following use regulations:

- (1) *Enclosed area.* All adult materials shall be maintained in a separate area of the premises. The area shall be completely enclosed by opaque walls or partitions which are at least seven feet in height. The area shall have no windows, and shall have an opaque door which shall enclose the area from the floor to at least seven feet in height. The door shall be kept closed during all hours of operation. An employee of the adult entertainment business shall monitor the enclosed area either in person or by video camera.
- (2) *Age restriction.* Access to the enclosed area, including viewing of any part of the enclosed area, and all sales or rentals of adult materials shall be limited to persons age 18 or older. This restriction includes, but is not limited to, patrons and employees. No minor shall enter or otherwise gain access to, or attempt to gain access to, any adult materials. No adult or minor shall knowingly assist any minor in gaining access, or attempting to gain access to, any adult materials.
- (3) *Proof of identification.* Any employee of a business has the right to require a current valid picture identification card from any person desiring to purchase, rent or gain access to adult materials.
- (g) *Uniform Hours of Operation.*  
An adult entertainment business shall be open to the public only during the hours of 7:00 A.M. to 2:30 A.M.
- (h) *Conditions and Limitations.*  
The Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance, or operation of the adult entertainment business as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection herewith will be fulfilled. Failure to follow such limitation or condition will result in the immediate termination of any special use permit granted to such adult entertainment business.
- (i) *Conditions For Rejection.*  
The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:
- (1) An applicant is under 18 years of age;
  - (2) An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
  - (3) An applicant has failed to provide information required by the Dorr Township Zoning Ordinance or has knowingly answered a question or request for information falsely;
  - (4) The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances;
  - (5) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
  - (6) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one (1) year prior to the date of application;
  - (7) The applicant is not in good standing or authorized to do business in Michigan;
  - (8) The application fee has not been paid;
  - (9) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this section;
  - (10) The applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last 10 years:
    - i. Prostitution, procuring a prostitute, or solicitation of a prostitute;
    - ii. Sale, distribution or display of obscene material;



- iii. Sale, distribution or display of material which is harmful to minors;
- iv. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
- v. Possession, sale or distribution of child pornography;
- vi. Public lewdness;
- vii. Indecent conduct with a child;
- viii. Sexual assault or rape;
- ix. Sexual solicitation of a child;
- x. Contributing to the delinquency of a minor; or
- xi. Harboring a runaway child.

(j) *Limit on Reapplication.*

No application for an adult entertainment business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available, or proof of changed conditions.

(Ord. of 12-4-2008)

## CHAPTER XII

### 300.560 - I INDUSTRIAL DISTRICT

#### 300.561 - Description and purpose.

Sec. 12.01. This Zoning District is intended for a variety of warehousing, industrial and manufacturing uses. Uses that can be characterized by the absence of objectional external effects are permitted by right within the district. More intensive industrial uses are allowed only with a Special Use Permit. In both cases, development standards must be applied to ensure that such industrial uses do not have a negative effect on adjacent land uses.

(Ord. No. 29, 9-2-1993)

#### 300.562 - Use restrictions.

Sec. 12.02. Land and/or buildings in the I Industrial District may be used for the following, subject to the Site Development Standards of 300.640, Section 14A.01—14A.07 (Site Plan Review):

- (a) Blacksmith or welding shops.
- (b) Truck and trailer terminals.
- (c) Contractors equipment yard or rental or leasing of equipment normally used by contractors.
- (d) Planing mills, machine shops and tool and die manufacturing.
- (e) Produce storage plants.
- (f) Municipal garages, utility service, or storage yard.
- (g) Stone yards or monument works.
- (h) Storage warehouses.
- (i) Sheet metal works.
- (j) Building supply shops.
- (k) Vehicle repair or body shops, including farm equipment.

- (l) Commercial laundry and central dry cleaning plants.
- (m) Lumberyards and mill sash work incidental thereto.
- (n) Pasteurization or hatchery plant.
- (o) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
  - (1) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.
  - (2) Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.
  - (3) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  - (4) Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging camps.
  - (5) Furniture and fixtures.
  - (6) Paperboard containers, building paper, building board, and bookbinding.
  - (7) Printing and publishing.
  - (8) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
  - (9) Jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- (p) Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- (q) Research and development testing and experimental laboratories and manufacturing.
- (r) Essential service buildings and structures.
- (s) Trade and industrial schools.
- (t) Commercial fuel depot.
- (u) Other similar uses as determined by the Zoning Administrator.
- (v) Customary accessory buildings and uses.
- (w) *Unclassified uses.* In the event a proposed use does not appear to be expressly authorized in this Ordinance, as determined by the Zoning Administrator, a special use application may be filed by a party of interest in accordance with the Special Use Provisions of this Ordinance. In acting upon the application, in addition to the standards for a Special Use, the review by the Planning Commission shall seek to ascertain in which district or districts, if any, the proposed use was intended to be permitted, taking into consideration the spirit, purpose and intent of the Ordinance as a whole.

(Amend. of 3-6-1980; Ord. No. 29, 9-2-1993)

#### 300.562A - Special use regulations.

Sec. 12.02A. *Special uses.* Land and/or buildings may be utilized for the following uses when approved for a Special Use Permit upon approval by the Planning Commission, subject to the provisions for Special Uses as contained in this Ordinance.

- (a) Chemical processes and operations such as drugs, soaps, detergents, paints, enamels, wood chemicals, agriculture, and allied chemicals.
- (b) Asphalt, concrete, or similar refining and manufacturing.
- (c) Salvage yards.
- (d) Refuse and garbage incinerators.

- (e) Scrap tire collection sites and scrap tire processors.
- (f) Manufacture of gas, coke, or coal tar products.
- (g) Manufacture of ammunition, fireworks or other explosives.
- (h) Stockyards and slaughter houses.
- (i) Blast furnaces, drop forges, petroleum refining, metal stamping, and similar uses.
- (j) Solid waste processing facility, including composting as an incidental use.
- (k) Extractive uses such as sand and gravel mines or similar uses.
- (l) Outdoor places or facilities for public amusement, entertainment or assembly.

(Amend. of 3-6-1980; Ord. No. 29, 9-2-1993)

#### 300.563 - Height regulations.

Sec. 12.03. Three stories or 45 feet, whichever is less.

#### 300.564 - Area regulations.

Sec. 12.04. No building or structure, nor the enlargement of same shall be erected unless the following requirements are met:

- (a) *Front yard.* Where all the frontage on the same side of a street between two intersecting streets is located in an I District and where a setback has been established by 50% of said frontage, then this established setback shall determine the required front yard. In all other cases there shall be a front yard of not less than 75 feet.
- (b) *Side yard.*
  - (1) A minimum side yard of eight feet shall be required when a lot in the I District abuts a zoning district other than an A, B, RA, or RE zone.
  - (2) A minimum side yard of 50 feet shall be required when a lot in the I District abuts a A, B, RE, or RA Zone.
- (c) *Rear yard.* There shall be a rear lot of not less than 50 feet except where such district abuts a residential zone then a minimum rear yard of 100 feet shall be provided.
- (d) *Lot area.* The minimum lot area shall be one acre. Each lot must be a minimum of 100 feet at the front lot line. This minimum lot width must then be expanded so that at the minimum required front building setback there is a lot width of 150 feet. This minimum lot width of 150 feet must be maintained throughout the entire remaining portion of the parcel.

(Ord. No. 92-1, 12-3-1992; Ord. No. 29, 9-2-1993; Ord. No. 30, 11-10-1993; Ord. of 11-1-2001; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004)

#### 300.565 - Reserved.

**Editor's note**— Ord. No. 29, adopted Sept. 2, 1993, deleted former Section 12.05, relative to minimum floor area, which provisions derived from Ord. No. 6, effective Feb. 1, 1977.

#### 300.566 - Additional regulations.

Sec. 12.06.

- (a) *Landscaping.* Landscaping shall be provided within the front yard, for parking lots and along abutting lot lines as required by Section 4.41 [300.231] herein.
- (b) *Site plan.* A site plan shall be required for all uses in this district according to the requirements of Chapter XIV-A herein.
- (c) *Off street parking.* Off street parking facilities for all uses in this district shall be provided in accordance with the requirements of Chapter XV.

(d) *Site development standards.* The following development standards are designed to mitigate negative impacts on nearby property and shall apply to all uses in the Industrial District.

- 1) All storage materials related to the use are to be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence, greenbelt, or wall at least six feet in height except that salvage yards or similar uses may be enclosed by a solid fence or wall up to ten feet in height if determined necessary by the Planning Commission. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- 2) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels (Ldn) when measured at the nearest occupied residential dwelling unit.
- 3) The location of driveway shall be determined during site plan review. Driveways shall be located to minimize negative impacts upon nearby properties.
- 4) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.

(Ord. No. 29, 9-2-1993; Ord. of 5-18-1995; Ord. of 4-4-2002)

300.567 - Sewer and water service.

Sec. 12.07. Private sewage disposal systems and wells for all uses not connected to public sanitary sewer and water systems shall be approved by the Allegan County Health Department.

## CHAPTER XIII

### 300.600 - RE RURAL ESTATE AND OPEN SPACE DISTRICT

300.601 - Description and purpose.

Sec. 13.01. This Zoning District is intended for large rural residential estates, farming, and other specialized uses requiring large tracts of land.

300.602 - Permitted uses.

Sec. 13.02. In any RE Rural Estate and Open Space district in the Township, no building, structure or part thereof shall be erected, altered or used, or any lot or other land used, in whole or in part, for other than any one or more of the following specific uses:

- (a) Single family detached dwellings.
- (b) Farms, farm operations and farm buildings as defined herein.
- (c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture Generally Accepted Agricultural Management Practices. (GAAMP's) prepared under the authority of the Michigan Right to Farm Act, PA 93 of 1981 as amended
- (d) Open space preservation projects per Section 4.42 herein.
- (e) Nurseries or greenhouses. Such uses may or may not be operated in conjunction with a landscaping business which grows the plants on site for installation elsewhere. Such a business may also store other landscaping items such as mulch, sand, gravel on site also for installation elsewhere.
- (f) Churches, mosques, synagogues and similar places of religious worship.
- (g) Public parks

- (h) Public schools.
- (i) Private kennels.
- (j) Farm Markets/Roadside Stands as regulated by Section 13.06 herein.
- (k) Adult Foster Care Family Home (1-6 adults)
- (l) Family Child Care Home (1-6 minor children)
- (m) A biofuel production facility accessory to and conducted in conjunction with an active farm operation provided the following requirements are met:
  - (1) The facility produces not more than 100,000 gallons annually;
  - (2) The facility is located a minimum of 100 feet from the lot line of any contiguous property under different ownership than the property on which the facility is located and meets all other applicable setback requirements;
  - (3) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm property where the biofuel production facility is located or on property which is under control of the person conducting the farm operation, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or on property which is under control of the person conducting the farm operation.
- (n) Commercial storage of recreational vehicles and equipment and construction vehicles and equipment may be permitted subject to the following regulations:
  - (1) Storage is permitted only within farm buildings already existing as of the effective date of this section. Such storage in new buildings, constructed for such purpose, shall not be permitted.
  - (2) All storage shall take place only in a fully enclosed building.
  - (3) Such storage activity shall be operated by only the owner or owners of the property where the farm building is located.
  - (4) Construction vehicles and equipment shall not be permitted if used in a business such as a contractor's yard or other similar business which would require the vehicle or equipment to be moved off the premises on a frequent or regular basis.
  - (5) The storage permitted by the terms of this section shall be carried out in a safe and non-hazardous manner to prevent fires.
  - (6) One sign advertising such storage may be placed on the side of the farm building used for such storage and shall not exceed four square feet.
  - (7) The above regulations shall not apply to construction vehicles or equipment which are owned or used by a property owner in connection with a farm operation.
- (o) Wind Energy Systems which are 65 feet in height or less per Section 4.43 herein
- (p) Keeping of farm animals and livestock on non-farm parcels per Section 4.48 herein.
- (q) Farm markets. Such farm markets shall comply with the requirements of Section 6.4 herein.
- (r) Adult Day Care Home (1-6 adults)

(Amend. of 3-6-1980; Ord. of 10-6-1994; Ord. of 11-21-2002; Ord. of 1-17-2011, § 3; Ord. No. 02-160, § 1, 9-29-2016)

### 300.603 - Special land uses.

Sec. 13.03. The following uses may be permitted in the Rural Estate and Open Space District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 15A herein.

- (a) Veterinary clinics including those with kennel facilities.
- (b) Commercial kennels.

- (c) Private parks, camp grounds and similar recreation facilities and uses.
- (d) Public fair grounds, community centers, campgrounds
- (e) Golf courses and country clubs. Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission.
- (f) Disc golf courses
- (g) Municipal fire stations and service buildings.
- (h) Private landing fields.
- (i) Horse boarding and riding stables.
- (j) Group Child Care Home (7-12 minor children)
- (k) Private schools.
- (l) Biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces not more than 100,000 gallons annually and which complies with Sections 13.02 (m) (1) and (2) but which does not comply with Section 13.02 (m) (3) herein. Such facility shall also comply with Section 13.07 herein.
- (m) A biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces more than 100,000 gallons but less than 500,000 gallons annually as regulated by Section 13.07 herein.
- (n) Commercial outside storage of recreational vehicles, boats, and equipment.
- (o) Wind Energy Systems which are greater than 65 feet in height per Section 4.43 herein.

(Ord. No. 02-160, § 2, 9-29-2016)

#### 300.604 - Height regulations.

Sec. 13.04. No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

(Ord. No. 02-160, § 2, 9-29-2016)

#### 300.605 - Area regulations.

Sec. 13.05. No building or structure nor any enlargement thereof shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement.

- (a) *Front yard.* There shall be a front yard of not less than 50 feet.
- (b) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings there shall be two side yards of not less than 25 feet each. Residential Accessory Structures shall adhere to the regulations of Section 4.04 herein.
- (c) *Rear yard.* There shall be a rear yard of not less than 25 feet.
- (d) *Lot area.* The minimum lot area for all uses in this district shall be 43,560 square feet (one acre). Each lot shall have a minimum lot width of 75 feet at the front lot line. This minimum lot width must then be expanded such that the lot width at the required minimum building setback line shall be at least 200 feet. This minimum lot width of 200 feet must be maintained throughout the entire remaining portion of the parcel.

For lots with their entire frontage on a cul-de-sac the above regulations shall also apply except that the minimum lot width of 200 feet shall be achieved at a point 125 feet from the front lot line and then maintained throughout the remaining portion of the parcel.

(Amend. of 1-3-1985; Ord. No. 17, 8-3-1989; Ord. No. 92-1, 12-3-1992; Ord. No. 31, 12-8-1993; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004; Ord. No. 02-160, § 2, 9-29-2016; Ord. No. 11-160, § 2, 10-27-2016; Ord. No. 04-200, Art. I.b., 10-29-2020)

## 300.606 - Regulations for farm markets.

Sec. 13.06. Farm markets as defined herein may be conducted as a principal use or on a parcel containing a principal use in accordance with the following requirements:

- (a) In addition to the following regulations a farm market is subject to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets as adopted by the Michigan Department of Agriculture.
- (b) Temporary Farm Markets. For farm markets which operate during the growing and harvesting season only and which utilize stands, tables, shelves, canopies, tents, wagons, vehicles or similar display stands and items which are portable and used for the display and sale of farm products the following regulations shall apply:
  - (1) Such items shall not be located within the road right of way.
  - (2) Such farm markets shall provide off street parking which does not require the vehicle to back into the abutting public road to exit the site.
- (c) Farm Markets in a Building. The following regulations shall apply only to farm markets which operate within a building either on a temporary or full time basis.
  - (1) Prior to establishing a farm market in a building the operator or land owner shall obtain a written permit from the Dorr Township Zoning Administrator. In order to obtain this permit the operator or land owner shall submit an accurate drawing illustrating the location of the lot lines, building location and setbacks, parking area, access drives and other relevant features of the site to the Zoning Administrator who shall review the drawing to ensure that the project is designed: to be compatible with adjacent land uses; to provide safe and efficient vehicle traffic flow and safety for pedestrians; to provide adequate utilities, storm water management provisions and public services and; to ensure the orderly development of land uses in accordance with the intent and purposes of this Ordinance.  
  
The Zoning Administrator is authorized to require those measures as are necessary and practical to ensure that the farm market use is designed to meet the above standards.
  - (2) One parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road. A minimum of three off street parking spaces shall be provided.
  - (3) Buildings which are constructed for farm market use shall be setback a minimum of 50 feet from the front lot line.
  - (4) A building which is to be used as a farm market shall be subject to review and approval by the Dorr Township Building Official prior to using the building in order to ensure the safety of the public.
  - (5) Approval by the Allegan County Health Department may be required.
  - (6) As part of the submittal requirements the applicant shall provide the following
    - i) A floor plan of the building showing the area to be devoted to the sale of the farm and non-farm products in order to verify compliance with the definition of farm market or:
    - ii) As an alternative to the floor area requirement the applicant may provide information on the gross dollar sales of farm products in order to verify compliance with the definition of farm market.
- (d) Sale of Non-Farm Products. Farm markets, whether temporary or in a building, may sell non-farm products provided that the sale of all non-farm product items is clearly accessory to the principal farm market use and that the area devoted to the sale of such non-farm products does not occupy more than 50% of the total square footage used to display all of the products offered for retail sale on the property or that such non-farm products do not comprise more than 50% of the total gross dollars of all products sold.

(Ord. No. 02-160, § 3, 9-29-2016)

## 300.607 - Regulations for bio fuel production facilities.

Sec. 13.07. In addition to the requirements for a Special Land Use as set forth in Article 15A herein a biofuel production facility described in Section 13.03 herein is subject to the following:

- a) The application materials shall include a description of the process to be used to produce biofuel and the number of gallons of biofuel anticipated to be produced annually.
- b) An emergency access and fire protection plan shall be prepared by the applicant for approval by the Dorr Township Fire Department and the Allegan County Sheriff Department.
- c) For an ethanol production facility that will produce more than 10,000 proof gallons, annually completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
- d) A Special Land Use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
  - (1) Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable laws of Dorr Township, the State of Michigan and the federal government.
  - (2) The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - (i) Air pollution emissions.
    - (ii) Transportation of biofuel or additional products resulting from biofuel production.
    - (iii) Use or reuse of additional products resulting from biofuel production.
    - (iv) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- e) The biofuel production facility includes sufficient storage for both raw materials and fuel.

(Ord. No. 02-160, § 4, 9-29-2016)

#### 300.608 - Minimum floor area.

Sec. 13.08. Each dwelling unit, unless specified elsewhere, shall have a minimum floor area as required in the B-1 Residential District.

(Amend. of 1-3-1985; Ord. No. 02-160, § 4, 9-29-2016)

### CHAPTER XIII A

#### 300.610 - RA RURAL AGRICULTURAL DISTRICT

#### 300.611 - Description and purpose.

Sec. 13A.01. This Zoning District is intended for large rural lots that will provide an area of transition between areas planned for long term farming in the Township and those areas planned for Rural Estate or Low Density Residential development.

(Ord. of 5-20-1999)

#### 300.612 - Use regulations.

Sec. 13A.02. As permitted by Section 13.02.



(Ord. of 5-20-1999)

### 300.613 - Height regulations.

Sec. 13A.03. No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

### 300.614 - Area regulations.

Sec. 13A.04. No building or structure nor any enlargement thereof shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure, or enlargement.

- (a) *Front yard.* There shall be a front yard of not less than 50 feet.
- (b) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings there shall be two side yards of not less than 25 feet each. Residential Accessory Structures shall adhere to the regulations of Section 4.04 herein.
- (c) *Rear yard.* There shall be a rear yard of not less than 25 feet.
- (d) *Lot area.* The minimum lot area for all uses in this district shall be three acres. Each lot shall have a minimum lot width of 75 feet at the front lot line. This minimum lot width must then be expanded such that the lot width at the required minimum building setback, which is 50 feet, shall be at least 265 feet. This minimum lot width of 265 feet must be maintained throughout the remaining portion of the parcel.

For lots with their entire frontage on a cul-de-sac the above regulations shall also apply except that the minimum lot width of 265 feet shall be achieved at a point 125 feet from the front lot line and then maintained throughout the remaining portion of the parcel. The required building setback will remain at 50 feet.

(Ord. of 5-20-1999; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004; Ord. No. 11-16O, § 1, 10-27-2016; Ord. No. 04-200, Art. I.c., 10-29-2020)

### 300.615 - Minimum floor area.

Sec. 13A.05. Each dwelling unit, unless specified elsewhere, shall have a minimum floor area as required in the B-1 Residential District.

(Ord. of 5-20-1999)

## CHAPTER XIV

### 300.630 - F AGRICULTURAL DISTRICT

#### 300.631 - Description and purpose.

Sec. 14.01. This Zoning District is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural or other agricultural activities as well as single family homes.

#### 300.632 - Use regulations.

Sec. 14.02. In the Agricultural district in the Township, no building, structure or part thereof shall be erected, altered or used, or any lot or other land used, in whole or in part, for other than any one or more of the following specific uses:

- (a) Single family and two family detached dwellings.
- (b) Farms, farm operations and farm buildings as defined herein.

- (c) Livestock production facilities and off site manure storage facilities as defined by the Michigan Department of Agriculture G Accepted Agricultural Management Practices. (GAAMP'S) prepared under the authority of the Michigan Right to Farm Act, P/ 1981 as amended.
- (d) Farm markets per the requirements of Section 14.09 herein.
- (e) Keeping of farm animals and livestock on non-farm parcels per Section 4.48 herein.
- (f) Open space preservation projects per Section 4.42 herein.
- (g) Nurseries or greenhouses. Such uses may or may not be operated in conjunction with a landscaping business which grows the plants on site for installation elsewhere. Such a business may also store other landscaping items such as mulch, sand, gravel on site also for installation elsewhere.
- (h) Public schools.
- (i) Private kennels.
- (j) Adult Foster Care Family Home (1-6 adults)
- (k) Family Child Care Home (1-6 minor children)
- (l) Adult Day Care Home (1-6 adults)
- (m) A biofuel production facility accessory to and conducted in conjunction with an active farm operation provided the following requirements are met:
  - (1) The facility produces not more than 100,000 gallons annually;
  - (2) The facility is located a minimum of 100 feet from the lot line of any contiguous property under different ownership than the property on which the facility is located and meets all other applicable setback requirements;
  - (3) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm property where the biofuel production facility is located or on property which is under control of the person conducting the farm operation, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm or on property which is under control of the person conducting the farm operation.
- (n) Commercial storage of recreational vehicles and equipment and construction vehicles and equipment may be permitted subject to the following regulations:
  - (1) Storage is permitted only within farm buildings already existing as of the effective date of this section. Such storage in new buildings, constructed for such purpose, shall not be permitted.
  - (2) All storage shall take place only in a fully enclosed building.
  - (3) Such storage activity shall be operated by only the owner or owners of the property where the farm building is located.
  - (4) Construction vehicles and equipment shall not be permitted if used in a business such as a contractor's yard or other similar business which would require the vehicle or equipment to be moved off the premises on a frequent or regular basis.
  - (5) The storage permitted by the terms of this section shall be carried out in a safe and non-hazardous manner to prevent fires.
  - (6) One sign advertising such storage may be placed on the side of the farm building used for such storage and shall not exceed four square feet.
  - (7) The above regulations shall not apply to construction vehicles or equipment which are owned or used by a property owner in connection with a farm operation.
- (o) Wind Energy Systems which are 65 feet in height or less per Section 4.43 herein.

(Ord. No. 17, 8-3-1989; Ord. of 10-6-1994; Ord. of 11-21-2002; Ord. of 1-17-2011, § 1; Ord. No. 10-160, § 1, 10-27-2016)

## 300.633 - Special land uses in the F, Agricultural District.

Sec. 14.03. The following uses may be permitted in the Agricultural District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 15A herein.

- (a) Agricultural service establishments which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
  - (1) Centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of farm products and agricultural produce milling and processing);
  - (2) Pasteurization of milk and juices;
  - (3) Frozen food lockers;
  - (4) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
  - (5) General repair and welding of farm vehicles, machinery and equipment;
  - (6) Facilities used in the research and testing of farm products and techniques.
- (b) Uses which utilize farm land, farm buildings, or farm equipment for agri-tourism/rural recreation/amusement enterprises when conducted on land which contains as active farm operation and in accordance with Section 14.10 herein. Such uses include, but are not limited to: crop mazes, hay rides, horse and wagon rides, petting farms, tractor and horse pulling contests, mud runs, barn dancing, agricultural educational events, bicycle and foot trails, and similar uses which promote agri-tourism.
- (c) Wineries, breweries, and distilleries per Section 14.10 provided the farm products or product used to produce the beverages are grown primarily on the premises or on an affiliated farm. The sale of such beverages shall only be by bottle as approved by the applicable State of Michigan agencies. The Commission may approve the temporary use of farm products not under the control of the person selling or producing such products if the winery, brewery, or distillery is a startup business.
- (d) Veterinary clinics including those with kennel facilities.
- (e) Commercial kennels.
- (f) Private parks, camp grounds and similar recreation facilities and uses.
- (g) Churches, mosques, synagogues and similar places of religious worship.
- (h) Public fair grounds, community centers, campgrounds.
- (i) Parks, playgrounds, nature preserves, or similar recreational facilities operated by a governmental or non-profit group.
- (j) Golf courses and country clubs. Dining and restaurant facilities, retail sales of golf equipment and similar related accessory uses may be allowed if specifically approved by the Planning Commission.
- (k) Disc golf courses.
- (l) Municipal fire stations and service buildings.
- (m) Commercial stables for riding, training, and boarding.
- (n) Blacksmith shops.
- (o) Private landing fields.
- (p) Group Child Care Home (7-12 minor children).
- (q) Private schools.
- (r) Biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces not more than 100,000 gallons annually and which complies with Sections 14.02 (m) (1) and (2) but which does not comply with Section 14.02 (m) (3) herein. Such facility shall also comply with Section 14.11 herein.
- (s) A biofuel production facility accessory to and conducted in conjunction with an active farm operation which produces

more than 100,000 gallons but less than 500,000 gallons annually as regulated by Section 14.11 herein.

(t) Commercial outside storage of recreational vehicles, boats, and equipment.

(u) Wind Energy Systems which are greater than 65 feet in height per Section 4.43 herein.

(Ord. of 1-18-1996, § 1; Ord. of 1-17-2011, §§ 1, 2; Ord. No. 10-160, § 2, 10-27-2016)

#### 300.634 - Height regulations.

Sec. 14.04. No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

(Ord. No. 10-160, § 2, 10-27-2016)

#### 300.635 - Area regulations.

Sec. 14.05. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- (a) *Front yard.* There shall be a front yard of not less than 50 feet.
- (b) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings there shall be two side yards of not less than 25 feet each. Residential Accessory Structures shall adhere to the regulations of Section 4.04 herein.
- (c) *Rear yard.* There shall be a rear yard of not less than 25 feet.
- (d) *Lot area.* In order to construct a dwelling unit in the F, Agricultural District, a lot shall comply with one of the following conditions:
  - (1) A lot created after January 1, 1993, shall contain a minimum of one acre and a maximum of two acres, except that the lot area may be increased for the sole purpose of accommodating a well and septic system if so required by the Allegan County Health Department, but in no case shall the parcel exceed five acres or 500 feet of frontage.
  - (2) A lot shall contain 40 acres or more.
  - (3) Every parcel of 2.0 acres or more in size which contains a single family dwelling existing before January 1, 1993, shall be allowed to split a lot from the existing parcel in order to create a new lot for the existing dwelling. This new lot shall consist of at least one acre with 200 feet of frontage.
  - (4) Any parcel which existed as of January 1, 1993, which became nonconforming in area or lot width as a result of the lot size requirements of this chapter, may be used for a dwelling provided all other requirements of this chapter are met.
  - (5) Any parcel may be divided so that up to four new parcels are created which meet the requirements of Section 14.04(d)(1) and 14.04(f) herein and Section 4.40. Any land remaining after the creation of four new parcels may be used for building purposes as permitted below:
    - (i) If the remaining parcel is over 10 acres in size with at least 200 feet of public road frontage one single family dwelling or one two family dwelling may be allowed.
    - (ii) If the remaining land is further divided in accordance with Section 14.06 of this Ordinance and the Township Subdivision Control Ordinance or Site Condominium Ordinance one single family or one two family dwelling per lot may be allowed.
  - (6) *Lot area.* The minimum lot area required herein shall include that portion of any public or private road which is included in the legal description for that or lot.
- (e) For all uses other than dwelling units, the minimum lot size shall be one acre.
- (f) *Lot width.* Each lot created after January 1, 1993, shall have a minimum lot width of two hundred (200) feet at the front

lot line. This minimum lot width must then be maintained throughout the remaining portion of the parcel. For corner lots, the required minimum lot width shall be provided along one street only.

A lot containing a dwelling unit or building other than a farm building must have its required lot width abutting a public road.

(Amend. of 1-3-1985; Ord. No. 92-1, 12-3-1992; Ord. of 10-16-1996, §§ 1—3; Ord. of 5-6-2004; Ord. No. 05-04, 5-6-2004; Ord. No. 10-16O, § 2, 10-27-2016; Ord. No. 04-20O, Art. I.d., 10-29-2020)

#### 300.636 - Minimum floor area.

##### Sec. 14.06.

- (a) No one story, one family dwelling shall hereafter be erected, altered, or moved upon any land or premises in this district, which provides less than 900 square feet of floor area at the first floor level, exclusive of attached garages, unenclosed porches or any other accessory structure.
- (b) No one family dwelling of more than one story shall be hereafter erected, altered or moved upon any land or premises in this district, which provides less than 900 square feet of floor area at the first floor level, exclusive of attached garages, unenclosed porches, or other accessory structure.
- (c) As an exception to the foregoing, a dwelling house of an area not less than 700 square feet at the first floor level shall be permitted solely in the case of a person residing on the particular premises in said district and engaged in the farming business on said premises or adjacent premises as his primary source of income.
- (d) As a further exception to the foregoing, in the event of destruction of an existing dwelling house in this district by fire or other calamity, then the Board of Appeals may, in the case of unusual hardship, allow a variance from the above square footage requirements with respect to the construction by the owner and occupant of the dwelling house as so destroyed; but in any event, the variation shall not permit a dwelling house to be so constructed with an area of less than 700 square feet at the first floor level.
- (e) *Spacing of building:*
  - (1) Detached accessory buildings shall not be closer than 10 feet to another detached accessory building or a principle building.
  - (2) In all instances, all smaller buildings and structures shall be so spaced, one from the other and from larger buildings, as to lessen fire hazard and to promote efficiency in extinguishing fires.
- (f) For purposes of this Section, "first floor" and "first floor level" in the case of an approved earth-sheltered or berm dwelling shall mean the main floor area of the dwelling.

(Amend. of 1-3-1985; Ord. No. 29, 9-2-1993; Ord. No. 05-16O, § 2, 9-29-2016; Ord. No. 10-16O, § 2, 10-27-2016)

#### 300.637 - Plats and condominiums in the Agricultural District.

Sec. 14.07. In the Agricultural Zoning District, all lots created under the Subdivision Control Act of 1967, PA 1967 No. 288, as amended, and the Condominium Act, PA 59 of 1978, as amended, must have the required lot width on public roadways and approved private roads which existed as of January 1, 1993.

(Ord. No. 92-1, 12-3-1992; Ord. No. 10-16O, § 2, 10-27-2016)

#### 300.638 - Lots without public road frontage.

##### Sec. 14.08.

- (a) A lot may be created which does not abut a public street. Such lot shall not contain a building or dwelling unit except for farm buildings as defined herein.
- (b) In the Agricultural Zoning District, an easement which provides access to a parcel which does not abut a public road is

not considered to be a private road or a private road easement and is therefore permitted.

(Ord. No. 92-1, 12-3-1992; Ord. No. 10-16O, § 2, 10-27-2016)

300.639 - Reserved.

[Former Section 14.08 moved to Section 14.03 by Ord. No. 10-16O, adopted Oct. 27, 2016.]

300.640 - Farm market requirements.

Sec. 14.09. Farm markets as defined herein may be conducted as a principal use or on a parcel containing a principal use in accordance with the following requirements:

1. In addition to the following regulations, a farm market is subject to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets as adopted by the Michigan Department of Agriculture.
2. Temporary farm markets. For farm markets which operate during the growing and harvesting season only and which utilize stands, tables, shelves, canopies, tents, wagons, vehicles, or similar display stands and items which are portable and used for the display and sale of farm products the following regulations shall apply:
  - (a) Such items shall not be located within the road right-of-way.
  - (b) Such farm markets shall provide safe, adequate and convenient off-street parking which does not require the vehicle to back into the abutting public road to exit the site.
  - (c) The items used to display the farm products shall be taken down when the farm market is not operating.
3. Farm markets in a building. The following regulations shall apply only to farm markets which operate within a building either on a temporary or full-time basis.
  - (a) Prior to establishing a farm market in a building the operator or land owner shall obtain a written permit from the Dorr Township Zoning Administrator. In order to obtain this permit, the operator or land owner shall submit an accurate drawing illustrating the location of the lot lines, building location and setbacks, parking area, access drives and other relevant features of the site to the Zoning Administrator who shall review the drawing to ensure that the project is designed: to be compatible with adjacent land uses; to provide safe and efficient vehicle traffic flow and safety for pedestrians; to provide adequate utilities, stormwater management provisions and public services; and to ensure the orderly development of land uses in accordance with the intent and purposes of this Ordinance. The Zoning Administrator is authorized to require those measures as are necessary and practical to ensure that the farm market use is designed to meet the above standards.
  - (b) One parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road. A minimum of three off-street parking spaces shall be provided.
  - (c) Buildings which are to be used or constructed for farm market use shall be setback a minimum of 50 feet from the front lot line.
  - (d) A building which is to be used as a farm market shall be subject to review and approval by the Dorr Township Building Official prior to using the building in order to ensure the safety of the public.
  - (e) Approval by the Allegan County Health Department may be required.
  - (f) As part of the submittal requirements, the applicant shall provide the following:
    - (i) A floor plan of the building showing the area to be devoted to the sale of the farm and non-farm products in order to verify compliance with the definition of farm market; or
    - (ii) As an alternative to the floor area requirement, the applicant may provide information on the gross dollar sales of farm products in order to verify compliance with the definition of farm market.

4. Sale of non-farm products. Farm markets, whether temporary or in a building, may sell non-farm products provided that the non-farm product items is clearly accessory to the principal farm market use and that the area devoted to the sale of such products does not occupy more than 25% of the total square footage used to display all of the products offered for retail sale on the property and that such non-farm products do not comprise more than 25% of the total gross dollars of all products sold.
5. Signs. Signs for a farm market are permitted per the sign regulations of Chapter IVA herein.

(Ord. of 1-17-2011, § 2; Ord. No. 10-16O, § 2, 10-27-2016)

300.641 - Regulations for agri-tourism uses and wineries, breweries, and distilleries.

Sec. 14.10.

- (a) For agri-tourism /rural recreation/amusement commercial enterprises the following regulations shall apply:
  - (1) Sufficient off street parking spaces shall be provided to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.
  - (2) Such uses shall not be subject to the site plan review submittal requirements of Chapter 14A of this Ordinance. The applicant, however shall submit an accurate drawing illustrating the location of the parcel, lot lines, setbacks of existing and proposed buildings, location and dimensions of the parking area, the width and location of access drives, location of exterior lights, floor plan of processing and retail area and event area and other relevant features of the site and the use shall be submitted to the Planning Commission for review in conjunction with the Special Use Permit application.
  - (3) The Planning Commission may consult with the public safety officials and the Township Building Official as necessary before approval of the activity.
  - (4) Those portions of buildings or similar enclosures where patrons are allowed to enter shall be subject to review and approval by the Dorr Township Building Official in order to ensure the safety of the public.
  - (5) Compliance with the sign regulations of Dorr Township.
- B. For wineries, breweries, and distilleries the following regulations shall apply:
  - (1) The parcel containing the use shall be a minimum of 10 acres with 300 feet of lot width.
  - (2) Farm markets shall also be allowed in conjunction with such uses.
  - (3) Alcoholic beverages produced on site shall not be sold or served by the glass except as allowed by 14.10.B.(4).
  - (4) The sale and sampling of alcoholic beverages produced on site by the glass is only allowed in a tasting room in accordance with the requirements of the State of Michigan Liquor Control Commission. Limited food items such as cheeses, pretzels, crackers, fruit and similar finger foods may be served in the tasting room.
  - (5) Tours of the facility shall be permitted.
  - (6) The building containing the equipment used to produce the alcoholic beverage and other buildings open to the public shall be setback a minimum of 100 feet from any lot line that abuts a parcel zoned residential or a parcel containing a residential use. Other set back requirements shall be as set forth for the applicable principal and accessory uses in the Agricultural Zone.
  - (7) Any buildings on site which are open to the public shall be subject to the requirements of the Dorr Township Building Code in order to ensure the safety of the public.
  - (8) All parking shall be on site. One parking space for every 300 square feet of useable floor area open to the public shall be provided. The required parking areas need not be paved. A minimum of three off street parking spaces shall be provided.
  - (9) One ground mounted sign is permitted not to exceed 32 sq. ft. in size and 6 ft. in height above grade and shall be setback a minimum of 25 feet from all lot lines. The sign may be lighted but an electronic reader board sign is not permitted. All other regulations of Chapter 4A, Signs, shall be applicable.

- (10) Such uses shall not be subject to the site plan review submittal requirements of Chapter 14A of this Ordinance. The applicant however shall submit an accurate drawing illustrating the location of the parcel, lot lines, setbacks of existing and proposed location and dimensions of the parking area, the width and location of access drives, location of exterior lights, floor plate processing and retail area and event area and other relevant features of the site and the use shall be submitted to the Planning Commission for review in conjunction with the Special Use Permit application.
- (11) The applicant shall also provide evidence of compliance with all State of Michigan and Allegan County Health Department requirements to the Township before the use is open to the public.

#### 300.642 - Regulations for bio fuel production facilities.

Sec. 14.11. In addition to the requirements for a Special Land Use as set forth in Article 15A herein a biofuel production facility described in Section 14.03 herein is subject to the following:

- (a) The application materials shall include a description of the process to be used to produce biofuel and the number of gallons of biofuel anticipated to be produced annually.
- (b) An emergency access and fire protection plan shall be prepared by the applicant for approval by the Dorr Township Fire Department.
- (c) For an ethanol production facility that will produce more than 10,000 proof gallons, annually completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
- (d) A Special Land Use approval of a biofuel production facility shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
  - (1) Buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable laws of Dorr Township, the State of Michigan and the federal government.
  - (2) The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - (i) Air pollution emissions.
    - (ii) Transportation of biofuel or additional products resulting from biofuel production.
    - (iii) Use or reuse of additional products resulting from biofuel production.
    - (iv) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- (e) The biofuel production facility includes sufficient storage for both raw materials and fuel.

#### CHAPTER XIVA

#### 300.640 - SITE PLAN REVIEW

#### 300.641 - Purpose.

Sec. 14A.01. The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance and achieve the purposes of the Dorr Township Master Plan.



(Ord. No. 17, 8-3-1989; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

300.642 - Site plan review required.

Sec. 14A.02. A site plan shall be submitted for review and approval prior to the issuance of a zoning permit as follows:

(a) Planning Commission Review:

- (1) Any new principal commercial, office, industrial, business, or institutional use or a residential use greater than a two family dwelling unit.
- (2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
- (3) Special land uses and planned unit developments.
- (4) Open space preservation projects per Section 4.42 herein.
- (5) Mobile home parks.
- (6) Enlargements of non-conforming uses per Section 16.02(b)(2) herein.
- (7) All other uses requiring site plan approval as required by this Ordinance.

(b) Staff Review: The following uses shall be reviewed by the Township Zoning Administrator, or the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.

- (1) Expansion of an existing use or building which does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
- (2) Construction of a building or structure which is accessory to the principal use or building.

Review of site plans by staff shall be in accordance with the same procedures, requirements and standards used by the Planning Commission or Township Board except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

(Ord. No. 17, 8-3-1989; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

300.643 - Application.

Sec. 14A.03.

(a) An application for site plan review along with ten sets of the site plan shall be submitted to the Township offices along with the fee as set by the Township Board in accordance with the submittal schedule established by the Planning Commission which is available in the Township offices. The application shall at a minimum contain the following information:

- (1) The applicant's name, address and phone number.
- (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
- (3) The name, address and phone number of the owner(s) of record if different than the applicant.
- (4) The address of the property.
- (5) Legal description of the property.

- (6) Current zoning.
- (7) Project description.
- (8) Size of the parcel in acres.
- (9) Signature of the applicant and owner of the property.

(Ord. No. 17, 8-3-1989; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

300.644 - Site plan requirements.

Sec. 14A.04.

- (a) Site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission:
  - (1) The date on which the site plan was prepared.
  - (2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
  - (3) A north arrow and legal description based upon the most current survey.
  - (4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
  - (5) Existing and proposed topographic elevations at five-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
  - (6) Direction of storm water drainage and how storm water runoff will be handled.
  - (7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
  - (8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway location and design specifications.
  - (9) Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tank and drainfields, and utility easements.
  - (10) Location and type of all sidewalks, bike paths, and other walkways.
  - (11) Location, type and size of any walls, fences or other screening devices.
  - (12) Location of all proposed landscape materials, including size and type of plantings.
  - (13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, signs, and existing and proposed utility poles.
  - (14) Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
  - (15) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
  - (16) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
  - (17) Location of existing and proposed slopes which are 20 percent or greater.
  - (18) Zoning and land use on adjacent properties.
  - (19) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by

this Ordinance or by state or federal agencies.

- (20) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of a site.
- (21) Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site.
- (22) Identification of the limits of any required "natural vegetation zone" adjacent to a Rabbit River feature, as established by the Rabbit River protection standards contained in Chapter 5C.
- (b) The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment and natural features.

In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

(Ord. No. 17, 8-3-1989; Ord. No. 29, 9-2-1993; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004; Ord. of 7-5-2007)

#### 300.645 - Review of site plan.

##### Sec. 14A.05.

- (a) The Planning Commission shall review the site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny or approve with conditions the site plan.

If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Township Planner, Engineer, Fire Chief or others as necessary to insure that all revisions as required by the Planning Commission have been made.

- (b) Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated and signed by the Planning Commission Chair. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Township Clerk.
- (c) The Building Inspector shall issue a building permit upon receipt of an approved final site plan, providing all other applicable Township regulations have been met including compliance with the Township building code.

(Ord. No. 17, 8-3-1989; Ord. No. 29, 9-2-1993; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

#### 300.646 - Standards for approval.

Sec. 14A.06. Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

- (a) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions and provide for vehicle access between adjoining parcels where practicable.
- (b) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- (c) The site plan shall provide reasonable visual and sound privacy for all adjacent dwelling units. Fences and landscaping should be used, as appropriate, to accomplish these purposes. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township's landscape provisions.
- (d) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- (e) Walkways shall be provided as necessary for safe pedestrian movement.

- (f) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned and pedestrian or bicycle pathways in the area.
- (g) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- (h) Exterior lighting shall be arranged so that illumination is deflected downward and away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Cut-off light fixtures may be required to accomplish this. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures should be minimized to reduce light pollution.
- (i) Outside storage areas including receptacles for the storage of trash, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height or placed so they are not substantially visible from residential districts or public thoroughfares. The finished side of any wall, fence or other screen shall face adjacent properties.
- (j) All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Allegan County Road Commission or Michigan Department of Transportation specifications, unless developed as a private road in accordance with the requirements for private roads in the Township.
- (k) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.

(Ord. No. 17, 8-3-1989; Ord. No. 29, 9-2-1993; Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

#### 300.647 - Conditions of approval.

##### Sec. 14A.07.

- (a) As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- (b) Such conditions shall be related to and ensure that the review standards of Section 14A.06 are met.
- (c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership.
- (d) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- (e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.
- (f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

(Ord. No. 17, 8-3-1989; Ord. of 8-4-2004; Ord. No. 07-04, 6-15-2004)

#### 300.647A - Mandatory conditions for new commercial and industrial businesses, buildings and facilities.

Sec. 14A.07A. The Planning Commission shall impose the following conditions on any site plan approved for new commercial or industrial buildings and/or facilities:

- (1) The owner/tenant shall provide the Township Building Inspector and Township Fire Department with the following information prior to occupancy of the new building/facility:

A completed pre-incident plan which will contain the following information, at a minimum:

- (A) An As-Built Diagram showing the location of utility lines within buildings located on the premises, as well as electrical bc
  - (B) The name, address and current telephone number of a contact person who may be called in the event of a fire, release of hazardous materials, or similar emergency.
- (2) The owner/tenant shall pay for the cost of the pre-incident survey and plan. If the Township arranges for the pre-incident survey and preparation of the pre-incident plan, the owner/tenant shall reimburse the township for its costs based on a fee schedule adopted by the Township Board.
  - (3) The owner/tenant of the premises shall also install and maintain a "Knox-Box" or a similar secure device approved by the township fire department on the premises which will allow the fire department to have keyed access to the building and facilities in the event of fire or other emergency.

(Ord. of 9-19-2006)

#### 300.648 - Validity of approved site plans.

##### Sec. 14A.08.

- (a) Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- (b) Upon written application, filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

(Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

#### 300.649 - Performance guarantee.

Sec. 14A.09. The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.

In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond or funds in escrow.

(Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

#### 300.650 - Amendments to approved site plan.

##### Sec. 14A.10.

- (a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- (b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions

required for the plan by the Commission.

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings by no more than ten (10) feet.
- (3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- (4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (5) Changes required or requested by the Township for safety reasons.
- (6) Changes which will preserve the natural features of the site without changing the basic site layout.
- (7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- (c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

(Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

#### 300.651 - Expansion of existing use, structure, or building.

Sec. 14A.11. It is recognized that there are existing land uses, buildings, and structures which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When additions to these uses, buildings, and structures are made so that a site plan review is required per Section 14A.02 herein, the following regulations shall apply.

- (a) The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity that any of the following situations exist:
  - (1) Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties.
  - (2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust and reduce gravel and dirt runoff into the public stormwater drainage system.
  - (3) Existing driveways may result in hazardous vehicle movements.
  - (4) Additional plantings are needed in order to comply with the intent of the Cannon Township landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
  - (5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.

- (6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.
  - (7) Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.
  - (8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
  - (9) Sidewalks are needed to improve pedestrian safety.
- (b) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:
- (1) Whether or not compliance would ensure safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
  - (2) The practicality of requiring compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site.
  - (3) Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

(Ord. of 8-5-2004; Ord. No. 07-04, 6-15-2004)

### 300.652 - Access control standards.

Sec. 14A.12. The Planning Commission shall review site plans according to the following standards relating to vehicle access and circulation. The purpose of specific access standards is to increase traffic safety, lessen congestion, provide adequate access, promote community character, and ensure orderly development.

- (1) The Planning Commission shall have the authority to require a frontage road or service drive for contiguous parcels along 142 Avenue as recommended in the Dorr Township Master Plan or on other streets as deemed necessary. The Planning Commission shall also have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.

In determining whether the above or other access control measures are necessary, the following criteria shall be considered:

- (a) The type and location of commercial uses on the site and adjacent to the site.
  - (b) The location, size and design of existing and proposed parking areas.
  - (c) The existing and projected traffic volume on the roadway and adjacent roadways.
  - (d) Compatibility between adjacent land uses and likelihood of change or expansion.
  - (e) Number of parcels involved, location of lot lines and amount of road frontage.
  - (f) Topography and site distance along adjacent roadways and on the site.
  - (g) Distance from intersections.
  - (h) Location of driveways opposite the site.
  - (i) Width of roadway and number of lanes.
  - (j) Environmental limitations (steep slopes, water, or vegetation).
  - (k) Sufficient building setback.
- (2) For commercial uses along 142nd Avenue, and other streets as deemed necessary, the following regulations shall apply:
- (a) A parcel shall not be denied reasonable access to a public roadway.
  - (b) A maximum of one driveway shall be provided to an individual parcel or to a contiguous parcel under the same ownership when the property in question has no other reasonable access to another abutting street or access road. Additional driveways may also be permitted in accordance with the driveway spacing standards herein.

- (c) Temporary direct access to 142nd Avenue may be granted in instances where access roads or adjoining parcels are not yet developed. A temporary driveway permit shall specify the future means of access, location if known, and date the change will be made. This temporary access agreement shall be recorded with the County Register of Deeds.
- (d) Parcels with 300 or more feet of road frontage with a single large use will not be required to construct a service drive, but may be required to connect the parking area to parking areas on contiguous parcels.

If a parcel with an established commercial use, and with 300 feet or more of road frontage, is divided to allow for an additional commercial use (resulting in parcels with less than 300 feet of road frontage), an additional driveway for that use will not be permitted. Both the original and the additional commercial use will be required to construct an adjoining service drive. An exception to this standard exists if the anticipated traffic volumes generated by either the original or the additional commercial use will exceed 5,000 vehicles per day and/or are projected to cause traffic congestion during peak hours.

If two or more existing contiguous parcels with non-commercial uses together comprise less than 300 feet of road frontage, and if any of those parcels converts to a commercial use (or any other use for which site plan review is required), the construction of a service drive will be required. As additional contiguous parcels convert to commercial uses, they will be required to construct additional segments of the service drive. These parcels will eventually be served by common driveway access, the placement of which will be determined by driveway spacing standards contained herein.

- (e) Driveways for a parcel shall be permitted based on the amount of road frontage for that parcel as follows, except that the Planning Commission may modify this in the interest of public safety based on the criteria in Section 14A.08(1).

Frontage	Driveways Permitted
Less than 300 feet	1
300 to 600 feet	2
More than 600 feet	3

- (f) A right turn lane and taper shall be required for driveways with anticipated right-turn inbound traffic volumes in excess of 40 vehicles during the hours of 4:00 PM and 6:00 PM or 1,000 vehicles per day. The lane shall be constructed in accordance with the requirements of the Michigan Department of Transportation.
- (g) The placement of a driveway, when serving a single use, shall be determined by the following criteria if it is to be located near an intersecting street.
  - 1) If the intersection street is curbed, the tangent point of the driveway radius along the highway shall be at least 105 feet from the tangent point of the intersection street radius.
  - 2) If the intersection street is uncurbed, the tangent point of the driveway radius along the highway shall be at least 135 feet from the intersection street's edge of pavement.
  - 3) At no time shall a driveway be located in the clear vision area of an intersection as established by the Michigan Department of Transportation or Allegan County Road Commission.
  - 4) Where possible, driveways are recommended to be located directly across from a cross street.
- (h) Driveways shall be spaced as follows with measurements taken from the centerline of each driveway. The Planning



Commission shall have the authority to waive or modify the following spacing requirements when strict adherence to them would result in unreasonable access to the site. In waiving or modifying the spacing requirements, the criteria of 14A.08(1) shall be used.

- 1) A driveway serving a multi-family, commercial, office, or industrial use shall be spaced at least 275 feet from another driveway serving the same or similar use.
  - 2) A driveway serving a single residential use shall be spaced at least 100 feet from all other driveways.
  - 3) A driveway shall not be constructed along the taper of a right turn lane or the acceleration or deceleration lane and taper connecting to an interchange ramp terminal.
- (i) The entrance to a service drive serving more than one use shall be spaced as follows:
- 1) The entrance to the service drive shall be at least 275 feet from an intersecting street, measured from the tangent point of the driveway radius along the roadway to the tangent point of the intersection street along the roadway.
  - 2) The entrance to a service drive from a public road other than 142nd Avenue, where the commercial use fronts on 142nd Avenue, shall be at least 150 feet measured from the tangent point of the driveway radius along the public road to the tangent point of the public street radius along 142nd Avenue.
  - 3) The entrance to a rear service drive from a public road other than 142nd Avenue shall be at least 300 feet from the tangent point of the driveway radius along the public road to the tangent point of the public road radius along 142nd Avenue.

(Ord. No. 29, 9-2-1993; Ord of 8-5-2004)

#### CHAPTER XIVB

#### 300.670 - REVIEW AND APPROVAL OF SITE CONDOMINIUM PROJECTS

##### 300.671 - Scope.

Sec. 14B.01. The scope of this Chapter is to adopt minimum standards and procedures required in the preparation and presentation of plans for the development of lots not otherwise subject to the Township's Subdivision Ordinance and the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan, 1967, as amended). This Ordinance identifies minimum standards for the development of property as site condominiums in the Township and sets forth procedures to be followed by the Township in applying these rules, regulations and standards.

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational area, streets, and other areas available for use by all owners of condominium units within the project.

(Ord. No. 29, 9-2-1993)

##### 300.672 - Purpose.

Sec. 14B.02. The purpose of this Chapter is to provide procedures for the orderly use and development of property which results in the creation of five or more lots, as defined herein, each of which is ten acres or less in size and which is not otherwise regulated by the Township's Subdivision Ordinance. This Chapter insures that a site condominium development shall be reviewed with the objective and intent of achieving many of the same characteristics and land use results as if the proposed development and improvements were being reviewed under the Township's Subdivision Ordinance.

In addition, the purpose of this Chapter is to:

- (1) Provide for orderly growth and harmonious development of the Township consistent with orderly growth policies;
- (2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfare, adjoining subdivision, and public facilities;
- (3) Achieve adequate provisions for water, drainage, and sanitary facilities and other health requirements;
- (4) Encourage the provision of recreational areas and facilities, school sites and other public facilities;
- (5) To insure against the creation of unsafe or undesirable conditions;
- (6) To regulate the density of development in relation to the availability of, or lack of, utilities service;
- (7) To conserve natural features;
- (8) To carry out the purpose and intent of the Township Master Plan and Zoning Ordinance; and
- (9) To provide procedures for the achievement of these purposes.

(Ord. No. 29, 9-2-1993)

#### 300.673 - Administration.

Sec. 14B.03 The approval provisions of this Chapter shall be administered by the Township Board as provided by the Condominium Act (PA 59 of 1978) as amended.

Final Board approval as per Plat Rules.

(Ord. No. 29, 9-2-1993)

#### 300.674 - Schedule of fees.

Sec. 14B.04. The schedule of fees for the review of projects under this Chapter shall be as required by Township Board resolution as amended from time to time.

(Ord. No. 29, 9-2-1993)

#### 300.675 - Definitions.

Sec. 14B.05. The following terms are defined in a manner intended to make comparison possible between the terms of the Dorr Township Zoning Ordinance, the Township Subdivision Ordinance, this Chapter and also in the context of Act 59 of the Public Acts of 1978, as amended (referred to herein as the "Condominium Act").

*Building envelope* means the area of a condominium project within which a condominium structure may be constructed, together with any accessory structures, as described in the Master Deed for the condominium project. In a site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

*Condominium project* shall mean a condominium project developed under the Condominium Act.

*Condominium structure* shall mean the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g. in a residential development, the condominium structure would refer to the house and any attached garage.

*Condominium unit* means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project Master Deed, and within which a building or other improvements may be constructed by the condominium unit owner.

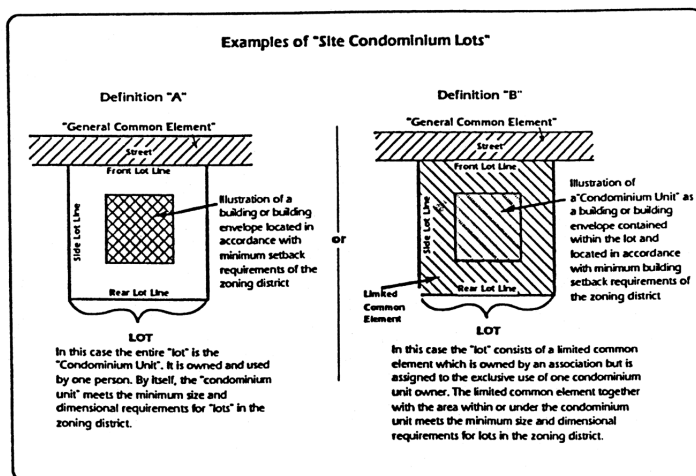
*Exempt change* means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this Chapter. Exempt changes shall be limited to the following:

- (a) A change in the name of the project, in the name of a street within the project, or in the name of the developer of the project;
- (b) A change in the voting rights of co-owners or mortgages; or
- (c) Any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under the Zoning Ordinance.

*Limited common element* means an area which is appurtenant to a site condominium unit and which is reserved in the Master Deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

*Lot(s)* means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot(s) shall also mean the same as Building Site(s) and is that portion(s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed. Lot may be further defined as:

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this Ordinance; or
- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this Ordinance.



Examples of Site Condominium Lots

*Master deed* means the legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

*Major change* means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

- (a) An increase of 20% or more in the number of site condominium units; and
- (b) Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.

*Minor change* means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:

- (a) An increase of less than 20% in the number of site condominium units or a decrease in the number of site condominium units; and
- (b) Any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this Zoning Ordinance, and which, as determined by the Planning Commission, does not constitute a major change.

*Setback; front, side and rear yard* shall mean the distance measured from the respective front, side, and rear of the condominium structure/building envelope.

*Site condominium project plan* means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this Chapter for review of the project by the Planning Commission and the Township Board.

*Subdivision Ordinance* means the Dorr Township Subdivision Ordinance.

Except as otherwise provided by this Chapter, the following words and phrases, as well as any other words or phrases used in this Chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in that Act: "common elements," "condominium documents," "condominium unit," "general common elements," "contractible condominiums," "convertible area," and "expandable condominium."

(Ord. No. 29, 9-2-1993)

### 300.676 - Preliminary discussion and sketch plan.

Sec. 14B.06. Prior to formal application, a sketch plan shall be submitted and a preapplication conference may be requested by the developer to provide guidelines for the developer concerning development policies of the Township, to acquaint the developer with the procedures and requirements of the Township Board and Planning Commission and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Acceptance of the sketch plan does not constitute or assure acceptance of the preliminary plan.

- (1) *Sketch plan requirements.* When a sketch plan is submitted, it shall contain at least the following data:
  - (a) The outlines, intended layout, including stages, property owned or represented by the developer.
  - (b) General layout of streets, lots in sketch form, and the relationship of the proposed project to adjacent streets and neighboring properties.
  - (c) Existing conditions and characteristics of the land on and adjacent to the site such as significant topographical, floodplains, and physical features.
  - (d) Any general area set aside for parks and/or other community facilities.
  - (e) Name of proposed project, north point, approximate scale and date.
  - (f) Current proof of ownership of land to be developed or evidence of a contractual ability to acquire such land such as an option or purchase contract.

- (g) A statement from the Allegan County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed.
- (2) During the preliminary discussion meeting, the Planning Commission, based on the information available to it, shall inform the applicant about the following:
  - (a) General requirements of this Ordinance and the Zoning Ordinance.
  - (b) Planned or anticipated sites of parks and recreation areas and other public uses.
  - (c) Utility system capabilities.
  - (d) Planned or anticipated public improvements, including streets, utility extensions, and the like.
  - (e) Major street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and groundwater tables.
  - (f) Existence of farms on the surrounding property, which includes the possibility that future residents of the project may experience unwanted farm production practices such as noises, smells and fertilizers.
  - (g) Additional information which will assist the application in proceeding in a reasonable and sound manner toward final approval of the project.

Preliminary discussions are intended for information purposes only and do not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any subsequent Project Plans. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

- (3) *Procedures.* The following procedures will be followed in the review of any sketch plan that is submitted:
  - (a) The developer shall submit ten copies of the sketch plan to the Township Clerk at least ten days before the first meeting of the Planning Commission at which the sketch plan is to be considered.
  - (b) The Township Clerk shall promptly transmit all copies of the sketch plan to the Planning Commission.
  - (c) The Planning Commission shall review the sketch plan with the developer or his agent. In the event that the Planning Commission shall reasonably determine that other public agencies are affected, the Planning Commission may recommend that copies of the sketch plan be submitted by the developer to such other affected agencies for review.
  - (d) The Planning Commission shall inform the developer or his agent about the Township's development policies as provided in Section 14B.06 herein and make appropriate comments and suggestions concerning the proposed development.
  - (e) The Planning Commission shall inform the Township Board in writing of the results of its review of the sketch plan.
  - (f) The developer may submit a formal Preliminary Site Condominium Project Plan following the review of a sketch plan by the Planning Commission.

(Ord. No. 29, 9-2-1993)

#### 300.677 - Contents of the Preliminary Site Condominium Project Plan.

Sec. 14B.07. A Preliminary Site Condominium Project Plan shall be prepared as required by Section 66 of the Condominium Act and in accordance with the following requirements. In addition, the Preliminary Project Plan shall contain any information as determined necessary by the Planning Commission for review of a preliminary site plan.

- (1) The Preliminary Project Plan shall be drawn to a scale of not more than 100 feet to one inch and may be an original drawing or reproduction. The preliminary plat and topographic map shall be combined on the same drawing.
- (2) The name of the proposed project.
- (3) Legal description of the area to be developed.
- (4) Name, address and telephone number of the developer.
- (5) The name and address of the owner(s) of the property being proposed for development.

- (6) The name, address and seal of the Registered Land Surveyor or Professional Engineer who prepared the Preliminary Project
- (7) Location of the site condominium project, giving the number of section, township and range, and the name of the township and county.
- (8) The name of abutting developments, if any.
- (9) Statement of intended use and overall objectives of the proposed development, such as: residential single-family, two-family and multiple housing; commercial; industrial; recreational; or agricultural.

In addition, the Preliminary Project Plan shall show proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry, and other non-public uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses.

- (10) A map of the entire area scheduled for development if the proposed project is a portion of a larger holding intended for subsequent development.
- (11) A location map showing the relationship of the proposed project to the surrounding area.
- (12) The land use and existing zoning of the proposed project including lot size and yard requirements as well as proof of any variances or special exceptions which may have been granted. Zoning and land use on adjacent parcels should also be illustrated.
- (13) Streets, street names, right-of-way and roadway widths including features such as adjoining developments, streets, streams, railroads, utilities, cemeteries, parks, county drains or any other features which may influence the street layout.
- (14) The location of any and all general and limited common elements.
- (15) A general statement about the use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the Master Deed.
- (16) A cross section drawing of all private streets within the proposed condominium project.
- (17) Lot lines and dimensions to the nearest foot and the total number of lots. The developer shall also submit a table listing the proposed lots by number, and the respective lot area for each lot.
- (18) Contours at five foot intervals shall be shown where the slope is greater than ten percent and at two foot intervals where the slope is ten percent or less. The direction of drainage shall also be shown.
- (19) A site report as described in the rules of the State Department of Public Health, as amended, shall be provided if the proposed subdivision will not be served by public sewer and water systems.
- (20) A statement indicating the method or methods by which sewage disposal and water supply will be provided.
- (21) A storm drainage and a storm water management plan, including all lines, swales, drains, basins and other facilities and easements.
- (22) Location and size of all water and sewer lines and easements.
- (23) Building setback lines showing the dimensions from all streets and lot lines.
- (24) Site data including total acreage, number of residential lots, average lot size and acreage in parks and other non-residential uses.
- (25) North point, scale, date.
- (26) Trees with a trunk of over six inches in diameter when required by the Planning Commission.
- (27) One hundred year floodplain elevations when the proposed plat abuts, includes or is adjacent to a stream, drain or other body of water for which the floodplain has been established.
- (28) Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a Rabbit River feature, as established by the Rabbit River Protection standards contained in Chapter 5C.

## 300.678 - Project plan layout and design standards.

Sec. 14B.08. Both Preliminary and Final Site Condominium Project Plans shall be reviewed for their conformance to the following layout and design standards, and any other improvements required by this section.

- (1) All Site Condominium Project Plans shall be prepared in accordance with the Subdivision Design Standards found in 270.070, Article IV, and 270.100, Article V of the Dorr Township Subdivision Ordinance, as they may be from time to time amended, which are hereby incorporated by reference.
- (2) All public streets in [a] Site Condominium project shall be constructed to the standards of the Allegan County Road Commission, including an asphalt road surface.
- (3) Exceptions. Exceptions to conformance of Site Condominium Project Plans with the Subdivision Design Standards are:
  - (a) Private streets. Private streets are permitted within a Site Condominium Project. All private streets in a Site Condominium Project shall be developed to the minimum design, construction, inspection, approval and maintenance requirements as provided by Section Sec. 4.16 [300.206], of this Ordinance, except that such streets shall not require a Special Use Permit. All private streets in a Site Condominium Project shall be constructed to the standards of the Allegan County Road Commission, including an asphalt road surface.
  - (b) Other exceptions to the Subdivision Design Standards may be allowed by the Planning Commission when the Subdivision Design Standards are determined to be either inapplicable or impracticable due to characteristics inherent to the Site Condominium Project, such as private roads, limited and general common elements, and other characteristics which may be unique to a Site Condominium Project but not to a traditional subdivision developed under the State of Michigan Subdivision Control Act.

When considering exceptions to the Subdivision Design Standards, the Planning Commission shall consider the following criteria.

- (1) Size of project.
- (2) Location of project.
- (3) Adjacent land uses.
- (4) Proximity to other uses.
- (5) Natural features on the site.
- (6) Long term impacts of exceptions to Subdivision Design Standards.
- (7) Long term benefits of imposing Subdivision Design Standards.

(Ord. No. 29, 9-2-1993; Ord. of 5-5-1994; Ord. of 8-17-1998)

## 300.679 - Procedures for Preliminary Site Condominium Project Plan review.

Sec. 14B.09.

- (1) The developer shall submit to the Township Clerk ten copies of the Preliminary Project Plan at least ten days before the first meeting of the Planning Commission at which the preliminary plan is to be considered.
- (2) The Township Clerk shall transmit all copies of the preliminary plan to the Planning Commission.
- (3) As part of the Preliminary Project Plan review, the Planning Commission shall hold a public hearing on the preliminary plan. For such hearing, notice shall be given no more than 15 days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the site condominium project, as the names of such owners and other parties are given in the current Township tax assessment roll. Such hearing shall be subject to the requirements of PA 110 of 2006 as amended and Section 19.03 of this Ordinance.
- (4) The Preliminary Site Condominium Project Plan shall be reviewed according to the Project Plan Layout and Design Standards in Section 14B.08 which incorporates by reference those Design Standards and Subdivision Improvements as

listed in 270.071, Article IV, and 270.100, Article V, of the Dorr Township Subdivision Ordinance.

- (5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the following agencies for their review and approval:
- (a) Allegan County Health Department.
  - (b) Allegan County Road Commission.
  - (c) Allegan County Drain Commission.
  - (d) Michigan Department of Transportation.
  - (e) Michigan Department of Natural Resources.
  - (f) Other appropriate State and County review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phase.

The applicant may submit the plans to the above agencies before or after review by the Planning Commission under this Chapter.

(6)

(a)

The Planning Commission shall review the Preliminary Project Plan and give its report and recommendation to the Township Board not more than 60 days after its initial review of the Project Plan. This 60 day period may be extended by a written agreement between the developer and the Planning Commission. Any such written agreement shall contain a specific delineation of the time period in which the Township must act to either tentatively approve or disapprove the Project Plan. A copy of any agreement reached by the Planning Commission and the developer with respect to an extension of time shall be transmitted to the Township Clerk. If no action is taken within 60 days, the Planning Commission shall be deemed to have recommended approval of the Preliminary Project Plan.

(b) If the Preliminary Project Plan does not meet all requirements contained herein, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.

- (7) The Township Board, within 60 days from the date of receipt from the Planning Commission, shall tentatively approve and note its approval on the copy of the Preliminary Project Plan to be returned to the developer or set forth in writing its reasons for rejection and the requirements that must be met for tentative approval.

(a) The Township Board shall not review, approve or reject a Preliminary Project Plan until it has received a report and recommendation from the Planning Commission provided, however, that the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within the 60 day review period or within such extended time period as may be agreed upon between the developer and the Planning Commission.

(b) Tentative approval shall guarantee that the general terms and conditions under which Preliminary Project Plan approval was granted will not be changed by the Township and, further, shall confer upon the developer approval of lot sizes, lot orientation, and street layout for a period of one year from the date of tentative approval. Such tentative approval may be extended if applied for by the developer and granted by the Township Board in writing.

- (8) For *final approval* of the Preliminary Project Plan, the developer shall submit a copy of the reviews of all of the approving authorities to the Township Clerk, certifying that all authorities as required in Sec. 14B.09 (5) (a—f) have reviewed and approved the Preliminary Project Plan. The developer shall also submit copies of the approved Preliminary Project Plan map to the Township Clerk after all necessary approvals have been secured.

- (9) The Township Board, after receipt of the necessary approvals of the Preliminary Project Plan, shall consider and review the Preliminary Project Plan at its next meeting or within 20 days from the date of submission of the approved copies and approve the Preliminary Project Plan if the developer has met all conditions laid down for approval of the



Preliminary Project Plan. The Township Clerk shall promptly notify the developer of approval or rejection in writing and, if rejected, will give the reasons.

- (a) Approval of a Preliminary Project Plan shall not constitute approval of the Final Project Plan but rather that final plan approval shall be conditioned on all requirements being met.
  - (b) Final approval of the Preliminary Project Plan by the Township Board shall be for a period of two years from the date of its approval. The Township Board may extend the two year period if applied for and granted in writing. Written notice of the extension shall be sent by the governing body to the other approving authorities.
- (10) Following final approval of the Preliminary Project Plan, the developer may proceed with the installment of required improvements to the site, including roads, sidewalks, utilities, and stormwater facilities.

(Ord. No. 29, 9-2-1993; Ord. of 1-15-2009)

300.680 - Final Site Condominium Project Plan approval by the Township Board.

Sec. 14B.10.

(1) *Submission requirements.*

- (a) A written request for approval and any fees established by resolution of the Township Board shall accompany all Final Site Condominium Project Plans.
- (b) One set of construction plans for streets, water, sewer, storm drainage, sidewalks, and other required improvements shall be submitted to the Township for information purposes. Construction plans shall also be submitted to the necessary State and County agencies for their review and approval.

(2) *Procedures.*

- (a) The developer shall submit the Final Site Condominium Project Plan to the Township Clerk. The Project Plan shall be accompanied by a letter of approval from the Allegan County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Township Board.
- (b) The Township Board shall examine the Project Plan at its next regular meeting or within 30 days of receipt thereof for the plat's conformance to the provisions of the Condominium Act, the provisions of this Chapter and the Preliminary Project Plan, as approved.

The time for review and recommendations by the Township Board may be extended by a written agreement between the developer and the Township Board. Any such written agreement shall contain a specific delineation of the time period for which the Township must act, either to tentatively approve or disapprove the Final Project Plan. A copy of any agreement reached by the Township Board and the developer with respect to an extension of time should be given to the Township Clerk.

- (c) The Final Site Condominium Project Plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission and Township Board based on prior review of the Preliminary Project Plan. Except for changes made to the Plan as necessary to incorporate the recommendations of the Planning Commission and Township Board, the Final Plan shall otherwise be identical to the Preliminary Plan which was reviewed by the Planning Commission and Township Board.

Changes made to the Plan other than those necessary to incorporate the recommendations of the Planning Commission and Township Board shall be reviewed by the Planning Commission as provided by this Chapter prior to approval of the Plan by the Township Board.

- (d) After receiving the Final Site Condominium Project Plan from the applicant, the Township Board shall review and may approve, deny or approve with conditions the Plan in accordance with the standards provided by Section 1.9 and other applicable procedures, standards and requirements provided by this Chapter. The Township Board may also

require a financial guarantee according to the requirements of 270.105, Section 5.5 of the Dorr Township Subdivision Ordinance.

- (e) The Township Board may impose additional reasonable conditions of approval necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
  - (f) The Township Board shall either approve or disapprove the Final Site Condominium Project Plan. If disapproved, the Township Board shall give the developer its reasons in writing.
  - (g) Final Site Condominium Project Plan approval shall be valid for a period of one year from the date of approval. The one year period may be extended for a period not longer than one year if applied for by the developer and granted by the Township in writing. Written notice of the extension shall be sent by the Township Clerk to other approving authorities.
- (3) *Construction in compliance with approved Final Site Condominium Project Plan.*
- (a) The terms and conditions under which Final Site Condominium Project Plan approval was granted will not be changed, unless reviewed by the Township Board as provided by this Chapter.
  - (b) Required permits may be issued by the Township Building Inspector, and the developer may proceed with the project provided:
    - (1) A Final Site Condominium Project Plan has been approved by the Township Board;
    - (2) All conditions to commencement of construction imposed by the Township Board have been met; and
    - (3) All applicable inspections, approvals, or permits from appropriate County and State review and enforcement agencies have been obtained for the project.

(Ord. No. 29, 9-2-1993)

300.681 - Review and approval of changes to approved site condominium project.

Sec. 14B.11. Any change proposed in connection with a project for which a final site condominium project plan has previously been approved by the Township Board shall be subject to review as provided by this Section:

- (a) Any change which constitutes a major change shall be reviewed by the Planning Commission and reviewed and approved by the Township Board as provided by this Chapter for the original review and approval of preliminary and final plans.
- (b) Any change which constitutes a minor change shall be reviewed and approved by the Planning Commission alone without the need for a public hearing.
- (c) Any change which constitutes an exempt change shall not be subject to review by the Township under this Chapter, but a copy of the changes proposed (and of the changes made, if different than proposed) shall be filed with the Township Clerk.

(Ord. No. 29, 9-2-1993)

300.682 - Incorporation of approved provisions in the master deed.

Sec. 14B.12. All provisions of a Final Site Condominium Project Plan which are approved by the Township Board as provided by this Chapter shall be incorporated by reference in the Master Deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the Master Deed. A copy of the Master Deed as filed with the Allegan County Register of Deeds for recording shall be provided to the Township within ten days after filing the Plan with the County. For properties affected by the Rabbit River Protection Overlay Zone as delineated on the Official Zoning Map of Dorr Township, master deed provisions and

restrictive covenants shall include the following statement: "There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within any lot (unit), out-lot, or common area labeled "natural vegetation zone" or as it appears on the exhibit drawings of this development except as permitted by Chapter 5C of the Dorr Township Zoning Ordinance."

(Ord. No. 29, 9-2-1993; Ord. of 7-5-2007)

## CHAPTER XV

### 300.720 - OFF-STREET PARKING

#### 300.721 - Purpose.

Sec. 15.01. The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

(Ord. of 6-20-2002)

#### 300.722 - Scope.

##### Sec. 15.02.

- (a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- (b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.
- (c) Parking areas must be in the same zoning classification as the property it serves.

(Ord. of 6-20-2002)

#### 300.723 - Location or parking areas.

##### Sec. 15.03.

- (a) For all residential uses, and non-residential uses in residential districts, the number of parking spaces required by this Chapter shall be located on the same lot or parcel as the dwelling units served.
- (b) For all other uses, the number of parking spaces required by this Chapter shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

(Ord. of 6-20-2002)

#### 300.724 - General requirements.

##### Sec. 15.04.

- (a) *Definitions.* For purposes of determining off street parking requirements the following definitions shall apply:

- (1) *Gross Floor Area* - The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a r
  - (2) *Usable Floor Area* - That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors.
  - (3) *Parking Area* - For purpose of this chapter, parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.
- (b) *Units of Measurement.*
- (1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
  - (2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.
- (c) *Shared Parking and Mixed Occupancy.*
- (1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
  - (2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.
- (d) *Parking Requirements for Uses Not Listed.*
- (1) The minimum parking space requirements for all uses shall be as listed in Section 15.07 [300.727]. For uses not specifically listed in Section 15.07 [300.727], the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 15.07 [300.727]. The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

(Ord. of 6-20-2002)

### 300.725 - Design, location, and construction requirements.

Sec. 15.05. The following regulations shall apply to all uses except one and two family dwellings and farm uses.

- (a) *Parking Lot Surface and Drainage.* All drives, driveways, and parking spaces shall be surfaced with asphalt or cement pavement. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoff and reduce heat given off by asphalt surfaces, the Planning Commission may approve alternate parking lot surfaces for overflow parking, or employee parking, or parking or maneuvering areas devoted to loading activities or parking for trucks or similar heavy equipment. Such alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces or similar dustless material.

- (b) *Lighting.* Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial,

industrial, or office districts within 150 feet of a Residential or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

- (c) *Parking Lot Setback.* All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of five feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided.
- (d) *Traffic Islands.* Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement or other methods to achieve this.
- (e) *Pedestrian Protection.* Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.
- (f) *Screening of Parking Area.* Where off-street parking areas containing 20 or more spaces for non-residential uses abut or are across the street from residentially zoned property, a greenbelt not less than 15 feet wide shall be provided between the parking area and the residentially zoned property. The greenbelt shall be landscaped according to the landscape requirements of Section 4.41(d) [300.231(d)] of this Ordinance.
- (g) *Driveways.* Driveways serving off-street parking areas shall be at least 20 feet from any residentially zoned property.
- (h) *Snow Storage.* Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.
- (i) *Side and Rear Location.* Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.
- (j) *Uses Permitted.* Off-street parking areas shall not be used for repair, dismantling or servicing of motor vehicles.

(Ord. of 4-4-2002; Ord. of 6-20-2002)

300.726 - Size of parking space and aisle.

Sec. 15.06. Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 1 below.

TABLE 1  
MINIMUM STANDARDS FOR SIZE OR PARKING AISLES AND DRIVEWAYS

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	9 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	10 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	10 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	10 feet	18 feet	48 feet	60 feet

(Ord. of 6-20-2002)

300.727 - Schedule of off-street parking requirements.

Sec. 15.07. Each use shall provide spaces in conformance with the following schedule of requirements:

	Use	Number of Motor Vehicle Parking Spaces Required per Unit of Measure
(a)	<i>Residential.</i>	
(1)	Single family, two family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
(2)	Multiple family with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
(3)	Efficiencies	One for each dwelling unit.
(4)	Mobile Home Parks	Two for each mobile home or mobile home site.
(5)	Elderly housing or retirement communities.	For independent living units, one for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
(6)	Bed and breakfast, boarding houses.	One for each guest room plus two for the dwelling unit.
(b)	<i>Institutional/Public Assembly.</i>	
(1)	Churches, temples, mosques, synagogues, or similar types of facilities.	One space per each four seats in the worship room.
(2)	Hospitals.	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
(3)	Outpatient care stations.	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
(4)	Child Care Centers.	One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
(5)	Elementary, junior high, middle schools.	Two spaces per classroom, plus one and space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
(6)	High schools.	Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
(7)	Private club and lodges.	One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
(8)	Auditoriums (non-school), stadiums, and sports arenas.	One space per each three seats.
(9)	Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private.	One space per each four persons allowed within the banquet maximum occupancy load as determined by the Township building or fire codes.
(10)	Libraries, museums, and non-commercial art galleries.	One parking space per 400 square feet of gross floor area.
(c)	<i>Offices.</i>	
(1)	Medical/dental clinics or offices.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.

(2)	General office buildings.	One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.
(3)	Banks, credit unions, or savings and loans.	Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive through automatic teller.
(d)	<i>Retail and Service Uses.</i>	
(1)	Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.	Four spaces per 1,000 square feet of stores, and usable floor area.
(2)	Retail centers containing between 400,000 and 600,000 square feet.	Four and one-half spaces per 1,000 square feet of usable floor area.
(3)	Retail centers containing greater than 600,000 square feet.	Five spaces per 1,000 square feet of usable floor area.
(4)	Other retail uses not otherwise specified herein.	One space per 200 square feet of usable floor area plus one per employee.
(5)	Supermarkets and grocery stores.	One space per 200 square feet of usable floor area.
(6)	Personal service establishments not otherwise provided herein.	One space per each 300 square feet of usable floor area plus one per employee.
(7)	Appliance stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
(8)	Automobile service stations.	Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.
(9)	Automobile wash establishments (automatic).	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.
(10)	Automobile wash establishments (self-service).	One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance.
(11)	Barber shops, beauty salons.	Two for each barber or beauty operator chair/station plus one for every two employees.
(12)	Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area.	One space per 200 square feet of usable floor area plus one for each employee.
(13)	Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area.	Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee.
(14)	Convenience stores.	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
(15)	Dry cleaners.	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
(16)	Funeral homes and mortuaries.	One space per 50 square feet of parlor and chapel areas.
(17)	Furniture, carpet, and home furnishing stores.	One space per 800 square feet of usable floor area.
(18)	Hotel, motel, or other commercial lodging establishment.	One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein.
(19)	Laundromats.	One space per each three washing machines.
(20)	Mini-storage houses/warehouses.	Six spaces.

(21)	Motor vehicle dealerships.	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.
(22)	Quick oil change establishments.	Two spaces per bay plus one per each employee.
(23)	Recreational vehicle and boat dealerships.	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
(24)	Restaurants that serve non-fast food and have no drive-through window.	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
(25)	Restaurants that serve mostly take out, with six or less booths or tables.	Six spaces plus one for each employee.
(26)	Restaurants that serve fast food and have no drive through window.	Seven spaces per 1,000 square feet of gross floor area.
(27)	Restaurants that serve fast food and have a drive through window and indoor seating.	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive through, short term waiting spaces plus 10 on site waiting spaces.
(28)	Restaurants that serve fast food and have a drive through window, but no indoor seating.	Fifteen spaces.
(29)	Video rental stores.	One space per each 100 square feet of gross floor area plus one per each employee.
(30)	Service companies doing repair.	Two spaces per 1,000 square feet of electrical, and plumbing work gross floor area. A minimum of five spaces shall be required.
(e) <i>Recreational Entertainment.</i>		
(1)	Arcades.	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
(2)	Batting cage facilities.	Three spaces per cage.
(3)	Bowling centers.	Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.
(4)	Golf driving ranges.	One and one-half spaces per tee.
(5)	Golf courses, miniature.	One and one-half spaces per each hole.
(6)	Golf courses, par-three.	Three spaces per hole.
(7)	Golf courses.	Five spaces per hole.
(8)	Health fitness centers.	Five spaces per 1,000 square feet of gross floor area.
(9)	Movie theaters.	One space per each four seats, plus four spaces per screen.
(10)	Racquetball and tennis centers.	Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
(11)	Public recreation centers.	Five spaces per 1,000 square feet of gross floor area.
(12)	Roller/ice skating rink.	Six spaces per 1,000 square feet of gross floor area.
(f) <i>Industrial Uses.</i>		
(1)	Manufacturing, light industrial, and research establishment.	One and one-half parking spaces per 1,000 square feet of gross floor area.
(2)	Wholesale, warehouses, or distribution facilities, and trucking terminals.	One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater.

(g) *Deferred Parking Construction.* In order to avoid excessive amounts of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:



- (1) The nature, size, density, location or design of the proposed development, including the design of the circulation and parking;
- (2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development;
- (3) Characteristics of the development which will affect the parking needs, including factors such as nonconflicting peak hours of operation and the sharing of spaces by different uses; and
- (4) Any other factors reasonably related to the need for parking for the proposed development.

(Ord. of 6-20-2002)

300.728 - Barrier free parking and design requirements.

Sec. 15.08.

(a) Barrier free parking shall be provided as follows:

Total Parking in Lot	Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof

(b) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

(Ord. of 6-20-2002)

300.729 - Off-street loading requirements.

Sec. 15.09.

- (a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- (b) Required loading spaces shall not be included in the count of off-street parking spaces.
- (c) Loading spaces shall not use any portion of any public right-of-way.
- (d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public right-of-way.
- (e) Loading spaces shall not be located within the front yard. This shall apply to both front yards on each street side of a corner lot.
- (f) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
  - (1) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

(Ord. of 6-20-2002)

## CHAPTER XVA

### 300.740 - SPECIAL LAND USES

#### 300.741 - Purpose of special land uses.

Sec. 15A.01. Uses allowed by special land use permit only have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to general standards and conditions of approval. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses, and for placing conditions upon such permits.

(Ord. No. 08-160, § 2, 9-29-2016)

#### 300.742 - Special land use procedure.

Sec. 15A.02. Application for a special land use permit shall be submitted and processed under the following procedures:

- (a) An application shall be submitted to the Township offices on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Township Board.
- (b) Site Plan Requirement: Applications for a special land use permit shall also be accompanied by ten copies of a site plan which shall contain the information for final site plans required by Chapter 14A [XIVA, 300.640] herein. The application materials shall then be forwarded to the Planning Commission.
- (c) Additional Information: The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, utility systems plan, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and effect on the public school system.
- (d) Upon receipt of such application, one notice that a request for a special land use has been received shall be published in a newspaper which circulates within the Township, and shall be personally delivered or mailed to the applicant and to all persons to whom real property is assessed and the occupants of all structures within 300 feet of the boundaries of the subject property, and according to the procedure for public notification required by Section 19.03. Such notice must be given not less than 15 days before the date the application will be considered.
- (e) The notice shall indicate the following:
  - (1) The nature of the special land use requested.
  - (2) The property which is the subject of the special land use request.
  - (3) When and where the special land use request will be considered.
  - (4) When and where written comments will be received concerning the request.
  - (5) Unless the approving body has already scheduled a public hearing, the notice shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure within 300 feet of the boundary of the property being considered for a special land use.

(Ord. No. 08-160, § 2, 9-29-2016)

#### 300.743 - Special land use; general standards.

Sec. 15A.03. To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this ordinance for specific special land uses:

- (a) The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining nearby lands or any of the uses thereof.
- (b) The special land use must not have an adverse effect on water and sewer services, storm water drainage, road capacity and volume of traffic and traffic safety and circulation.
- (c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.
- (d) The special land use must not have an adverse effect on the need and demand for other public services.
- (e) The special land use must not have a significant adverse effect on the natural environment of the site and nearby properties.
- (f) The special land use must be consistent with the intent and purposes of this ordinance and the Dorr Township Master Plan and protect the public health, safety and welfare.

(Amend. of 3-6-1980; Ord. of 6-20-2002; Ord. No. 08-160, § 2, 6-29-2016)

#### 300.744 - Request for special land use; decision.

Sec. 15A.04. The Planning Commission shall deny, approve or approve with conditions a request for a special land use. The decision shall be incorporated in a statement of findings containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

(Ord. No. 08-160, § 2, 9-29-2016)

#### 300.745 - Special land use; conditions of approval.

Sec. 15A.05. The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

- (a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- (b) Be designed to ensure that said use is compatible with adjacent land uses and activities.
- (c) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (d) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (f) The conditions imposed with respect to the approval of a special land use shall remain unchanged except according to the regulations and procedures of Section 15A. 07.

(Ord. No. 08-160, § 2, 6-29-2016)

#### 300.746 - Expiration of special land use permit.

Sec. 15A.06.

- (a) A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.
- (b) If a use authorized by a Special Land Use permit ceases for a period of two consecutive years, the Special Land Use

permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures of Section 15A.02 herein. The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special Land Use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.

(Ord. No. 08-160, § 2, 6-29-2016)

300.747 - Amendment to an approved special land use.

Sec. 15A.07.

- (a) Any person or agency owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.
- (b) A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 15A.05 herein.

Examples of a major change may include but are not limited to: a significant increase in the hours of operation, a significant expansion of the land area devoted to outdoor activity, a significant increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would significantly increase traffic volumes, a significant change in the number of parking spaces or major alteration of the on-site traffic circulation pattern, the addition of one or more driveways or a change in the conditions of approval which may result in a significant adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use or expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 15A.02 of this Ordinance. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

(Ord. No. 08-160, § 2, 6-29-2016)

300.748 - Revocation of special land use permit.

Sec. 15A.08. If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission shall revoke the permit. Furthermore, such a violation is hereby declared to be a violation of the zoning ordinance, subject to all of the remedies and penalties provided for in this ordinance. (Ord. of 6-20-2002)

(Ord. No. 08-160, § 2, 6-29-2016)

CHAPTER XVI

300.760 - NONCONFORMING USES, BUILDINGS OR STRUCTURES

## 300.761 - Continuance of nonconforming uses, buildings or structures.

Sec. 16.01. Except where specifically provided to the contrary and subject to the provisions of this Chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

## 300.762 - Expansion.

## Sec. 16.02.

- (a) Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided:
  - (1) There is compliance with all height, area, and/or parking and loading provisions with respect to such extensions, enlargements, alteration, remodeling or modernization; and
  - (2) The Zoning Inspector shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally required parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
- (b) No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged:
  - (1) Unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use;
  - (2) Unless such extensions or enlargement is authorized by the Planning Commission as a special use.
- (c) In considering such authorization, the Planning Commission shall consider the following standards:
  - (1) Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and
  - (2) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

(Amend. of 3-6-1980; Ord. No. 29, 9-2-1993)

## 300.763 - Reconstruction; repair.

## Sec. 16.03.

- (a) In the event any nonconforming building or structure shall be damaged by fire, collapse, explosion or acts of God or of the public enemy, following the effective date of this Ordinance, wherein the expense of restoring, reconstructing or repairing of said building or structure does not exceed 50% of the fair value of said building or structure at the time said damage occurred, said building or structure may be so reconstructed, repaired or restored, and its nonconforming use continued; provided that said restoration, reconstruction and repair shall be commenced within six months after such destruction occurred and shall then be prosecuted with reasonable diligence and completed without undue delay. Any

such building or structure wholly so destroyed or damaged, or so damaged to an extent greater than 50% thereof, and its repairs, restoration or reconstruction is unduly delayed, such building and premises shall thereafter not be used for any purpose except as shall conform to the terms and provisions of this Ordinance.

- (b) Single family dwelling units and their accessory buildings, including farm buildings located in the C, D, and E Commercial Zoning Districts and I, Industrial Zoning District which are damaged or destroyed by any means, regardless of the extent of damage or destruction, are exempt from the requirements of Section 16.03(a); provided that such dwelling units and their accessory buildings are reconstructed or repaired in such a manner which will not increase the extent of the non-conformity which existed prior to the damage or destruction. Buildings and structures replaced or restored under the provisions of this subsection, must be set back from the lot lines by at least the same distance or a greater distance and shall not be increased in square footage.

(Ord. No. 29, 9-2-1993)

#### 300.764 - Change or discontinuance.

Sec. 16.04. The nonconforming use of a building or structure or of any land or premises shall not be:

- (a) Changed to any other nonconforming use;
- (b) Reestablished after discontinuance, vacancy, lack of operation or otherwise for a period of 12 months;
- (c) Reestablished after it has been changed to a conforming use.

#### 300.765 - Building or structure under construction on effective date of ordinance.

Sec. 16.05. Any building or structure shall be considered existing and lawful and for purposes of Section 16.01 have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

#### 300.766 - Unlawful use not authorized.

Sec. 16.06. Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure, land or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

#### 300.767 - Nonconformance due to reclassification.

Sec. 16.07. The foregoing provisions of this Chapter shall also apply to buildings, structures, lands and uses which hereafter become nonconforming due to the reclassification or subsequent change in the District under this Ordinance or the regulations of this Ordinance.

### CHAPTER XVII

#### 300.800 - ADMINISTRATION AND ENFORCEMENT

##### 300.801 - Zoning administration.

Sec. 17.01. The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector.

##### 300.802 - Zoning Inspector.

Sec. 17.02. The Inspector shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Inspector, the applicant must be:

- (a) Generally informed of the provisions of this Ordinance;
- (b) Have a general knowledge of the building arts and trades;
- (c) Be in good health and physically capable of fulfilling the duties of the Zoning Inspector.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

### 300.803 - Permits.

#### Sec. 17.03.

- (a) *Permits required.* No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs at a cost of \$200.00 or less, unless a permit therefor has been issued by the Zoning Inspector. An application for a permit shall be in writing and upon duplicate printed forms furnished by the Township. A permit issued by the Zoning Inspector is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. For the purposes of this Ordinance, the commencement of excavating for the installation of foundations or basement walls or any other supports, permanent or temporary, such as posts, piers, piles or like objects, or the placing upon the ground of any object for the purpose of erecting any building or structure shall be considered the beginning of building operations. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Inspector and shall be furnished upon request. If the application is approved, the Zoning Inspector shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Inspector shall also provide the applicant with a construction card signed by the Zoning Inspector stating the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the progress of the work authorized.
- (b) *Contents of application.* Each application shall include such reasonable information as may be requested by the Zoning Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, a drawing in duplicate showing the following information:
  - (1) The location and actual dimensions of the lot or premises to which the permit is to apply;
  - (2) The kind of buildings or structures to which the permit is to apply;
  - (3) The width of all abutting streets;
  - (4) The area, size and location of all buildings or structures to which the permit is to apply;
  - (5) The type of use to be made of the building or structure to which the permit is to apply;
  - (6) The use of buildings or structures on adjoining lands;
  - (7) The estimated cost of the building or structure;
  - (8) The name of the subdivision and the block and lot numbers, if platted, and if unplatted, the legal description thereof.

The Zoning Inspector, in his discretion may waive the inclusion of any of the foregoing information in an application if he shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

- (c) *Accessory buildings or structures.* Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A

separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.

- (d) *Planning commission approval.* When the terms and provisions of this Ordinance require authorization by the Planning Commission as a special use and such authorization is given, then both copies of the application shall be marked approved by the Secretary of the Planning Commission in addition to being so marked as provided above by the Zoning Inspector.
- (e) *Issuance of permit.* Within ten days after the receipt of any application, the Zoning Inspector shall either:
- (1) Issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or
  - (2) Deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- (f) *Expiration of permits.* Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of a permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing work.
- (g) *Cancellation of permits.* The Zoning Inspector shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the permit.
- (h) *Fees.* For each permit issued, a fee shall be paid to the Zoning Inspector, who shall remit the same to the Township Treasurer. A schedule of fees shall be established by the Township Board by resolution. The payment of such fees is a condition precedent to the validity of such permit. Except for fees for building permits, the amount of such fees shall not be determined from the estimated cost of the building or structure as set forth in the application for the permit.  
(Remainder of existing Section deleted.)

(Amend. of 3-6-1980; Amend. of 1-3-1985)

#### 300.804 - Inspection of buildings and structures.

##### Sec. 17.04.

- (a) Inspections shall be conducted as required in Section III of the BOCA Basic Building Codes, as amended. As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Inspector to be notified at the following stages of construction:
- (1) Upon completion of the footing and foundation walls.
  - (2) Upon completion of the rough frame of the building or structure and the electrical wiring.
  - (3) Upon total completion of the work authorized by the permit and before occupancy or use.
- (b) Should the permit holder fail to comply with all of the terms and provisions of this Ordinance at any stage of construction, the Zoning Inspector is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.
- (c) Throughout the progress of construction, the Building Inspector is hereby authorized to enter upon said premises for that purpose at any reasonable time, and any person or persons who shall resist or interfere with such officer, either directly or indirectly, while in the exercise of his duties, shall be deemed guilty of violation of the terms and conditions of this Ordinance and subject to the penalties herein provided. It is hereby declared to be the duty of the Building Inspector of the Township, but not to the exclusion of his various other duties, to inspect all building and construction work throughout as required.

#### 300.805 - Certification of compliance.



Sec. 17.05. No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance. Such certificate shall be used after the work is complete and final inspection has been made.

300.806 - Approvals not authorizing violations.

Sec. 17.06. The approval of such plans and specifications and the granting of a permit shall not be construed to be a permit for, or an approval of any violation of, any of the provisions of this Ordinance; and if an error in that respect has been made, the Township Board or the Building Inspector may correct such error and, if proper, revoke such permit.

(Amend. of 3-6-1980)

## CHAPTER XVIII

### 300.850 - BOARD OF APPEALS

300.851 - Creation, membership, term of office, officers, rules.

Sec. 18.01.

- (a) There is thereby created a Zoning Board of Appeals consisting of five members; the first member of such Board shall be a member of the Planning Commission; the second member may be a member of the Township Board; and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township; provided that an employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals. A member of the legislative body may serve as an alternate member of the Zoning Board of Appeals.
- (b) Terms for members of the Zoning Board of Appeals shall be determined by the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (c) The Board of Appeals shall elect one of its members as its chairman and one of its members as secretary, and shall prescribe rules for the conduct of its affairs. A member of the legislative body who is a member of the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals. Copies of the rules shall be made available to the public at the office of the Township Clerk.

(Amend. of 1-3-1985; Ord. of 1-15-2009)

300.852 - Powers and duties of the Board of Appeals.

Sec. 18.02. The Board of Appeals shall have all the powers and duties prescribed by the law and by this Chapter which are more particularly specified as follows:

- (a) *Interpretation.* Upon appeal from a decision by an administrative official or the Zoning Inspector to decide any question involving the interpretation of an provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (b) *Variances.* To authorize, upon appeal, a variance or modification of this Ordinance where there are practical difficulties for a non-use variance or unnecessary hardships for a use variance in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (c) The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development.

(Ord. of 1-15-2009)

300.853 - Compensation.

Sec. 18.03. Each member shall receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Township Board.

300.854 - Removal.

Sec. 18.04. Members of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

(Ord. of 1-15-2009)

300.855 - Meetings; records.

Sec. 18.05. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in rules of procedure may specify. The Chairman or, in his absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

300.856 - Procedure.

Sec. 18.06.

- (a) The presence of three members shall constitute a quorum but the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.
- (b) A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property.
- (c) Applications or appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Inspector and with the Board of Appeals a notice of application or appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record from which the application or appeal was taken.
- (d) When an application has been filed in proper form and with the required date, the Secretary of the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board and cause notice stating the time, place and object of the hearing to be served. Such notice shall be subject to the requirements of PA 110 of 2006 and Section 19.03 of this Ordinance. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall nevertheless receive notice, and shall be entitled to be heard.

If the Board of Appeals receives a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the Board of Appeals shall conduct a public hearing on the request. Notice of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing. In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific

parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- (e) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- (f) Upon the hearing, any party may be heard in person or by agent or attorney.
- (g) The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- (h) The decision of the Board of Appeals shall be final. The Board of Appeals shall state the grounds of any determination made by the Board. Any party aggrieved by any such decision may appeal to the Circuit Court for Allegan County, as provided under PA 110 of 2006 as amended. The records of the Zoning Board of Appeals shall be made available for the court's review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision.
- (i) [Former (h)] Deleted January 3, 1985.

(Amend. of 1-3-1985; Ord. of 1-15-2009)

#### 300.857 - Stay of proceedings.

Sec. 18.07. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Inspector, and on due cause shown.

#### 300.858 - Conditions of approval.

Sec. 18.08. In authorizing a variance or exception, the Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest including the right to authorize such variance or exception for a limited period of time.

#### 300.859 - Time limit; variances.

Sec. 18.09. Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps towards effecting the variance within said period; provided, however, that the Board of Appeals may extend such period for a further period of time not exceeding one year upon application and without further notice.

#### 300.860 - Variances permitted.

Sec. 18.10. Where there are practical difficulties in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist.

- (a) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which is included as part of the lot.
- (b) Where it is alleged that there is practical difficulty in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- (c) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

(Ord. of 1-15-2009)

#### 300.861 - Variances permitted: Non-use variances.

Sec. 18.11. No variance in the provisions or requirements of this Ordinance shall be affected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and, further, that at least two of the following facts and conditions exist:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
- (c) That a condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

(Ord. of 1-15-2009)

#### 300.861A - Variances Permitted: Use Variances.

Sec. 18.11A. An application for a land use variance to permit a use not otherwise permitted in that zoning district may be considered by the Board but only according to the following procedures:

- (1) The applicant must file an application for a use variance according to the procedures herein for a non-use variance along with an application fee paid in accordance with the fee schedule established by the Township Board.
- (2) The variance request shall be considered by the Board in accordance with the hearing procedures set forth in this chapter.
- (3) In order to approve a use variance request, 2/3 of the members of the Board (three members) must first determine that an unnecessary hardship exists and that the variance request meets all of the following conditions:
  - a. That the property cannot reasonably be used in a manner consistent with existing zoning.
  - b. That the plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
  - c. That the use would not alter the essential character of the area.
  - d. That the problem is not self created.

Further, the Board must ensure that the spirit of this chapter is observed, public safety secured and substantial justice done.

- (4) In granting a use variance, the Board may prescribe reasonable conditions and safeguards necessary to meet the spirit and this chapter.

(Ord. of 1-15-2009)

#### 300.862 - Special conditions.

Sec. 18.12. In considering any applications, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 18.08.

### CHAPTER XIX

#### 300.900 - ORDINANCE AMENDMENT

##### 300.901 - Initiation of amendments.

Sec. 19.01. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, the Board of Appeals or by any interested resident or property owner by petition to the Township Board.

##### 300.902 - Amendment petition procedure.

Sec. 19.02. All petitions for amendment to this Ordinance shall be in writing, signed, and filed with the Township Clerk for presentation to the Township Board. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition and, if applicable, the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- (d) The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
- (f) Other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

##### 300.903 - Amendment procedure.

Sec. 19.03. After initiation, amendments to this Ordinance shall be considered as follows:

- (a) Each proposed Zoning Ordinance amendment or supplement shall be referred to the Planning Commission for its consideration and a recommendation to the Township Board in accordance with the requirements of Act 110 of the Public Acts of 2006 as amended.

All applications for development approval for which a public hearing is required by this Ordinance shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the following provisions of this Section with regard to public notification.

- (1) Responsibility for Public Notice: The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Dorr Township and mailed or delivered as provided in this Section.
- (2) Notice Requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:
  - a. Newspaper Notice: The notice shall be published in a newspaper that circulates in Dorr Township.
  - b. Mail and Personal Notice:
    1. The notice for a hearing for a request for an Ordinance interpretation which does not apply to a specific piece of property shall be sent to the person requesting the interpretation.
    2. For an Ordinance text amendment or an Ordinance interpretation which applies to a specific property, or any other public hearing which applies to a specific property, notice shall be sent by first class mail or personal delivery to:
      - a) The owner of property for which approval is being considered, and the applicant, if different from the owner(s) of the property.
      - b) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of Dorr Township.  
  
If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.
      - c) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice.
- (3) Record of Mailing: The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.
- (4) Content of Notice: The public notice shall:
  - a. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- c. Indicate the date, time and place of the public hearing(s).
  - d. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
- (5) Registration to Receive Notice by Mail: Any public utility company, telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport may register with the clerk to receive written notice of all notices for public hearings.
- (6) After receiving such recommendation the Township Board shall consider the proposed amendment. The Township Board may hold a public hearing if the Board considers it necessary. Upon request of any property owner by certified mail to Clerk the Board shall hold a public hearing. Notice of a hearing held by the Township Board shall be made in accordance with the requirements of Section 19.03 herein.
- (7) The Board may refer any proposed amendments back to the Planning Commission for consideration and comment within the time period specified by the Board. Following this the Board shall vote on the adoption of the Zoning Ordinance request with or without amendments as proposed by the Planning Commission.

(Ord. of 1-15-2009)

CHAPTER XX

300.950 - PENALTIES

300.951 - Nuisance per se.

Sec. 20.1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to CL 125.394 and as otherwise provided by law.

(Ord. of 10-17-2002)

300.952 - Violation and sanctions.

Sec. 20.2.

- a. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- b. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- c. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
---1st offense	\$100.00	Statutory limit
---2nd offense	\$200.00	Statutory limit
---3rd offense	\$300.00	Statutory limit

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

In no case, however, shall costs of less than \$9.00 be ordered, or such greater minimum costs as may be prescribed by statute.

(Ord. of 10-17-2002)

#### 300.953 - Procedure.

Sec. 20.3. The Township Board, the Board of Appeals, the duly authorized attorney for the Township, the Prosecuting Attorney for Allegan County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings, to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(Ord. of 10-17-2002)

### CHAPTER XXI

#### 300.1000 - MISCELLANEOUS PROVISIONS

##### 300.1001 - Administrative liability.

Sec. 21.01. No officer, agent, employee, or member of the Planning Commission, Township Board or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

##### 300.1002 - Severability.

Sec. 21.02. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

##### 300.1003 - Repeal.

Sec. 21.03. This Ordinance shall be deemed an amendment to the existing Dorr Township Zoning Ordinance which was adopted April 2, 1970, which supersedes and replaces the existing Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

##### 300.1004 - Effective date.

Sec. 21.04. This Ordinance was approved by the Township Board on January 6, 1977 and is ordered to take immediate effect.

Published: February 1, 1977

(This text includes amendments to the original text, as indicated by notations as to the effective date of those amendments.)

### ZONING MAP AMENDMENTS

#### 300.2000 - DESCRIPTIONS OF REZONING PROPERTIES



**(1) REZONING FROM B1 TO C.**

The Zoning Ordinance and map for Dorr Township are hereby amended by the transfer of the following described real property, owned by Raymond Stafford and Sharon Stafford, from the B1 (Low Density Residential) to the C (Local Business) zoning district:

The West ½ of the North ¾ of the North East ¼ of Section 22, Town 4 North, Range 12 West, EXCEPT Litchfield Downs and Litchfield Downs #2.

(Ord. No. 26A, 5-6-1993)

**(2) REZONING FROM F TO RE.**

The Zoning Ordinance and map for Dorr Township are hereby amended by the transfer of the following described real property, from the Agricultural zoning district to the Rural Estate (RE) zoning district:

The SE ¼ of the NE ¼ of Section 23, T4N, R12W.

(Ord. No. 27A, 7-1-1993)

**(3) REZONING FROM F TO RE.**

The Zoning Ordinance and map for Dorr Township are hereby amended by the transfer of the following described real property, from the Agricultural zoning district to the Rural Estate (RE) zoning district:

Commencing at the NE corner of Section 31, T4N, R12W, thence North 89°19'23" West along the North line of Section 31, 1098.88 feet to the place of beginning of this description, thence South 0°0'19" West 1322.20 feet to the East and West 1/8 line of the Northeast ¼ of said Section 31, thence North 89°23'15" West along said 1/8 line 1053.00 feet, thence North 0°0'19" East 1323.38 feet to the North line of the Section, thence South 89°19'23" East along the North line of the Section 1053.00 feet to the place of beginning.

(Ord. No. 27B, 7-1-1993)

**(4) REZONING FROM F TO B1.**

The Zoning Ordinance and map for Dorr Township are hereby amended by the transfer of the following described real property, owned by Red Run Associates, from the "F" Agricultural District to "B1" Residential:

That part of the SW ¼ of Section 16, T4N, R12W, Dorr Township, Allegan County, Michigan, described as:

Commencing at the W ¼ corner of Section 16, thence S 00°08'49" W 421.08 feet along the West line of said SW ¼; thence S 74°41'26" East 320.31 feet; thence S 67°16'26" East 311.85 feet to the PLACE OF BEGINNING of this description; thence S 67°16'26" E 369.58 feet; thence S 66°41'46" W 259.44 feet to the Northeasterly corner of Lot 4, Red Run Estates; thence N 60°29'37" W 191.08 feet to the Northwesterly corner of Lot 4; thence N 22°49'37" E 164.16 feet along the extended Westerly line of said Lot 4 to the place of beginning. This parcel contains 1.150 acres.

(Ord. No. 27C, 10-7-1993)

**(5) REZONING FROM RE TO B1.**

[The Zoning Ordinance and map for Dorr Township are hereby amended by the transfer of the following described real property from the Rural Estate (RE) zoning district to the B1, low density residential zoning district.]

The West ½ of the East ½ of the Southwest ¼ of Section 21, Town 4 North, Range 12 West, Dorr Township, Allegan County, Michigan, being more particularly described as commencing at the South ¼ corner of said Section 21; thence S 89°34'45" W along the South line of said Section 676.08 feet to the East line of said West ½ and the Point of Beginning of this description; thence S 89°34'45" W along the South line of said Section 676.08 feet to West line of said West ½; thence N 00°35'42" W along said West line 2636.10 feet to the North line of said West ½; thence S 89°33'50" E along said North

line 677.07 feet to the East line of said West ½; thence S 00°34'33" E along East line of said West ½ 2625.97 feet to the Point of Beginning, subject to that portion taken, used or deeded for highway purposes. This property includes a right-of-way for 140th Avenue.

(Ord. of 6-2-1994)

**(6) REZONING FROM F and E TO B1.**

The Dorr Township Zoning Ordinance and Map are amended to transfer the following described real property from the F Agricultural zoning district and E Commercial zoning district to the B1 Residential zoning district:

That part of the SW ¼, Section 16, Dorr Township, Allegan County, Michigan described as: Commencing at the SW corner of Section 16, thence N 08'49" E 330.0 feet along the West line of said Section to the place of beginning of this description; thence continuing N 08'49" E along the West line of said Section 236.0 feet; thence S 89°56'13" E parallel with the South line of said Section 466.0 feet; thence N 08'49" E parallel with the West line of said Section 141.0 feet; thence S 89°56'13" E parallel with the South line of said Section 871.7 feet, more or less, to the N&S 1/8 th line; thence N 89°56'13" W parallel to the South line of said Section 1337.69 feet to the West line of said Section and the place of beginning of this description.

This property is bordered on the West by 20th Street.

(Ord. of 9-1-1994)

**(7) REZONING FROM F TO RE.**

The following described real property is rezoned from the agricultural zoning district to the rural estate zoning district:

The S ¾ of the SW ¼ of the NE ¼ of Section 16, Dorr Township; (this parcel is 997.71 feet North and South, and approximately 1,335.18 feet East and West).

(Ord. of 8-17-1995)

**(8) REZONING TO B2.**

The following described real property is rezoned to the B-2 residential zoning district:

The East 330 feet of the following described property:

The SE ¼ of the NE ¼ of Section 16, Dorr Township, EXCEPT the North 255 feet of the East 330 feet thereof; ALSO EXCEPT commencing at the SE corner of the SE ¼ of the NE ¼ of said Section 16, thence North on the section line 300 feet, thence Westerly at right angles 436 feet, thence South parallel to the first mentioned course 300 feet, thence Easterly 436 feet to the place of beginning.

(Ord. of 8-17-1995)

**(9) REZONING TO B1.**

The following described real property is rezoned to the B-1 residential zoning district:

The SE ¼ of the NE ¼ of Section 16, Dorr Township, EXCEPT the East 330 feet thereof; ALSO EXCEPT commencing at the SE corner of the SE ¼ of the NE ¼ of said Section 16, thence North on the section line 300 feet, thence Westerly at right angles 436 feet, thence South parallel to the first mentioned course 300 feet, thence Easterly 436 feet to the place of beginning.

(Ord. of 8-17-1995)

**(10) REZONING FROM E TO B1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the E commercial to the B-1 residential zoning district:

The West 135 feet of the East 335 feet of the following described premises: Commencing at the Southwest corner of the Southwest  $\frac{1}{4}$  of Section 16, T4N, R12W, thence East 80 rods, thence North 20 rods, thence West 80 rods, thence South 20 rods to place of beginning.

(Ord. of 12-7-1995)

**(11) REZONING FROM E TO F.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the E commercial zoning district and agricultural zoning district to the I industrial zoning district:

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 13, T4N, R12W, except U.S. 131 right of way, also except the North 330 feet of the East 1320 feet thereof.

(Ord. of 12-7-1995)

**(12) REZONING FROM E AND F TO I.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the E commercial and agricultural zoning districts to the I industrial zoning district:

All that part of the abandoned railroad right of way lying in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 16, T4N, R12W, EXCEPT a parcel described as commencing 1135.5 feet West of the Southeast corner of said section at the centerline of the railroad right of way, thence North  $11^{\circ}43'30''$  West 186 feet, thence North  $78^{\circ}16'30''$  East 186 feet, thence South  $5^{\circ}25'55''$  East 221.20 feet, thence West 63.09 feet to the place of beginning.

(Ord. of 1-4-1996)

**(13) REZONING FROM F TO B1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F agricultural zoning district to the B-1 residential zoning district:

Part of the NE  $\frac{1}{4}$  of Section 16, T4N, R12W, Dorr Township, Allegan County, Michigan, described as: Commencing at the NE corner of said Section; thence S 00 degrees 37'42"W 1322.00 feet along the East line of said Section; thence N 89 degrees 09'32" W 285.00 feet along the South line of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section to the Point of Beginning; thence N 89 degrees 09'32" W 375.00 feet; thence N 00 degrees 37'42" E 345.00 feet; thence S 89 degrees 09'32" E 375.00 feet; thence S 00 degrees 37'42" W 345.00 feet to the Point of Beginning.

(Ord. of 1-2-1997)

**(14) REZONING FROM F TO RE.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F agricultural zoning district to the RE rural estate zoning district:

The Southeast quarter of the Southwest quarter of Section 10, T4N, R12W.

(Ord. of 1-2-1997)

**(15) REZONING FROM E TO B-1.**

The following described real property was transferred from the E commercial zoning district to the B-1 residential zoning district:

The North 186.5 feet of the following described property: That part of the NW ¼, Section 21, T4N, R12W, Dorr Township, Allegan County, Michigan, described as: BEGINNING at a point on the N-S ¼ line of Section 21, which is S 00 33'38" E 313.5 feet from the N ¼ corner of Section 21; thence S 00 33'38" E 370.0 feet; thence N 89 31'00" W 391.39 feet along the North line of Pine Hills Plat; thence N 28 30'00" W 422.90 feet; thence S 89 31'00" E 589.57 feet to the place of beginning.

(Ord. of 3-20-1997)

**(16) REZONING FROM F TO RE.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural zoning district to the Rural Estate zoning district:

The Southeast ¼ of the Northeast ¼ of Section 28, T4N, R12W, EXCEPT a parcel described as commencing at the East ¼ post, thence West 723 feet, thence North 495 feet, thence East 63 feet, thence North 330 feet, thence East 660 feet, thence South to the place of beginning; AND ALSO EXCEPT the North 200 feet of the East 200 feet of the Southeast ¼ of the Northeast ¼ of said Section 28.

(Ord. of 7-17-1997)

**(17) REZONING FROM F TO E.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of that portion of the following described property which is located in the Agricultural zoning district to the E-commercial zoning district:

Commencing at a point on the centerline of 142nd Avenue 211.88 feet South 87°59' West of the South ¼ post of Section 13, T4N, R12W, thence continuing on said centerline South 87°59' West 635 feet, thence North 2°01' West 536.07 feet, thence North 87°59' East 639.54 feet to West right of way U.S. 131, thence South on said right of way of U.S. 131 536.07 feet to the place of beginning.

(Ord. of 10-2-1997)

**(18) REZONING FROM E TO RE.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the "E" Commercial Zoning District to the Rural Estate Zoning District:

The Southeast ¼ of the Southwest ¼ of Section 30, Town 4 North, Range 12 West, EXCEPT the West 264 feet of the Southwest ¼ of the Southeast ¼ of the Southwest ¼ of said Section, and ALSO EXCEPT the West 396 feet of the Northwest ¼ of the Southeast ¼ of the Southwest ¼ of said Section 30.

(Ord. of 2-19-1998)

**(19) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Residential Zoning District:

Commencing at the Southeast corner of Section 33, T4N, R12W; thence West on the section line 958.33 feet to the place of beginning of this description; thence West 362.35 feet, this point being 4.06 feet East of the South 1/8 Post of the Southeast ¼ of Section 33; thence North 323.24 feet; thence West 328.91 feet; thence North 0°18' East 668.82 feet; thence North 89°25' East 686.14 feet; thence South 0°06' East 999.14 feet to the place of beginning. EXCEPT commencing at the Southeast corner of Section 33, T4N, R12W, thence West on the section line 1270.68 feet to the place of beginning of this description, thence West 50 feet, this point being 4.06 feet East of the South 1/8 Post of the Southeast ¼, thence North 323.24 feet, thence West 328.91 feet, thence North 00°18' East 668.82 feet, thence North 89°25' East 686.14 feet, thence South 00°06' East 592.14 feet, thence West 311.64 feet, thence South 407.0 feet to the South line of said section and the place of beginning.

(Ord. of 3-12-1998)

- (20) **REZONING FROM D AND B-1 TO E.** The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the D commercial and B-1 residential zoning districts to the E commercial zoning district:

The North 165 feet of the South 330 feet of the East 165 feet of the Southeast  $\frac{1}{4}$  of Section 16, Town 4 North, Range 12 West, and ALSO the East 145 feet of the South 165 feet of the Southeast  $\frac{1}{4}$  of Section 16, Town 4 North, Range 12 West.

(Ord. of 4-2-1998)

- (21) **REZONING FROM R-1 TO B-1.**

The following described parcels were rezoned from the R-1 rural estate zoning district to the B-1 low density residential district:

- (1) The West 297 feet of the South 480 feet of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 21 of Dorr Township;
- (2) The South 1055 feet of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 21 of Dorr Township, except the South 260 feet of the East 200 feet of the West 530 feet of said East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 21; and
- (3) The South 260 feet of the East 200 feet of the West 530 feet of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 21.

(Ord. of 4-2-1998)

- (22) **REZONING FROM E TO R-1.**

The following described real property was transferred from the E commercial zoning district to the R-1 rural estate zoning district:

The West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 30, Town 4 North, Range 12 West, EXCEPT the South 330 feet thereof.

(Ord. of 5-7-1998)

- (23) **REZONING FROM F TO B-1.**

The following described real property was transferred from the F Agricultural Zoning District to the B-1 Residential Zoning District:

The West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, Town 4 North, Range 16 West, EXCEPT the East 132 feet of the North 165 feet thereof; ALSO all that part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section lying East of the centerline of the former New York Central railroad, EXCEPT a parcel described as commencing at the North  $\frac{1}{4}$  post, thence East 1268.40 feet to the East line of the New York Central Railroad right-of-way and the Place of Beginning of this description, thence East 200 feet, thence South 2°01'15" East 358 feet, thence West 200 feet, thence North 2°01'15" West 358 feet to the Place of Beginning.

(Ord. of 5-21-1998)

- (24) **REZONING FROM F TO RE.**

The Dorr Township Board adopted an amendment to the Dorr Township Zoning Ordinance and Map on Thursday, December 3, 1998, transferring the following described real property from the agricultural zoning district to the rural estate zoning district:

The South 330 feet of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 30, Town 4 North, Range 12 West; AND ALSO the West 264 feet of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 30, AND ALSO the West 396 feet of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 30.

These parcels are bordered on the South by 138th Avenue, and the first parcel is bordered on the West by 24th Street.

(Ord. of 12-3-1998)

**(25) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the "F" Agricultural Zoning District to the B-1 Residential Zoning District:

The East 495 feet of the West 1155.0 feet of the North ½ of the NE ¼ of Section 15, Town 4 North, Range 12 West, Dorr Township, Allegan County, Michigan, except the North 660.0 feet thereof.

(Ord. of 2-18-1999)

**(26) REZONING FROM F TO B-1.**

The Dorr Township Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Residential Zoning District:

A. The following described real property is rezoned from the Agricultural zoning district to the B-1 Residential zoning district:

The Northwest ¼ of the SE ¼ of Section 16, Town 4 North, Range 12 West, Dorr Township, Allegan County, Michigan and also an adjoining parcel in the SW ¼ of Sec. 16 of Dorr Township described as: Commencing 1126.28' N of S ¼ post, Thence N 650.02' Th[ence] W 494.10' Thence S 10° 07' E 661.24' Thence E 378.62' to place of beginning

B. The following described real property is rezoned from the Agricultural zoning district to the B-1 Residential zoning district:

The South 780.0 feet of the East 495.0 feet of the West 1155.0 feet of the North ½ of the NE ¼ of Section 15, T4N, R12W.

(Ord. of 6-16-1999)

**(27) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following description real property from the Agricultural Zoning District to the B-1 Low Density Residential Zoning District:

The West 660.0 feet of the North ½ of the Northeast ¼ of Section 15, T4N, R12W, Except the North 660.0 feet thereof, also except the South 330.0 feet thereof.

(Ord. of 3-2-2000)

**(28) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Residential Zoning District:

The South ½ of the South ½ of the Northeast ¼ of the Northwest ¼, except the East ½ thereof, of Section 15, Town 4 North, Range 12 West.

(Ord. of 7-20-2000)

**(29) REZONING FROM F TO B-1.**

The following described real property was transferred from the Agricultural Zoning District to the B-1 Residential Zoning District:

The Southeast ¼ of the Northeast ¼ of Section 15, T4N, R12W.

(Amend. of 12-7-2000)

**(30) REZONING FROM F TO I.**

The Dorr Township Zoning Ordinance and Map were amended by the Dorr Township Board on Thursday, January 4, 2001 by the transference of the following described real property from the F-Agricultural zoning district to the I-Industrial zoning district:

Those parts of the Southwest ¼ and the Northwest ¼ of Section 13, Town 4 North, Range 12 West, Dorr Township, Allegan County, Michigan, described as: Beginning at a point on the West line of said section which is N 03° 46' 32" W 616.00 feet from the Southwest corner of said section; thence N 87° 58' 24" E 165.00 feet along the North line of the South 616.00 feet of the Southwest ¼ of said section; thence S 03° 46' 32" E 115.77 feet; thence N 87° 58' 24" E 1167.77 feet along a line which is 500.00 feet North of (perpendicular measurement) and parallel with the South line of said Section; thence N 03° 41' 36" W 829.47 feet along the East line of the West ½ of the Southwest ¼ of said section; thence N 87° 55' 01" E 1123.25 feet along the South line of the North ½ of the Southwest ¼ of said section to the Westerly right of way line of highway US-131; thence Northerly 243.79 feet on a 4829.65 foot radius curve to the right the chord bearing N 04° 37' 08" W 243.77 feet; thence N 03° 25' 15" W 421.71 feet; thence S 87° 53' 20" W 20.01 feet; thence N 03° 25' 15" W 1327.25 feet; thence N 87° 51' 39" E 20.01 feet; thence N 03° 25' 15" W 1477.78 feet (the last six courses being on the Westerly right of way line of Highway US-131 per Liber 501 on pages 496-498 and Liber 503 on pages 578-580); thence S 88° 08' 22" W 1122.54 feet along a line which is 500.00 feet South of (perpendicular measurement) and parallel with the North line of said section; thence S 03° 21' 58" E 2145.14 feet along the West line of the East ½ of the Northwest ¼ of said section; thence S 03° 41' 36" E 424.97 feet along the West line of the East ½ of the Southwest ¼ of said section; thence S 87° 51' 38" W 1335.18 feet parallel with East-West ¼ line of said section to a point on the West line of said section; thence S 03° 46' 32" E 565.24 feet to a point which is N 03° 46' 32" W 1666.61 feet from the Southwest corner of said section; thence N 86° 13' 28" E 230.00 feet; thence S 03° 46' 32" E 300.00 feet; thence S 86° 13' 28" W 21.29 feet; thence S 03° 46' 32" E 208.71 feet; thence S 86° 13' 28" W 208.71 feet; thence S 03° 46' 32" E 541.90 feet along the West line of said section to the point of beginning.

(Amend. of 1-15-2001)

**(31) REZONING FROM F TO E.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F-Agricultural Zoning District to the E-Commercial Zoning District:

The South 200 of the North 700 feet of the West ½ of the Northwest ¼ of Section 23, Town 4 North, Range 12 West, except the West 697 feet thereof.

(Ord. of 2-1-2001)

**(32) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Low Density Residential Zoning District:

The South ½ of the NW ¼ of Section 15, except the North 8 rods of the West 20 rods thereof, also except commencing in the Southwest corner of the Northwest ¼ of the NW ¼, thence North 232 feet thence East 990 feet thence South 232 feet thence West 990 feet to beginning, Section 15, T4N, R12W, Dorr Township, Allegan County.

(Ord. of 2-1-2001)

**(33) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Low Density Residential Zoning District:

- A. The following described real property is rezoned from the Agricultural zoning district to the B-1 Low Density Residential District:

The East ½ of the Southeast ¼ of Section 15, T4N, R12W, EXCEPT THE South 500 feet thereof, which remains in a commercial zoning district (tax parcel: 0305-015-091-00; 0305-015-091-50; and part of 0305-015-013-00)

(Ord. of 7-19-2001)

**(34) REZONING FROM F TO I.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the I-1 Industrial Zoning District:

- A. The following described real property is rezoned from the Agricultural zoning district to the I-1 Industrial Zoning District:

The West 120 acres of the NE ¼ of Section 24, T4N, R12W, Dorr Township, Allegan County, Michigan, lying East of highway US-131. Except the East 495.0 feet of the North 500.0 feet thereof. Also except the following described parcel: Beginning at a point on the North line of said Section which is N87° 35' 05" E 458.08 feet from the North ¼ corner of said Section; thence N87°35' 05" E 614.73 feet along said North line; thence S02° 24' 55"E 460.00 feet; thence S87° 35' 05" W 501.77 feet to the East right-of-way line of the US-131 off ramp; thence N16° 12' 46" W 473.66 feet to the point of beginning. And, also except the following: Beginning at a point which is N87° 35' 05" E 458.08 feet and S16° 12' 46" E 473.66 feet from the North ¼ corner of said Section; thence S16° 12' 46" E 793.38 feet along the East right-of-way line of the US-131 off ramp; thence S33° 35' 45" E 265.00 feet along the East right-of-way line of US-131; thence East 24.01 feet; thence N33° 35' 45" W 275.23 feet; thence N16° 12' 46" W 785.41 feet; thence S87° 35' 05" W 20.59 feet to the point of beginning. Also except the approximately North 500 feet thereof which is already zoned E Commercial under the Dorr Township Zoning Ordinance and Map.

(Ord. of 7-19-2001)

**(35) REZONING FROM F TO B-1.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F-Agricultural Zoning District to the B-1 Residential Zoning District:

Commencing at the Southwest corner of the Northwest ¼ of the Northwest ¼ of Section 15, Town 4 North, Range 12 West, thence East 990 feet, thence North 232 feet, thence West 725 feet, thence South 116 feet, thence West 265 feet, thence South 116 feet to the place of beginning.

(Ord. of 1-3-2002)

**(36) REZONING FROM F TO RE.**

The Dorr Township Zoning Ordinance is hereby amended by the transference of the following described real property from the Agricultural zoning district to the Rural Estate zoning district:

The West 787.87 feet of the Northwest ¼ of the Northwest ¼ of Section 5, Town 4 North, Range 12 West, EXCEPT the North 173 feet of the West 462 feet thereof, AND ALSO EXCEPT the North 198 feet of the East 325.5 feet thereof.

TOGETHER WITH the North 231 feet of the West 742.5 feet of the Southwest ¼ of the Northwest ¼ of Section 5, Town 4 North, Range 12 West.

(Ord. of 10-17-2002)

**(37) REZONING FROM F TO E AND RE.**



The Dorr Township Zoning Ordinance and Map [are hereby amended] by changing the zoning classification of the following described real property from the Agricultural Zoning District to the E-Commercial Zoning District, as to the East 400 feet of the premises, and from the Agricultural Zoning district to the Rural Estate Zoning District, as to the remainder of the premises:

The South  $\frac{3}{4}$  of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 17, Town 4 North, Range 12 West, EXCEPT the North 330 feet of the South 930 feet thereof; ALSO EXCEPT the West 350 feet of the South 600 feet thereof; ALSO EXCEPT the North 30 acres thereof; ALSO EXCEPT a parcel described as Commencing at the Southeast corner of said section, thence North on the East line of said section 400 feet to the place of beginning, thence continuing North along the East line 200 feet, thence West 250.8 feet, thence South 200 feet, thence East 250.8 feet to the place of beginning.

(Ord. of 11-21-2002)

**(38) REZONING FROM F TO B-1.**

The following described real property was transferred from the Agricultural Zoning District to the B-1 Residential Zoning District at the request of Kenneth Groeneveld:

Commencing at the Northwest corner of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, Town 4 North, Range 12 West, thence East to a point of 250 feet West of the Northeast corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said section 16, thence South 318.75 feet, thence West to the West line of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said section, thence North 318.75 feet to the place of beginning.

AND ALSO the West 50 feet of the following described property:

Beginning at the Northeast corner of Section 16, Town 4 North, Range 12 West, thence West along the North line of the Section 250.00 feet, thence South 250.00 feet, thence East 250.00 feet, thence North along the East line of the Section 250.00 feet to the place of beginning.

(Ord. of 12-19-2002)

**(39) REZONING FROM F TO RE.**

The following described real property [was transferred] from the Agricultural Zoning District to the Rural Estate Zoning District at the request of Carl Graczyk:

That part of the Northeast  $\frac{1}{4}$  of Section 28, Town 4 N, R12W, Dorr Township, Allegan County, Michigan, described as:

Commencing at the Northeast corner of said section; thence South  $00^{\circ} 39' 54''$  East 266.00 feet along the East line of said Northeast  $\frac{1}{4}$  to the place of beginning; thence S  $00^{\circ} 39' 54''$  East 1061.00 feet along said East line; thence North  $89^{\circ} 32' 04''$  West 660.00 feet along the South line of the North  $\frac{1}{2}$  of said Northeast  $\frac{1}{4}$ ; thence North  $00^{\circ} 39' 54''$  West 1331.40 feet along the West line of the East 660.,00 feet of said Northeast  $\frac{1}{4}$ ; thence South  $89^{\circ} 09' 10''$  East 440.00 feet along the North line of said Northeast  $\frac{1}{4}$ ; thence South  $00^{\circ} 39' 54''$  East 266.00 feet; thence South  $89^{\circ} 09' 10''$  East 220.00 feet to the place of beginning.

(Ord. of 12-19-2002)

**(40) REZONING FROM E TO RE.**

The following described real property was transferred from E Commercial Zoning District to the Rural Estate Zoning District:

The South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 30, T4N, R12W, containing 80 acres more or less.

(Ord. of 5-1-2003)

**(41) REZONING FROM F TO B-1.**

The following described real property owned by Gordon and Vina DeHaan was rezoned from the Agricultural Zoning District to the B-1 Residential Zoning District:

The West ½ of the East ½ of the East ½ of the Southwest ¼ of Section 14, Town 4 North, Range 12 West.

(Ord. of 12-18-2003)

**(42) REZONING FROM F TO B-2.**

The following described real property was changed from Agricultural to the B-2 Residential Zoning District:

The NE ¼ of the NE ¼ of Section 23, T4N, R12W, except for the North 500 feet thereof, which remains in the E-Commercial Zoning District.

(Ord. of 2-5-2004)

**(43) REZONING FROM F TO B-1 AND C TO B-1.**

Parcel A, described below, was transferred from an Agricultural Zoning District to the B-1 Residential Zoning District, and Parcel B, described below, was transferred from the C-Commercial Zoning District to the B-1 Residential Zoning District:

Parcel A: That part of the Southeast ¼ of Section 14, T4N, R12W, described as: Beginning at a point 533' North of the Southwest corner of the Southeast ¼ of said section, thence North 2,116' along the West line of the Southeast ¼; thence East 648' along the North line of Southeast ¼; thence South 1,308'; thence East 880'; thence South 788'; thence West 1,303' to the place of beginning.

Parcel B: That part of the Southeast ¼ of Section 14, T4N, R12W, described as: Beginning at a point on the South line of said section 965' East from the Southwest corner of the Southeast ¼ of said section, thence North 533'; thence East 325'; thence South 533'; thence West 325' along the South line of said section to the place of beginning.

(Ord. of 7-1-2004)

**(44) REZONING FROM F AGRICULTURAL TO B-1 RESIDENTIAL.**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F Agricultural Zoning District to the B-1 Residential Zoning District:

The East 30 rods of the West 70 rods of the West 60 acres of the North ½ of the Northeast ¼, EXCEPT the South 780 feet thereof, Section 15, Town 4 North, Range 12 West, AND ALSO EXCEPT that parcel described as: That part of Northeast ¼ of said Section 15, Town 4 North, Range 12 West, Dorr Township, Allegan County, Michigan, described as: Commencing at the North ¼ corner of said Section; thence South 89;deg; 31' 04" East 896.347 feet along the North line of said Northeast ¼ to the place of beginning; thence South 89;deg; 31' 04" East 258.66 feet along said North line; thence South 00;deg; 51' 52" West 242.54 feet parallel with the West line of said Northeast ¼; thence North 89;deg; 25' 45" West 252.98 feet; thence Northerly 50.78 feet along a 317.00-foot radius curve to the right, the chord of which bears North 04;deg; 06' 26" West 50.73 feet; thence North 00;deg; 28' 56" East 191.57 feet to the place of beginning.

(Ord. of 4-7-2005)

**(45) REZONING FROM F AGRICULTURAL TO PUD.**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the F Agricultural Zoning District to a PUD - Planned Unit Development Rural Agricultural Zoning District:

That part of the NE ¼ of Section 36, T4N, R12W, Dorr Township, Allegan County, Michigan, described as: Commencing at the N ¼ corner of said Section; thence S 00;deg; 33' 56" E 1,391.20 feet along the West line of said NE ¼ to the place of beginning; thence N 90;deg; 00' E 1,406.13 feet parallel with the north line of said NE ¼; thence N 00;deg; 19' 43" W 846.16 feet along a line which if extended to the North Section line would be 1,411.88 feet N 90;deg; 00' E of the N ¼

corner; thence N 90;deg; 00' E 844.53 feet along the South line of the North 545 feet of said NE ¼; thence S 00;deg; 47' 09" E 652.96 feet; thence N 90;deg; 00' E 400.0 feet to a point on the East line of said NE ¼ which is S 00;deg; 47' 09" E 1,198.0 feet from the NE corner of said Section; thence S 00;deg; 47' 09" E 973.0 feet along said East line; thence N 89;deg; 44' 45" W 2,660.55 feet along the North line of the South 500 feet of said NE ¼; thence N 00;deg; 33' 56" W 767.90 feet along the West line of said NE ¼ to the place of beginning.

(Ord. of 4-21-2005)

**(46) REZONING FROM AGRICULTURAL TO B-1 RESIDENTIAL.**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Residential Zoning District:

The East ½ of the East ½ of the East ½ of the Southwest ¼ of Section 14, T4N, R12W, EXCEPT the South 500 feet thereof.  
Tax parcel: 0305-014-007-00.

(Ord. of 5-5-2005)

**(47) REZONING FROM F AGRICULTURAL TO RE RURAL ESTATE.**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the F Agricultural Zoning District to the RE Rural Estate Zoning District:

The North ½ of the Southeast ¼ and the North ½ of the Southwest ¼ of the Southeast ¼ of Section 9, T4N, R12W, EXCEPT the North 929 feet of that part of the North ½ of the Southeast ¼ of said Section 9 lying West of the New York Central Railroad right-of-way; ALSO EXCEPT the North 125 feet of the South 587 feet of the following property: Beginning at a point on the East line of said Section 9, 610 feet South of the East Quarter Post, thence North 87;deg; 29' 50" West parallel to the East and West quarter line 264 feet, thence South parallel to the East line of said Section 713.38 feet to the East and West 1/8 line of the Southeast ¼, thence South 87;deg; 25' 05" East on the 1/8 line 264 feet, thence North 713.02 feet to the place of beginning.

ALSO EXCEPT a parcel described as: Beginning at a point on the East line of said Section 9, 1,088.02 feet South of the East Quarter post, thence North 89;deg; 25' 05" West 600 feet, thence South parallel to the East line of said Section 235 feet to the East and West 1/8 of the Southeast ¼, thence South 87;deg; 25' 05" East on the 1/8 line 600 feet to the 1/8 post, thence North on the section line 235 feet to the place of beginning.

ALSO EXCEPT the North ½ of the Southwest ¼ of the Southeast ¼ of said Section 9 lying East of the New York Central Railroad right-of-way.

(Ord. of 8-18-2005)

**(48) REZONING FROM AGRICULTURAL TO RE RURAL ESTATE.**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the RE Rural Estate Zoning District:

The East ½ of the Southeast ¼ of Section 18, Town 4 North, Range 12 West, EXCEPT the North 1,980 feet thereof; ALSO EXCEPT the South 234 feet of the North 2,214 feet of the East 411 feet of said Section 18, Dorr Township, Allegan County, Michigan (Tax parcel: 0305-018-020-00).

(Ord. of 1-5-2006)

**(49) REZONING FROM B-1 RESIDENTIAL TO PLANNED UNIT DEVELOPMENT.**

The Zoning Ordinance [and Map] of the Township of Dorr is hereby amended, so as to rezone the following described lands from the B-1 Zoning District to the Planned Unit Development District, in accordance with the Final Development Plan of Larsons Ridge Planned Unit Development, subject to all of the terms and conditions of an ordinance adopted January 16, 2006:

Part of the Southeast  $\frac{1}{4}$  and Southwest  $\frac{1}{4}$  of Section 14, T4N, R12W, Dorr Township, Allegan County, Michigan, described as: Commencing at the South  $\frac{1}{4}$  corner of said Section; thence N87deg 44' 07" E 351.40 feet along the South line of said Section to the Point of Beginning; thence N87deg 44' 07" E 66 feet along said South line; thence N02deg 12' 12"W 501.96 feet; thence Northwesterly 31.06 feet along a 430.00-foot radius curve to the left, said curve having a central angle of 4deg 08' 20", and a chord bearing N04deg 16' 22"W 31.06 feet; thence N87deg 44' 07" E 623.89 feet; thence Southwesterly 145.87 feet along a 267.00-foot radius curve to the right, said curve having a central angle of 31deg 18' 12", and a chord bearing S32deg 46' 56"W 144.07 feet; thence Southwesterly 250.61 feet along a 283.00-foot radius curve to the left, said curve having a central angle of 50deg 44' 18", and a chord bearing S32deg 46' 56"W 144.07 feet, thence Southwesterly 250.61 feet along a 283.00-foot radius curve to the left, said curve having a central angle of 50deg 44' 18", and a chord bearing S23deg 03' 53"W 242.50 feet; thence S02deg 18' 16"E 195.87 feet; thence N87deg 44' 07"E 463.68 feet along the South line of said Section; thence N03deg 29' 33"W 1,328.37 feet along the East line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section; thence S87deg 44' 25" W 655.76 feet along the North line of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section; thence N03deg 21' 04" W 1,328.37 feet along the East line of the West  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section; thence S87deg 44' 44" W 1,307.13 feet along the E-W  $\frac{1}{4}$  line of said Section; thence S03deg 02' 38" E 2,123.22 feet along the West line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section; thence N87deg 46' 31" E 660.70 feet along a line being N02deg 13' 29"W 533.00 feet from the South line of said Section; thence N87deg 44' 07" E 360.29 feet along a line being N02deg 15' 53" W 533.00 feet from the South line of said Section; thence Southeasterly 20.67 feet along a 370.00-foot radius curve to the right, said curve having a central angle of 3deg 12' 03", and a chord bearing S02deg 48' 13" E 20.67 feet; thence S03deg 12' 12" E 512.35 feet to the point of beginning. Subject to Highway Right-of-Way for 142<sup>nd</sup> Avenue over the Southerly 33.00 feet thereof.

(Ord. of 1-16-2006)

**(50) REZONING FROM AGRICULTURAL TO B-1 RESIDENTIAL:**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the B-1 Residential District:

The North 330 feet of the West 528 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, Town 4 North, Range 12 West.

(Ord. of 1-19-2006)

**(51) REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL:**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described real property from the Agricultural Zoning District to the Rural Agricultural Zoning District:

The East  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 14, T4N, R12W, Dorr Township, Allegan County, Michigan, except a parcel beginning at a point on the North line of said NW  $\frac{1}{4}$  which is 350' West of the North  $\frac{1}{4}$  corner of Section 14; thence South 305'; thence West 200'; thence North 305'; thence East 200' along the North line of said NW  $\frac{1}{4}$  to the PLACE OF BEGINNING; also except that part of the NW  $\frac{1}{4}$  of Section 14, T4N, R12W, Dorr Township, Allegan County, Michigan, described as: Commencing at the NW corner of said Section; thence N 90;deg; 00' 00" E 1,306.40 feet along the North line of said NW  $\frac{1}{4}$  to the NW corner of the East  $\frac{1}{2}$  of said NW  $\frac{1}{4}$  and the place of beginning; thence S 00;deg; 33' 30" E 300.00 feet along the West line of said East  $\frac{1}{2}$ , NW  $\frac{1}{4}$ ; thence N 90;deg; 00' 00" E 370.00 feet; thence N 00;deg; 33' 30" W 300.00 feet; thence S 90;deg; 00' 00" W 370.00 feet along the North line of said NW  $\frac{1}{4}$  to the place of beginning; also except the West 200' of the East 350' of the North 800' of said NW  $\frac{1}{4}$ .

(Ord. of 1-19-2006)

**(52) REZONING FROM F AGRICULTURAL TO RA RURAL AGRICULTURAL.**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described parcels of real property from the F Agricultural Zoning District to the RA Rural Agricultural Zoning District:

Parcel A:

The East ½ of the Northwest ¼ of Section 18, T4N, R12W, EXCEPT beginning at a point 770 feet North and 33 feet West of the center ¼ post of Section 18, thence North 208.71 feet, thence West 208.71 feet, thence South 208.71 feet, thence East 208.71 feet to the place of beginning; ALSO EXCEPT beginning at a point 978.71 feet North and 33 feet West of the center ¼ post thence North 417.42 feet, thence West 417.42 feet, thence South 417.42 feet, thence East 417.42 to the place of beginning; ALSO EXCEPT the East 183 feet of the North 325 feet of said Section; ALSO EXCEPT commencing 800 feet South of the North ¼ post, thence South 50.04 feet, thence South 87;deg; 40' West 437.96 feet, thence South 2;deg; 20' East 150 feet, thence South 87;deg; 40' West 218 feet, thence North 2;deg; 20' West 200 feet; thence North 87;deg; 40' East 658 feet to the place of beginning.

Parcel B:

The North ½ of the Southwest ¼ of the Northwest ¼ of Section 18, EXCEPT the North 330 feet of the West 264 feet thereof;

Parcel C:

The North 330 feet of the West 264 feet of the Southwest ¼ of the Northwest ¼ of Section 18;

Parcel D:

The North 330 feet of the South 660 feet of the Southwest ¼ of the Northwest ¼ of Section 18;

Parcel E:

The South 330 feet of the Southwest ¼ of the Northwest ¼ of Section 18.

Parcel A is bordered on the North by 144<sup>th</sup> Avenue and on the East by 23<sup>rd</sup> Street. Parcels B, C, D and E are bordered on the West by 24<sup>th</sup> Street.

(Ord. of 8-3-2006)

**(53) REZONING FROM COMMERCIAL TO RURAL ESTATE (RE):**

The Dorr Township Zoning Ordinance [and Map] are hereby amended by the transference of the following described parcels of real property from the Commercial Zoning District to the RE Rural Estates Zoning District:

The Southwest ¼ of the Southwest ¼ of the Southeast ¼ of Section 30, Town 4 North, Range 12 West; EXCEPT the East 198 feet of the Southwest ¼ of the Southwest ¼ of the Southeast ¼ of said Section 30.

(Amend. of 9-21-2006)

**(54) REZONING FROM F AGRICULTURAL TO I INDUSTRIAL:**

The following described real property is rezoned from the F Agricultural Zoning District to the I Industrial Zoning District:

The North ¾ of the North ½ of the Northwest ¼ of Section 1, Town 4 North, Range 12 West EXCEPT Penn Central right-of-way; ALSO that part of the North 568 feet of the South 1,667 feet of the East 1,089 feet of the Northwest ¼ lying West of the Penn Central Railroad Right-of-way; except Highway US 131; also except commencing at the Northwest corner of Section 1, thence East along the North line of said Section 926.45 feet, thence South 0 degrees 2' 25" 946.25 feet parallel

with the West section line, thence North 89 degrees 10' West 925.92 feet to the West line of said Section, thence North along the West line of said Section 939.86 feet to the place of beginning; also except commencing at the Northwest corner of said Section, thence East on the North section line 926.45 feet to the place of beginning of this description, thence South 941.61 feet, thence East 200 feet, thence North 944.60 feet, thence North to the North section line, thence West 200 feet to the place of beginning.

(Ord. of 9-20-2007)

**(55) REZONING FROM F AGRICULTURAL TO E COMMERCIAL:**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F Agricultural Zoning District to E Commercial Zoning District:

That part of the Southeast quarter of Section 15, Town 5 North, Range 12 West described as commencing at the Southeast corner of said Section; thence South 89;deg; 51' 06" West 440.00 feet along the South line of said Section; thence North 00;deg; 03' 26" West 500.00 feet to the Place of Beginning; thence South 89;deg; 51' 00" West 420.00 feet; thence North 00;deg; 03' 26" West 65.00 feet; thence North 89;deg; 51' 06" East 420 feet; thence South 00;deg; 03' 26" East 65.00 feet to the Point of Beginning.

(Amend. of 11-15-2007)

**(56) REZONING FROM F AGRICULTURAL TO RE RURAL ESTATE:**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the F Agricultural Zoning District to RE Rural Estate Zoning District:

Commencing at the Northeast corner of Section 27, Town 4 North, Range 12 West, thence South 00;deg; 00' West 1,328.25 feet along the East line of said Section; thence South 89;deg; 57' 18" West 1,892.75 feet along the South line of the North ½ of the Northeast ¼ of said Section to the Place of Beginning, thence continuing South 89;deg; 57' 18" West 751.0 feet, thence North 00;deg; 19' 38" West 582.0 feet on the West line of said North ½, Northeast ¼; thence North 89;deg; 57' 18" East 751.0 feet, thence 00;deg; 19' 38" East 582 feet to the Place of Beginning.

(Amend. of 11-15-2007)

**(57) REZONING FROM COMMERCIAL TO F AGRICULTURAL:**

The Dorr Township Zoning Ordinance and Map are hereby amended by the transference of the following described real property from the Commercial Zoning District to the F Agricultural Zoning District:

Commencing at the Northwest corner of Section 6, T4N, R12W, thence South along the West line of said Section 6, 1,112.06 feet, thence East 534 feet, thence North 1,112.06 feet to the North line of said Section, thence West along said North line 534 feet to the place of beginning.

(Ord. of 8-6-2009)

**(58) REZONING FROM AGRICULTURAL TO RURAL ESTATE:**

The following described real property was rezoned from the Agricultural zoning district to the Rural Estate zoning district:

W 335' of the E 995' of the NE ¼, NE ¼ Section 28 T4N, R12W

(Ord. of 3-15-2012)

**(59) REZONING FROM AGRICULTURAL TO RURAL ESTATE:**

The following described real property was rezoned from the Agricultural zoning district to the Rural Estate zoning district:

SE ¼ SE ¼ EX N 208.71 ft. of E 208.71 ft. ALSO EX THE S 344.62' OF THE W 632' ALSO EX COM 696' W of SE COR of SEC TH N 344.62' TH E 316.21' TH S 344.62' TH W 316.21' to POB SEC 31 T4N R12W

(Ord. of 10-18-2012)

**(60) REZONING FROM AGRICULTURAL TO RURAL ESTATE:**

The following described real property was rezoned from the Agricultural zoning district to the Rural Estate zoning district:

COM 987.02' N OF S ¼ PST TH W 1,321.77' TH N 334.93' TH E 1,322.94' TH S 329.65' TO POB, ALSO THE S 75' OF THE W 660' OF NE ¼ SW ¼ EX THE E 860' OF THE N 630' THEREOF SEC 17 T4N R12W

(Ord. of 10-18-2012)

**(61) REZONING FROM INDUSTRIAL TO MIXED-USE-PUD:**

The following described real property [was rezoned] from the Industrial zoning district to the Mixed-Use-PUD (MPUD) zoning district:

Beginning at the Southeast corner of Lot 15, Dorr Commerce Center, thence East 843.13 feet, thence North to a point which is 536.77 feet South of the East and West ¼ line of Section 13, Town 4 North, Range 12 West, thence West 400 feet, thence North 74°18'56" West 144.35 feet, thence Southeasterly 465.13 feet along the 543-foot radius curve to the left, the cord of which bears South 40°13'28" West 541.04 feet, thence South 25°14'08" East 75 feet, thence South 426.34 feet to the place of beginning.

(Ord. No. 01-130, 12-19-2013)

**(62) REZONING FROM AGRICULTURAL TO RURAL ESTATE:**

The following described real property [was rezoned] from the Agricultural zoning district to the Rural Estate zoning district:

Commencing 330 feet East of the Southwest corner of the Southeast ¼ of the Southeast ¼ of Section 10, thence North 880 feet; thence East 990 feet; thence South 880 feet; thence West 990 feet to the place of beginning, Section 10, Town 4 North, Range 12 West.

(Ord. No. 02-140, 9-22-2014)

**(63) REZONING FROM C LOCAL COMMERCIAL AND I INDUSTRIAL TO MX MIXED USE:**

The property being rezoned to MX Mixed Use Zoning District is described below:

Tax Parcel ID No. 05-013-035-00

Legal Description: The East ½ of the Northwest ¼ of Section 13, Town 4 North, Range 12 West, EXCEPT the US 131 right-of-way and EXCEPT Dorr Commerce Center, approximately 65 acres.

(Ord. No. 04-140, 12-22-2014)

**(64) REZONING PERMANENT PARCEL NUMBER 03-05-030-012-00 FROM COMM TO R-E:**

This property is commonly known as 2211 138th Avenue, Dorr, Michigan, legally described as:

THE E 200' OF S 24 RDS OF TH E 40 RDS OF THE SE 1/4 OF THE SE 1/4 SEC 30 T4N R12W.

(Ord. No. 13-160, 12-29-2016)

**(65) REZONING PERMANENT PARCEL NUMBER 03-05-003-016-10 FROM AGRICULTURAL TO RE RURAL ESTATES:**

The following described vacant property between 17th and 18th Streets to the south of 108th Avenue was rezoned from Agricultural to RE Rural Estates, and legally described as:

N 1/2 NW 1/4 EX COM AT N 1/4 COR TH S 415' TO POB TH CONT S 358' TH W 608.38' TH N 358' TH E 608.38' TO POB SEC 3 T4N R12W.

(Ord. No. 01-180, 2-22-2018)

**(66) REZONING PERMANENT PARCEL NUMBER 03-05-023-001-02 FROM E-COMMERCIAL TO B-2 RESIDENTIAL:**

The north 500 feet of the following described vacant property to the south of 142nd Avenue and west of 14th Street was rezoned from E-Commercial to B-2 Residential, and legally described as:

The North 500 feet of the NE 1/4 NE 1/4 EX BEG NE 1/4 COR TH S 500' TH W 523' TH N 500' TH E 523' TO POB SEC 23 T4N R12W.

(Ord. No. 02-180, 2-22-2018)

**(67) REZONING PERMANENT PARCEL NUMBER 0305-014-004-20 FROM F-AGRICULTURAL to B-1 RESIDENTIAL:**

This property is commonly known as 1538 144th Avenue, Dorr, Michigan, legally described as:

COM ATNW COR TH E 1306.4' TH S 300' TH E 370' TH N 300' TH W 370' TO POB SEC 14 T4N R12W.

(Ord. No. 04-180, 9-26-2018)

**(68) REZONING PERMANENT PARCEL NUMBER 0305-024-001-00 FROM E-COMMERCIAL to F-AGRICULTURAL:**

This property is commonly known as 1220 142nd Avenue, Dorr, Michigan, legally described as:

N500' OF THE E 1/2 E 1/2 NE 1/4 SECT 24 T4NR12W.

(Ord. No. 05-180, 9-26-2018)

**(69) REZONING PERMANENT PARCEL NUMBERS 0305-013-031-00 AND 0305-013-031-10 FROM F-AGRICULTURAL TO MXPUD-MIXED USE INDUSTRIAL:**

The following described vacant properties:

Permanent Parcel Number: 0305-013-031-00, legally described as:

SE 1/4 SW 1/4 EX HWY US 131 R/W 6 AC ALSO EX BEG AT S 1/4 PST TH W 211.88 TO POB TH N 855.03' ALG W'LY LIN OF US 131 TH W 914.39' TH S 855' TH E TO POB SEC 13 T4N R12W (02).

Permanent Parcel Number: 0305-013-031-10, legally described as:

COM AT S 1/4 PST TH W 846.88' TH N 536.06' TO POB TH CONT N 109.78' TH W 270.02' TH N 206.1' TH E 914.89' TH S 318.96' TH W 641.2' TO POB SEC 13 T4N R12W (03).

(Ord. No. 06-180, 11-29-2018)

**(70) REZONING THE NORTHERN 829.68 FEET OF PERMANENT PARCEL NUMBER 0305-013-026-10 FROM F-AGRICULTURAL TO MPUD:**

This unaddressed property is located on the northeast corner of Dorr Commerce Drive and 142<sup>nd</sup> Avenue, Dorr, Michigan. The portion being rezoned is legally described as:

THE N 829.68 PART OF THAT PARCEL DESCRIBED AS COM AT SW COR TH E 672.05' TH N 1309.19' TH NLY 19.84' ALG A 500' RAD CURVE TO THE RT CHORD WHICH BEARS N 02 DEG 33' 24" W 19.84' TH E 659.59' TH S 1329.68' TH W 660' TO POB SEC 13 T4N R12.

The southern 500 feet of this parcel currently zoned E-Commercial will remain so.

(Ord. No. 02-190, 1-31-2019)



**(71) REZONING PERMANENT PARCEL NUMBER 0305-021-007-00 FROM F-AGRICULTURAL/E-COMMERCIAL TO B-1 RESIDENTIAL**

This property is commonly known as 1872 142<sup>nd</sup> Avenue, Dorr, Michigan, legally described as:

E 1/2 W 1/2 NE 1/4 W OF MURPHY DRAIN ALSO THAT PT NE 1/4 NE 1/4 W OF SD DRAIN ALSO BEG ON N SEC LIN 486' W OF CTR OF NYC RR R/W TH S 132' TH W 99' TH S TO SD DRAIN TH NWLY ALG SD DRAIN TO N LIN SEC 21 TH E TO POB EX E 99' OF W 1059' OF N 132' NW 1/4 NE 1/4 SEC 21 T4N R12W.

(Ord. No. 03-190, 1-31-2019)

**(72) REZONING PERMANENT PARCEL NUMBER 03-05-026-002-00 FROM F-AGRICULTURAL TO RE RURAL ESTATES PROPERTY ADDRESSED AS 1474 140<sup>TH</sup> AVENUE, ALSO KNOWN AS PART OF PERMANENT PARCEL NUMBER 03-05-026-002-00, AND LEGALLY DESCRIBED AS:**

COM AT THE N 1/4 PST OF SEC 26 TH E 400' TO POB TH CONT E 515.59' ALG N LIN TH S 435' TH E 400' TH S 891.65' TH W 1322.48' TH N 892.90' TH E 400' TH N 435' TO POB SEC 26 T4N R12W.

(Ord. No. 05-190, 6-25-2019)

**(73) REZONING FROM F-AGRICULTURAL TO RE RURAL ESTATES:**

The following properties:

- a) A property addressed as 4452 14<sup>th</sup> Street also known as permanent parcel number 0305-011-022-10. The area of the parcel is 40.02 acres and is legally described as:

COM AT E 1/4 PST TH S 663.55' TO POB TH CONT S 663.55' TH W 2617.50' TH N 658.07' TH E 2619.24' TO POB SEC 11 T4N R12W.

- b) A vacant parcel on the west side of 14<sup>th</sup> Street also known as permanent parcel number 0305-011-027-10. The area of the parcel is 10.43 acres and is legally described as:

COM AT E 1/8 PST OF SE 1/4 TH S 330' TH N 88 DEG 20' 52" W 1344.19' TH N 12 DEG 41' 50" W ALG DITCH 340.54' TO E & W 1/8 LIN SE 1/4 TH E ALG SD LIN 1421.45' TO POB ALSO ALL THAT LAND LYING BETW W LIN OF ABOVE DESC & C/L OF DITCH SEC 11 T4N R12W.

- c) A vacant parcel on the west side of 14<sup>th</sup> Street also known as permanent parcel number 0305-011-028-00. The area of the parcel is 8.76 acres and is legally described as:

COM AT NE COR S 1/2 SE 1/4 SEC 11 TH S 330' TO POB TH S 156' TH N 88 DEG 46' W 305' TH S 179' TH N 88 DEG 46' W 1015' TH N 335' TH S 88 DEG 46' E 1320' TO POB SEC 11 T4N R12W.

(Ord. No. 07-190, 9-29-2019)

**(74) REZONING FROM F-AGRICULTURAL TO RE-RURAL ESTATES:**

The property addressed as 1990 140<sup>th</sup> Ave. also known as Permanent Parcel number 03-05-013-031-00, and legally described as:

The North 500 feet of the W 1/2 W 1/2 NW 1/4 SEC 28 T4N R12W.

(Ord. No. 01-2020, Art. I, 7-30-2020)

**(75) REZONING FROM E-COMMERCIAL TO B1-RESIDENTIAL:**

The property addressed as 1947 142<sup>nd</sup> Ave. also known as Permanent Parcel number 03-05-016-025-01, and legally described as:

BEG S 1/8 COR SW 1/4 TH N 370' TH E 268' TH N 111.74' TH S 58 DEG 34'25" E 153.37' TH S 403.16' TH W 399.58' TO POB SEC 16 T4N R12W.

(Ord. No. 02-200, Art. I, 8-27-2020)

**(76) REZONING FROM F-AGRICULTURAL TO RE-RURAL ESTATES:**

A portion of the property addressed as 3872 18<sup>th</sup> St. also known as Permanent Parcel number 03-05-028-016-00, and legally described as:

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 28, TOWN 4 NORTH, RANGE 12 WEST, DORR TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 28; THENCE S00°34'05"W 937.25 FEET ALONG THE EAST LINE OF SAID SECTION 28 TO THE POINT OF BEGINNING; THENCE CONTINUING S00°34'05"W 200.10 FEET; THENCE N88°40'31"W 1334.41 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 28; THENCE N00°19'24"E 806.95 FEET ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28; THENCE S88°41'41"E 777.84 FEET; THENCE S00°34'05"W 360.75 FEET; THENCE S88°41'41"E 246.10 FEET; THENCE S00°34'05"W 246.39 FEET; THENCE S88°40'31"E 313.90 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD. CONTAINS 18.34 ACRES MORE OR LESS.

(Ord. No. 05-200, Art. I, 12-18-2020)