



Cannon Township

KENT COUNTY, MICHIGAN

ZONING ORDINANCE



ADOPTED BY THE TOWNSHIP BOARD ON FEBRUARY 27, 2018

6878 BELDING ROAD
ROCKFORD, MICHIGAN 49341

**ZONING ORDINANCE
OF THE
TOWNSHIP OF CANNON**

THE TOWNSHIP OF CANNON ORDAINS:

AN ORDINANCE to establish zoning districts for the unincorporated portions of the Township of Cannon pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; to adopt regulations, minimum standards and procedures for the use, development and preservation of land and the size, location, nature and height of buildings and structures within such districts; to provide for the enforcement of this Ordinance; and to prescribe penalties for the violation hereof.

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CHAPTER 1

TITLE, PURPOSE AND SCOPE

SECTION 1.01. SHORT TITLE. This Ordinance shall be known and may be cited as the Cannon Township Zoning Ordinance.

SECTION 1.02. PURPOSE.

- A. The purpose of this Ordinance is to promote the public health, safety and general welfare by establishing zoning districts throughout the Township, within which the use of land, buildings and structures is regulated in the public interest and in furtherance of the reasonable use of land within the Township. This Ordinance has also been adopted for the following additional purposes, among others:
1. To encourage the use of land in accordance with its character and adaptability and in furtherance of future land use needs.
 2. To preserve and enhance the value of land and other property.
 3. To conserve natural resources and energy so as to meet the needs of the public for food, natural resources, recreation and other land uses.
 4. To ensure that uses of land shall occur in appropriate locations, and to avoid the overcrowding of population.
 5. To lessen congestion on the public streets and to provide adequate light and air.
 6. To reduce hazards to life and property.
 7. To assist in providing for transportation, safe and adequate water supply, sanitary sewage disposal, recreation and other public benefits.
 8. To conserve expenditures for public improvements and services, so as to obtain the most advantageous uses of land, natural resources and other property interests.
 9. To assure the compatibility of land uses, buildings and structures within each zoning district.
 10. To avoid or moderate problems or results that may limit or be detrimental to the sound development of land, buildings and structures.
 11. To implement the policies and recommendations of the Township Master Plan, to advance the public interest and foster reasonable land uses.

- B. In accordance with the Michigan Zoning Enabling Act, this Ordinance is based on a Master Plan for the Township which, among other purposes, has been adopted to promote the public health, safety and general welfare of the Township; and to protect the rural and suburban character of the Township and preserve its unique natural resources, while advocating a variety of land uses, consistent with the general character of the Township, the conservation of property values and the anticipated future land use needs in the Township.

SECTION 1.03. SCOPE AND INTERPRETATION.

- A. This Ordinance affects and regulates the use, development, preservation and occupancy of all land, buildings and structures in the Township. In those instances where this Ordinance imposes greater limitations or restrictions than those imposed or required by the provisions of other ordinances, instruments of land conveyance, private restrictions or land use covenants or other laws or instruments purporting to affect land use, the provisions of this Ordinance shall control.
- B. The provisions of this Ordinance shall be the minimum requirements necessary for purposes of the public health, safety, security and general welfare.

SECTION 1.04. LEGAL BASIS OF THIS ORDINANCE. This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

SECTION 1.05. EFFECT OF THE PROVISIONS OF THIS ORDINANCE. No land, building, structure or other premises shall be used, developed or occupied, and no building or structure shall be constructed, reconstructed, moved, removed, extended, enlarged or altered except in compliance with the provisions of this Ordinance.

SECTION 1.06. PARCELS PARTIALLY OUTSIDE TOWNSHIP BOUNDARIES. If a parcel of land lies partially outside of the Township boundaries, and if a proposed parcel, building, structure or use with respect to that part of a parcel located within the Township would not satisfy the minimum area, dimensional and street frontage requirements of this Ordinance, then the minimum provisions of this Ordinance shall be applied with respect to the parcel, building, structure or use as if the entire parcel were located within the Township; provided, however, that the entire parcel shall comply with the minimum area and minimum width requirements of this Ordinance, and provided further, that if access to the parcel is provided at a location outside the Township boundaries, then such access shall be subject to the approval of the Township fire chief prior to the issuance of a building permit by the Township. For purposes of this section, a Township boundary line shall not be deemed to be a lot or parcel line.

SECTION 1.07. LAND USES NOT SPECIFICALLY INCLUDED IN A ZONE DISTRICT. A land use which is not stated by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the stated permitted land uses in that district. Any such determination by the Planning Commission shall be based upon the following factors:

- A. Whether the land use is consistent with the description and purpose of the zoning district.
- B. Whether the land use is customarily of the same general nature and character as a land use which is expressly permitted in the zoning district.
- C. Whether the land use is harmonious with the adjacent and nearby properties and land uses to the same general extent as are the permitted uses listed in the zoning district.

CHAPTER 2

DEFINITIONS

SECTION 2.01. RULES APPLYING TO TEXT. The following rules of construction shall apply to this Ordinance:

- A. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
- B. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
- D. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as “he” and “him” include “she” and “her,” or other similar uses of gender.
- E. A “building” or “structure” includes any part thereof.
- F. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions “and,” “or,” or “either...or” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that the connected items, conditions, provisions, or events apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions or events apply singly but not in combination.
- G. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- H. Terms not defined in this chapter shall have the meaning customarily assigned to them.
- I. Whenever reference is made to a federal, state, county, or township ordinance, law or act, that ordinance, law or act is presumed to include any amendments.
- J. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the ordinance shall construe the

provision to carry out the intent of the ordinance, if such intent can be discerned from other provisions of the ordinance or law.

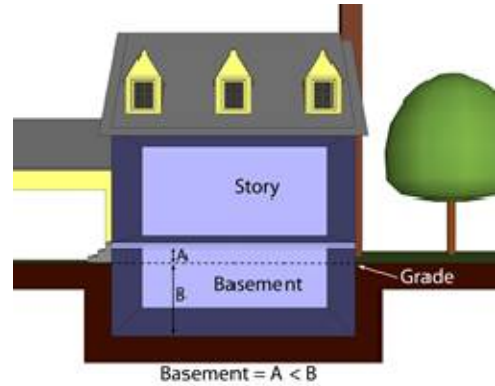
- K. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- L. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.02. DEFINITIONS – A

- A. **Accessory Building, Structure or Use.** A building, structure, or use on the same lot with, and of a nature which is customarily incidental and subordinate to the principal building, structure, or use; provided, however, that an oil and/or gas well, whether or not operating or productive, and the structures, equipment and devices used or which may be used in connection therewith, and the associated and related uses and activities, shall not be accessory structures or accessory uses, in whole or in part, under the terms of this Ordinance.
- B. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- C. **Adult Foster Care Small Group Home.** An adult foster care facility licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 *et seq.*, as amended, in which the adult foster care group home licensee is a member of the household and an occupant of the residence. The home shall be a private residence providing adults with foster care for 24 hours a day, five or more days per week and for two or more consecutive weeks; it shall have the approved capacity to receive at least seven but not more than 12 adults, to be provided foster care.

SECTION 2.03. DEFINITIONS – B.

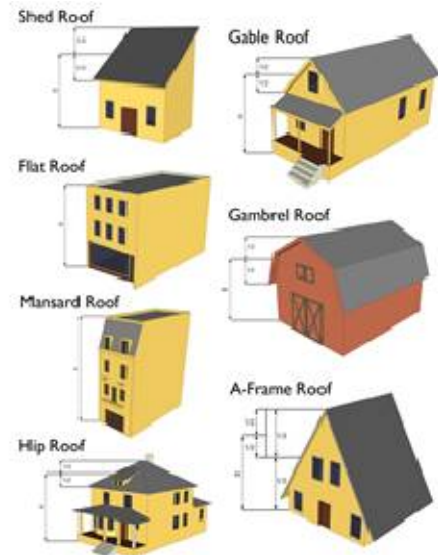
A. **Basement.** A portion of a building located partially below grade where the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted in determining the maximum number of stories.



B. **Bed and Breakfast Establishment.** A private residence that offers overnight accommodation to lodgers in the principal residence of the owner or operator of the establishment, and which serves breakfast as a part of the overnight accommodation.

C. **Buffer or Buffer Strip.** An area of land, including landscaping, berms, walls and fences, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential, vacant or other parcel of land.

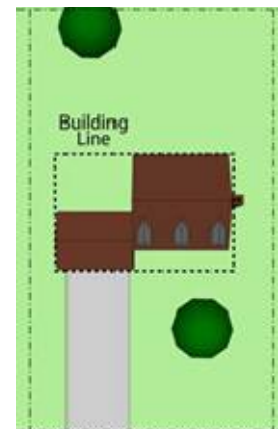
D. **Building.** Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals, or property, or carrying out of business activities, or similar uses.



E. **Building Height.** The vertical distance measured from the lowest point of elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs.

F. **Building Official.** The person designated by the Township Board to administer the building code.

G. **Building Line.** The line within a property, parallel to the adjacent property line, that defines the horizontal distance between an exterior building wall or building support and the adjacent property line. In the case of an irregularly shaped building, the building lines shall be extended to establish corners in such a manner as to form a rectangle or



other shape having lines parallel to the property lines, so as to establish a uniform distance, for setback purposes, between a property line and the parallel building line, irrespective of the irregularity of the building walls, as illustrated in the diagram shown. The exterior building wall shall include any covered or roofed portions of the building, excluding those architectural features exempted by Section 3.01.E.

- H. **Building, Principal.** A building in which the main use of the lot or other parcel of land is conducted.
- I. **Business Center.** Any two or more businesses which:
 - 1. Are located on a single lot or parcel of property; or
 - 2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings; or otherwise present the appearance of a single, contiguous business area.

SECTION 2.04. DEFINITIONS – C

- A. **Catering Establishment.** A business, establishment or location in which the principal use is the preparation of food and meals which are delivered to another location for serving and consumption.
- B. **Child Care Center.** A facility, other than a private residence, receiving one or more pre-school or school age children for periods of less than 24 hours per day, for not less than two consecutive weeks (regardless of the numbers of hours of care per day), where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative pre-schools, play groups and drop-in centers (as licensed and registered under the Child Care Organizations Act, Act 116 of the Public Acts of 1973). Child care centers shall not include Sunday schools, vacation bible schools or religious instructional classes.
- C. **Church.** An institution, place or building that is attended by persons for the purpose of participating in or convening religious services, meetings and other activities associated with the ministry or other religious objectives of the church. Church also includes other houses of worship commonly referred to by other terms, such as synagogue, mosque, temple, chapel or worship center.
- D. **Colocation.** Location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building.
- E. **Commercial Composting Operation.** The business of providing on-site decomposition of source-separated yard waste and agricultural by-products including but not limited to leaves, grass clippings, brush, garden waste, tree

trimmings, plant prunings, and similar woody waste or other vegetative by-products.

- F. **Commercial Accessory Waterfront Use.** The keeping, rental, launching and use of non-motorized kayaks, canoes, rowboats, sailboats, paddleboats, paddleboards, wind surfboards and similar non-motorized buoyant devices (except rafts), but only as a use that is accessory to a permitted principal commercial use located on a lakefront property in the B-1 or B-2 District.
- G. **Concert.** An outdoor public musical performance in which one or more singers and/or instrumentalists participate and where the musical entertainment is the principal activity.
- H. **Condominium and Site Condominium.** See Chapter 26.
- I. **Contractor Yard.** An area of land used for the purpose of parking and/or storing heavy equipment or other equipment used for earth moving, lawn maintenance and similar activities, in which such equipment is located either in a completely enclosed building or, if located out of doors, is fully enclosed or shielded, as may be required by the Township.
- J. **Cul-De-Sac.** The vehicle turn-around area that constitutes the terminus of a street.

SECTION 2.05. DEFINITIONS – D AND E

- A. **Deck.** A generally flat-surfaced platform or similar structure, that may or may not be attached to a building. It is typically used for outdoor leisure activities.
- B. **Drive-In, Drive-Up or Drive-Through Facilities.** Any facility used to serve patrons of a business while in their motor vehicles, either exclusively or in addition to service within a building or structure, or to provide food carry-out for patrons.
- C. **Driveway.** An undedicated, privately controlled and maintained easement, right-of-way, or other interest in land and which provides vehicular access from a public or private street to one lot or one principal building, dwelling, dwelling unit or any combination thereof.
- D. **Driveway, Shared.** A recorded easement or right-of-way or other recorded interest in land, privately controlled and maintained, and which provides vehicular access from a public or private street to two lots or two principal buildings, dwellings, dwelling units or any combination thereof.
- E. **Dwelling, Multiple Family.** A building containing three or more individual dwelling units.

- F. **Dwelling, Single-Family Detached.** A detached building designed for and occupied exclusively by one family.
- G. **Dwelling, Two-Family.** A building containing two attached dwelling units.
- H. **Dwelling Unit.** A room or other portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.
- I. **Dwelling Unit, Accessory.** An attached or detached dwelling subordinate to a principal single family detached dwelling on the same lot or parcel which contains sleeping quarters, a bathroom, living area, and kitchen facilities.
- J. **Essential Service.** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. The term “essential services” does not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network, nor does it include services rendered by persons or entities that are not certified by the appropriate regulatory body as public utilities or that are not otherwise authorized by law to operate as a public utility, except for cable television providers which have been granted a franchise by the Township.
- K. **Essential Service Structure or Building.** A building or structure owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and a similar structure or building necessary to furnish adequate service within the Township, but not including essential public service equipment.
- L. **Essential Service Equipment.** Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, street lights, or similar equipment located either entirely underground, or on poles not greater than 30 feet in height, but not including essential public service structures or buildings. Wireless communication towers and antennas and similar wireless communications equipment developed for private enterprise shall not be considered to be essential service equipment.

- M. **Event.** An organized outdoor activity, not exceeding three consecutive days, at which 500 or more persons may reasonably be expected to attend the activity at any one time and where music may be provided to complement the activity but is not the principal focus of the activity. Events may include: plays and other theatrical presentations; seasonal festivals or celebrations; outdoor display and sale of antiques and previously used goods and objects; outdoor display and viewing of vintage and other motor vehicles; arts and crafts exhibitions and sales; farm markets; horse shows and livestock exhibitions; and other similar entertainments, exhibitions and amusements.

SECTION 2.06. DEFINITIONS – F AND G

A. Family.

1. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient 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, half-way house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

- B. **Family Child Care Home.** A private home in which at least one but fewer than seven minor children are receiving care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

- C. **Farm.** Land, buildings and other structures used for commercial farming activities, including the growing of crops, the raising of livestock and related uses and activities.

- D. **Farm Market.** The seasonal selling or offering for sale at retail of home-grown vegetables or other produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or other produce and also including the incidental sale of agriculturally-related products.

- E. **Farming Activities.** All operations of a farm such as the cultivation, conserving, and tillage of the soil; dairying; the production, cultivation, growing, and

harvesting of any agricultural, floricultural, sod or horticultural commodities; the raising of livestock, bees, fur-bearing animals, freshwater fish, or poultry; and other practices on a farm that are incidental to or in conjunction with such farming activities.

F. **Fence.** A permanent enclosure, barrier, wall, structure or gate erected and used as a means of enclosing, confining or for the purpose of delineating a boundary line.

G. **Floor Area, Gross.** The sum of the total horizontal areas of all floors of a building, measured from the interior faces of exterior walls.

H. **Floor Area.**

1. **Floor Area, Usable.** The gross area of all floors in a building, including finished attics and finished basements, but excluding storage rooms, mechanical rooms, unenclosed porches, unfinished attics, unfinished basements, garages and carports.

2. **Floor Area, Minimum.** The entire area of all floors above grade in a dwelling or other residential building, except in an attached garage and also except in unheated porches or other unheated living spaces.

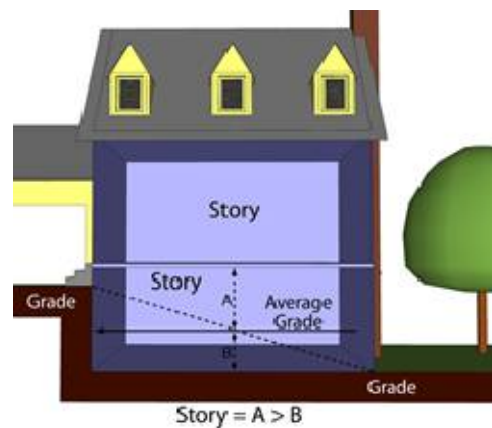
I. **Funeral Home.** An establishment in which deceased persons are prepared for burial or cremation, including areas for the conducting of funeral services and the display of funeral equipment, together with associated vehicle parking areas.

J. **Garage, Private.** An accessory building or an attached portion of a dwelling used primarily for the parking or storage of motor vehicles, equipment and other possessions for the use of the occupants of the dwelling or other principal building on the parcel of land, without facilities for motor vehicle service or repair.

K. **Grade, Average.** The mean or mid-way point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall, or other area being measured. The measurement of average grade may include the following measurements:

1. **Existing or Natural Grade.** The grade of a site that exists or existed prior to manmade alterations, such as grading, filling, or excavating.

2. **Finished Grade.** The final grade of a site after grading, filling, or excavating.



- L. **Greenbelt.** A landscaped or planted strip or buffer that serves as an obscuring screen or visual enhancement between land uses or between a land use and a public or private right-of-way.
- M. **Greenhouse or Nursery, Commercial.** A retail business in which the principal activity is the selling of plants grown on the site or elsewhere and generally having outside storage, growing or display.
- N. **Group Child Care Home.** A private home in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

SECTION 2.07. DEFINITIONS – H AND I

- A. **Home Occupation.** An occupation or profession that is customarily incidental and secondary to the use of a dwelling and which is carried on in the dwelling and, if permitted, in an accessory building, but which does not include a bed and breakfast establishment nor the conducting of a retail business or a retail trade. A home occupation is carried on by only the residents of the dwelling and not more than one other person.
- B. **Homes for the Elderly and Retired.** An institution other than a hospital or hotel, which provides room and board to nontransient persons primarily 55 years of age and older. Housing for the elderly may include:
 - 1. **Retirement or Senior Housing.** Age-restricted housing, primarily for those who are 55 years of age or older, which may include detached and attached dwelling units, and may provide personal care, and supervision of medication, safety amenities and adaptations for physical impairments, central dining facilities and may provide other services such as recreation, personal services, limited health facilities, and transportation.
 - 2. **Home for the Aged.** A supervised personal care facility, other than a hotel, adult foster care facility, hospital or nursing home that provides room, board, and supervised personal care to persons 60 years of age or older. Home for the aged includes a supervised personal care facility for persons 60 years of age or older if the facility is operated as a part of a licensed nursing home.
- C. **Hotel and Motel.** A facility offering lodging accommodations to the general public for a daily or other rate and which may or may not provide additional services, such as restaurants, meeting rooms and recreational facilities.

- D. **Inoperable Motor Vehicle.** A motor vehicle which is unlicensed, uninsured and/or incapable of being operated under its own power.

SECTION 2.08. DEFINITIONS – J AND K

- A. **Junk.** Junk shall mean, but is not limited to, inoperable vehicles; solid waste; any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.
- B. **Kennel, Commercial.** A parcel of land, building or other premises on which three or more dogs, cats, or other household pets are boarded, bred or sold for commercial purposes.

SECTION 2.09. DEFINITIONS – L

- A. **Loading Space.** Off-street space intended for the temporary parking of a vehicle while loading and unloading materials.
- B. **Lot.** 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, condominium or site condominium.
- C. **Lot Area.** The area within the property lines of a lot or other parcel of land, excluding street rights-of-way and private road easements.

- D. **Lot, Corner.** A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of such streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.



- E. **Lot Coverage.** The part of a lot or other parcel of land occupied by buildings and structures, including accessory buildings and accessory structures, and, to the extent specified in this Ordinance, other impervious surfaces.
- F. **Lot Depth.** The horizontal distance between the front and rear lot lines of interior and corner lots, or between the two front lines of a through lot, measured along the median line between the side lot lines.

- G. **Lot, Cul-de-sac.** A lot having more than one-half its required frontage on a cul-de-sac.
- H. **Lot, Interior.** A lot other than a corner or through lot.
- I. **Lot Lines.** The lines bounding a lot as defined herein:
 - 1. **Front Lot Line.** In the case of an interior lot, the line separating the lot from the public street right-of-way or private road easement. Through and corner lots shall have two front lot lines. In the case of a waterfront lot, the front lot line is the lot line on the waterfront.
 - 2. **Rear Lot Line.** That lot line opposite and most distant from the front lot line. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the two front lot lines as the rear lot line. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line or wholly within the lot. A through lot has no rear lot line.
 - 3. **Side Lot Line.** The lot lines connecting the front and rear lot lines of an interior lot or connecting the front lot lines of a through lot; and the one lot line connecting the front and designated rear lot line of a corner lot.
- J. **Lot of Record.** A parcel of land which is separately described on a deed, a platted subdivision, condominium master deed, or other instrument of conveyance and recorded in the office of the Kent County Register of Deeds as of a specified date.
- K. **Lot, Through.** A lot having frontage on two approximately parallel streets or on a water body and a street.
- L. **Lot, Waterfront.** A lot having a property line abutting a shoreline.
- M. **Lot Width.** The shortest horizontal straight line distance between the side lot lines of an interior lot or through lot, or designated side and opposite front lot line of a corner lot, measured at the front lot line.

SECTION 2.10. DEFINITIONS – M

- A. **Master Plan.** The Cannon Township Master Plan.
- B. **Manufactured Home.** A factory-built, single family residential structure that is transportable in one or more sections, is built on a permanent chassis or foundation and is used as a dwelling, but which is not constructed with a permanent hitch or other device allowing transport of the dwelling unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

- C. **Manufactured Housing Community.** A parcel of land under single ownership that is planned, designed, improved and maintained for the placement and use of manufactured housing for dwelling purposes and for permitted accessory uses.
- D. **Marine Storage Device.** A mechanical apparatus placed on, at or near the shore of a separate land frontage on a lake or other body of water for the purpose of holding, mooring or otherwise confining a motorboat or other watercraft in, on or above the water in the lake or other body of water.
- E. **Mineral Material.** Sand, gravel, soil, topsoil, dirt or similar earthen material, or any of them, and in any combination thereof.
- F. **Mini-Warehouse or Self-Storage.** A building, or group of buildings, in a controlled access and/or fenced compound that contains individual and controlled-access stalls or lockers for the storage of a customer's goods or possessions.
- G. **Motor Vehicle Repair.** A garage, building or area used primarily for the repair of automobiles, trucks, boats, farm equipment, trailers or similar motor vehicles.
- H. **Motor Vehicle Service Station.** A building, land area or other premises where petroleum-based fuels or other petroleum products are sold, light maintenance of motor vehicles may be conducted and convenience goods or services may be offered, but not including major motor vehicle maintenance such as engine overhaul, vehicle painting and the like.
- I. **Motor Vehicle Wash Facility.** A building, land area and other premises and equipment designed and used for the washing and cleaning of motor vehicles, whether by means of automated equipment or with equipment designed to be used by customers for the washing and cleaning of motor vehicles driven to the premises for that purpose.

SECTION 2.11. DEFINITIONS – N

- A. **Nonconforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, but not conforming to the current provisions of the Zoning Ordinance.
- B. **Nonconforming Lot.** A lot lawfully existing at the time it was created that does not conform to the current provisions of this Ordinance.
- C. **Nonconforming Use.** A use or activity lawfully existing on the effective date of this Ordinance or amendments thereto but not conforming to the current provisions of the Zoning Ordinance.

- D. **Nuisance.** Any thing, condition, or conduct that endangers health and safety, or that unreasonably and substantially offends the senses, or substantially obstructs the free use and comfortable enjoyment of property.
- E. **Nursing Home.** A nursing care facility that provides organized nursing care and medical treatment for persons suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a state correctional facility, a hospital, a veteran's facility, or a hospice residence.

SECTION 2.12. DEFINITIONS – O AND P

- A. **Off-Street Loading Area.** An area of land providing space for the loading and unloading of delivery trucks and other commercial vehicles, for the delivery of goods, commodities and merchandise to stores and other commercial uses, and for the picking up and hauling away of objects, materials, discarded items and the like from land uses and locations.
- B. **Off-Street Parking Lot.** An area of land providing motor vehicle parking spaces, along with adequate drives and maneuvering aisles, for the parking of more than three vehicles, other than in connection with a single-family or two-family dwelling.
- C. **Open Air Business.** A business, a substantial part of which involves activities for the display and sale of goods outside of a building, including motor vehicle and boat sales, lawn and garden centers, golf driving ranges, and similar uses.
- D. **Ordinary High Water Mark.** A line identified as a topographic elevation contour between upland and bottomland which persists through successive changes in water levels, below which the presence and action of water is so common or recurrent that the character of the bottomland is markedly distinct from that of the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. If water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present. The ordinary high water marks for Lake Bella Vista, Silver Lake and Bostwick Lake have been legally established and shall be as follows:
 - 1. Lake Bella Vista: 828 feet above mean sea level.
 - 2. Bostwick Lake: 850 feet above mean sea level.
 - 3. Silver Lake: 853 feet above mean sea level.
- E. **Outdoor Recreation Uses.** The land area, buildings, off-street parking areas and other designated land, specialized structures, bodies of water and other facilities, publicly or privately owned, for the purpose of enabling customers, visitors and others to engage in leisure-time activities. Such uses may include parks,

playgrounds, athletic fields, golf courses, ski resorts, hunting grounds and similar outdoor recreation facilities and pursuits, involving predominantly open space.

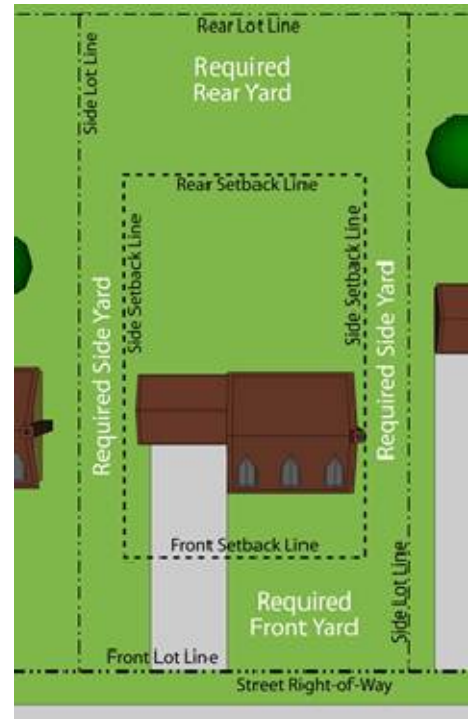
- F. **Out-Patient Medical Offices and Facilities.** A building and associated site improvements designed and used for the providing of medical and health services for patients who do not usually remain in the facility overnight. Such medical and health services may include physician services rendered in a medical office, and other medical or surgical care which need not be rendered in a hospital. Such facilities may include associated services and uses for the benefit of out-patients, including laboratories and other specialized medical facilities that need not necessarily be located in a hospital.
- G. **Parking Lot; Parking Area.** A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress for at least two vehicles.
- H. **Parking Lot Island.** A landscaped and planted area within a parking lot, separated by curbing or other means from parking spaces and maneuvering aisles, and located within the interior of a parking lot or at its boundaries or corners.
- I. **Parking Space.** An off-street paved space of sufficient area to conveniently accommodate the parking of a motor vehicle, and located adjacent to necessary driveways and maneuvering aisles.
- J. **Patio.** A level, hard-surfaced area on the ground, adjacent to or in the vicinity of a principal building, and which is located substantially at grade and which has no walls or a roof.
- K. **Permitted Land Use.** A land use that is permitted by right in a zone district, subject to applicable requirements of this Ordinance.
- L. **Planning Commission.** The Cannon Township Planning Commission.
- M. **Porch, Enclosed.** A roofed structure with walls whose surface area is at least 50 percent glass or screen attached to or a part of a building and which provides direct access to and from the building.
- N. **Porch, Unenclosed.** A roofed structure without walls attached to or a part of a building and which provides direct access to and from the building.
- O. **Principal Use.** The primary use or activity occurring or which could occur on a parcel of land or in a building or structure, excluding any accessory use or accessory building or accessory structure located on the same parcel of land.
- P. **Public Utility.** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal

regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph or transportation services.

SECTION 2.13. DEFINITIONS – Q (RESERVED)

SECTION 2.14. DEFINITIONS – R, S, T AND U

- A. **Recreational Vehicle.** Vehicles or equipment used primarily for recreational purposes, including but not limited to motor homes, travel trailers, camper trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies, and trailers used to transport them, and similar vehicles.
- B. **Residential District.** The RR, R-1, R-2, R-3, MHC, LR and R-PUD Districts.
- C. **Road, Private.** A non-public road, located within a dedicated easement, which provides the means of vehicular access to three or more lots or other parcels of land, or three or more principal buildings, dwellings, dwelling units or structures, or any combination thereof.
- D. **Road, Public.** A right-of-way, easement, or other interest in land which has been conveyed or dedicated to, and accepted by, the county, state, or other governmental entity for the purpose of providing vehicular access to abutting land.
- E. **Roadside Stand.** A building or structure designed and used for the seasonal display and sale of primarily agricultural products grown on the same premises.
- F. **Salvage Yard.** An open area where waste, used, or second hand materials are bought and sold, exchanged, stored, bailed, packed, disassembled, crushed, melted, or otherwise handled. Scrap materials include but are not limited to: scrap iron and other metals, paper, rags, tires, bottles, automobiles and automobile parts, wood and construction materials. A “salvage yard” includes automobile wrecking yards, but does not include salvage uses established entirely within enclosed buildings.
- G. **Setback.** The minimum required horizontal distance by which specified buildings and structures must be set back from a lot line and/or street right-of-way line.



1. **Front Setback Line.** The line marking the minimum required building and structure setback distance from the road right-of-way line or the private road easement line that establishes the distance of the minimum required front yard.
 2. **Rear Setback Line.** The line marking the minimum required setback distance from the rear lot line that establishes the minimum distance for the required rear yard.
 3. **Side Setback Line.** The lines marking the minimum required setback distance from the side lot lines that establish the distance for the minimum required side yards.
- H. **Sexually-Oriented Business.** A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- I. **Sign.** See Chapter 25.
- J. **Stable, Commercial.** Buildings and grounds where horses are boarded or are made available for riding or for riding lessons for compensation.
- K. **Stable, Private.** Buildings and grounds used for the boarding of horses which are owned by the owners or occupants of the facility, and which are not open to the general public.
- L. **Story.** That part of a building included between the surface of any floor above the ground at the building foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.
- M. **Street.** An easement, right-of-way or other interest in land established and/or used for the purpose of providing vehicle access to abutting land. The term "Road" may be used interchangeably with the term "Street." A street shall be a public street or a private street.
- N. **Structure.** Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground, including, though not limited to, buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio, television and communications towers, decks and platforms, unless otherwise stated in this Ordinance. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas,

retaining walls, or sea walls shall not be considered to be structures for purposes of this Ordinance.

SECTION 2.15. DEFINITIONS – V, W AND X

- A. **Variance.** A departure from or modification of any requirement of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended.
- B. **Vehicle Repair, Major.** Any major activity involving the repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing; refinishing or steam cleaning.
- C. **Vehicle Repair, Minor.** A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, and balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting.
- D. **Wall.** A structure constructed of wood, masonry, or brick, of definite height and location, which serves as a visual screen.
- E. **Warehouse.** A building used primarily for the storage of goods, materials and commodities, and including associated driveways, vehicle circulation areas and off-street parking areas. A warehouse may include the storage of goods, materials and commodities on a wholesale basis, prior to their distribution for retail sale, and it may also include a warehouse established and used by a business to store its own goods, products and materials for later sale or other commercial use.
- F. **Watercourse.** Any waterway, river, stream, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water; and does not include lagoons used for treating polluted water.
- G. **Wetland.** 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. Wetlands are regulated by Part 303, Wetlands Protection, of the Michigan Natural Resources and Environmental Protection Act, as amended, and by the Township Wetlands Ordinance.

- H. **Wind Energy Conversion System (WECS).** The equipment, structures and land area designed and used for the purpose of converting the mechanical energy resulting from the force of wind into electrical energy. Such systems will typically include a tower with rotor blades and a shaft, gears and other equipment designed to convert the rotation of the blades into a form suitable for driving a generator or other electricity-producing device. Such a tower and equipment may be ground-mounted or building-mounted.
- I. **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment, microwave relay towers, telephone transmission equipment, commercial mobile radio service facilities and facilities for Internet service. This definition does not include a television or radio reception antenna for an individual lot or other parcel of land.
- J. **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but are not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures used to support wireless communication antennas.

SECTION 2.16. DEFINITIONS – Y AND Z

- A. **Yards.** The open spaces on a lot or other parcel of land located between a principal building or a principal structure and a lot line. Such open spaces are unoccupied and unobstructed from the ground upward except as otherwise permitted in this Ordinance. The term “required yard” shall refer to that portion of the yard lying between the lot lines and required setback lines.
1. **Front Yard.** The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the front lot line and the building line of the principal building. In the case of a waterfront lot, the front yard is that area between the ordinary high water mark and the nearest building line of the principal building.
 2. **Rear Yard.** The space extending the full width of the lot, the depth of which is the furthest horizontal distance between the rear lot line and the nearest building line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage. A through lot does not have a rear yard, but rather has two front yards, one opposite each non-intersecting street abutting the through lot.
 3. **Side Yard.** The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the

furthest horizontal distance from the side lot line to the nearest building line of the principal building.

B. Yard, Required.

1. **Required Minimum Front Yard.** That portion of the front yard located between the street right-of-way line and the required minimum front yard building setback line; in the case of a waterfront property, the minimum required front yard is that portion of the front yard located between the ordinary high water mark of the body of water and the required minimum front yard building setback line.
2. **Required Minimum Rear Yard.** That portion of a rear yard located between the rear lot line and the required minimum rear yard building setback line.
3. **Required Minimum Side Yard.** That portion of a side yard located between a side lot line and the required minimum side yard building setback line.

A required yard is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance.

- C. **Zoning Act.** The Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended.
- D. **Zoning Administrator.** The person designated by the Township Board to administer the provisions of this Ordinance.
- E. **Zoning Board of Appeals.** The Township Zoning Board of Appeals.
- F. **Zoning District.** A portion of the Township, shown on the Township Zoning Map, within which certain uses of land, buildings and structures are permitted and within which specified regulations and requirements apply under the provisions of this Ordinance.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.01. REQUIRED LAND AREA. No parcel of land in common ownership and no yard, parking area or other space shall be so divided, altered, or reduced as to make such area or space of a size less than the minimum size required under this Ordinance. If already less than the minimum size required under this Ordinance, such area or space shall not be further divided or reduced.

SECTION 3.02. PRINCIPAL USE PER PARCEL OF LAND. A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building; except for groups of buildings consisting of multiple family dwellings, office and retail buildings and other commercial buildings, and industrial or agricultural buildings, if such uses comply with the zone district provisions and other applicable provisions of this Ordinance.

SECTION 3.03. EXISTING NONCONFORMING PARCELS OF RECORD. In any zoning district, a permitted use may be established on any lawfully nonconforming lot or other parcel of land of record as of the effective date of this Ordinance, or the effective date of any amendment herein which causes the lot or other parcel of land to be nonconforming, notwithstanding the other requirements of this Ordinance, subject to the following:

- A. The required minimum front yard setback, the required minimum rear yard building setback and the maximum building height limitation of the zone district shall be complied with.
- B. The required minimum side yard building setback shall be 10 percent of the width of the existing nonconforming lot, as measured at the front lot line, but in any event, the required minimum side yard building setback shall not be less than five feet.

SECTION 3.04. FRONT YARD BUILDING SETBACKS

- A. All yards abutting a public street right-of-way or private road easement shall be considered as front yards for building setback purposes, except as stated in subsection C.
- B. In the case of a corner lot, each of the yards abutting a public street right-of-way or private road easement shall both be considered as front yards for building setback purposes.
- C. In the case of a lakefront parcel of land, the front yard building setback shall be measured from the ordinary high water mark of the body of water.

SECTION 3.05. MINIMUM STREET FRONTAGE; LOTS SERVED BY DRIVEWAYS

- A. A lot or other parcel of land shall have frontage on a public street right-of-way or on a private road easement equal to at least the minimum lot width required in the zone district, except as provided in subsection B. Farm buildings are exempt from this requirement.

- B. A lot or other parcel of land created after the effective date of this Ordinance shall have frontage on either a public street right-of-way or private road easement complying with Chapter 28 of this Ordinance, and such frontage shall be at least as long in distance as the minimum required lot width in the zone district, except as stated in subsection C of this section.

- C. A lot or other parcel of land with a principal building or principal structure created after the effective date of this Ordinance and which does not have any frontage on either a public street right-of-way or private road easement, but is provided access by a driveway or shared driveway complying with Section 28.11 shall comply with the following requirements:
 - 1. The shortest property boundary line of a lot served by a driveway or shared driveway shall be equal to or greater than the minimum lot width required in the zoning district.

 - 2. The shortest property boundary shall be treated as the front line lot for purposes of application of setbacks, yards, and other provisions of this Ordinance. If two or more boundary lines have the same length, the property line first touched by the easement as it extends from the public or private street shall be treated as the front lot line.

 - 3. In addition to the front setback required from the front lot line as identified above, the principal building shall be set back from the nearest right-of-way of the easement for the driveway or shared driveway a distance at least equal to the minimum required front setback in the district.

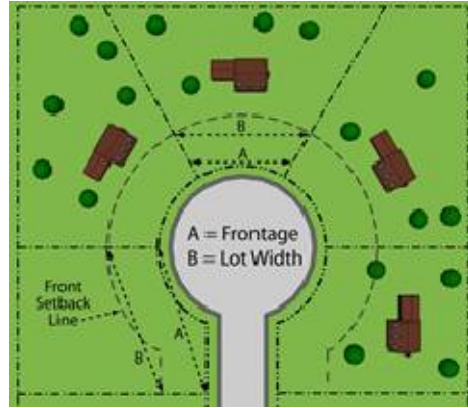
 - 4. Farm buildings on existing lots are exempt from these requirements.

 - 5. In addition to setbacks as otherwise required by this Ordinance, a principal building located on a lot which is served or crossed by an easement for a driveway, shall be separated from the easement by a distance at least equal to the minimum front setback required for the district in which the property is located.

SECTION 3.06. MINIMUM LOT AREA AND MINIMUM LOT WIDTH

A. Minimum required lot area shall be determined by measuring the entire area within the boundaries of a parcel of land, excluding the area of public street rights-of-way and private road easements.

B. Lot width is the straight line distance between the side lines of a parcel of land, measured at the front lot line. The front lot line shall be at least as wide as required minimum lot width. Such minimum width shall not be diminished throughout the depth of the lot.



C. A corner lot shall have two front lot lines, one on each of the adjacent street rights-of-way. Both of the front lot lines shall be at least as wide as the required minimum lot width of the zone district. Such minimum lot width shall not be diminished throughout the depths of the lot that extend back from the two front lot lines. The rear lot line shall be the lot line opposite the primary driveway entrance to the lot. The remaining lot line shall be the side lot line.

D. In the case of a lot abutting a cul-de-sac street, the minimum required lot width shall be measured at the required minimum front yard building setback line. Cul-de-sac lots shall have a minimum width of 40 feet at the front lot line. For lots in the R-R District which have their entire frontage on a cul-de-sac, a minimum lot width of 175 feet shall be achieved at a point within the lot that is no further back than 125 feet from the front lot line, and such minimum lot width shall not be diminished throughout the further depth of the lot.

SECTION 3.07. MAXIMUM DEPTH TO WIDTH RATIO. A lot or other parcel of land shall have a depth that does not exceed four times its width, except that in a planned unit development (PUD) the PUD ordinance may require that the depth of a lot or other parcel of land shall not exceed three times its width, or up to four times its width.

A. For purposes of this section, lot width shall be measured at the front lot line, except that for a cul-de-sac lot, width shall be measured at the point at which required minimum lot width is first achieved. The depth of a lot shall be measured from the front lot line, except that for a cul-de-sac lot, the depth shall be measured from the point at which required minimum lot width is first achieved.

B. In the case of a lot that has side lot lines of varying lengths, the depth of the lot for purposes of this section shall be the average of the lengths of the side lot lines, as measured from the front lot line (or, for a cul-de-sac lot, as measured from the point at which required minimum lot width is first achieved).

SECTION 3.08. MAXIMUM LOT COVERAGE

- A. A lot or parcel of land shall not be covered by buildings and the other specified structures and impervious surfaces stated in subsection C to any extent greater than the percentage of lot area (determined as stated in Section 2.09) specified in subsection B.
- B. The lot coverage of a lot or parcel of land shall not exceed the following percentages of total lot area for each respective zone district, as follows:
 - 1. The RR Rural Residential District – 20%
 - 2. The R-1 Low Density Residential District, the R-2 Medium Density Residential District and the R-3 High Density Residential District – 30%
 - 3. The LR Lakes Residential District, the B-1 Neighborhood Business District, the B-2 General Business District and the I Industrial District – 40%.
- C. Lot coverage, for purposes of this Section, consists of the area of a lot or parcel of land that is covered by the following:
 - 1. Lands in the RR, R-1, R-2, R-3 and Residential PUD Districts – principal buildings and accessory buildings.
 - 2. Lands in the LR District – principal buildings; accessory buildings; hard-surfaced driveways, parking areas and other paved and impervious surfaces; sidewalks and hard-surfaced pathways and trails; patios and decks; provided, however, that pervious surfaces installed for the purpose of reducing storm water runoff shall not be included in lot coverage.
 - 3. Lands in the B-1, B-2, I and Commercial and Industrial PUD Districts – principal buildings; accessory buildings; hard-surfaced parking lots, driveways, sidewalks, hard-surfaced pathways and trails and on-site roadways and service roads; and other permanent hard-surfaces installed on the ground, except pervious surfaces installed for the purpose of reducing storm water runoff.

SECTION 3.09. BUILDING PROJECTIONS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), chimneys (attached to a building), handicap access ramps, and similar features (but not enclosed or unenclosed porches) may project no further than three feet into a required front or rear setback, but may not project into a required side setback.

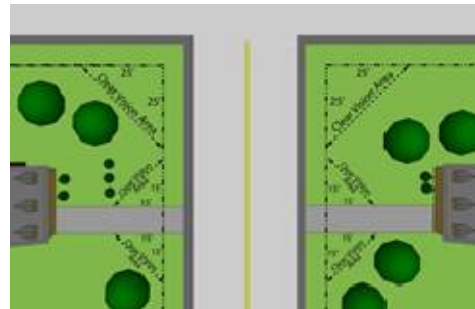
- B. Eaves and roof overhangs, including gutters, may project up to 24 inches into any required building setback.
- C. This section does not apply to enclosed or unenclosed porches; nor does it apply to certain decks and patios in the LR District, for which specific provision is made in Section 10.04 of this Ordinance.

SECTION 3.10. HEIGHT EXCEPTIONS

- A. Farm buildings and related structures such as barns, silos, and grain elevators shall be exempt from height regulations in all districts.
- B. Other buildings and structures shall not exceed the maximum height limitations of the zoning district in which they are located; provided, however, that structures appurtenant to non-residential buildings including, but not limited to, parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and HVAC or similar equipment on the roof of the building may exceed the district height limitations, if approved by the Planning Commission in site plan review.

SECTION 3.11. CLEAR VISION CORNERS

- A. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point of intersection with the right-of-way lines.



- B. 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, one of which is on the right-of-way line and the other of which is on the boundary line of the driveway, with each of such points being 15 feet from the point of intersection of the right-of-way line and the boundary line of the driveway.

SECTION 3.12. UNLAWFUL BUILDINGS AND USES. Any building, land use, or parcel of land which has been unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Zoning Ordinance. Such buildings, uses or parcels shall not be lawful nonconforming buildings, land uses or parcels of land under this Ordinance.

SECTION 3.13. ACCESSORY BUILDINGS AND STRUCTURES

- A. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building, or if attached by an enclosed breezeway or similar architectural device not greater than ten feet in length.
- B. Detached accessory buildings shall be located not closer than ten feet to the main building.
- C. The area of accessory buildings shall be included in the maximum permitted lot coverage.
- D. No accessory building or accessory structure shall be located in any front yard, or yard abutting the water on a waterfront lot, unless it is set back at least 200 feet from the front lot line or the ordinary high water mark, respectively; provided, however, that on waterfront lots in the LR District, an accessory building may be located within the yard abutting the street if all minimum building setback requirements for a principal building are complied with.
- E. Except as provided in subsection H below, accessory buildings and accessory structures shall meet the minimum side and rear yard setbacks required for principal buildings.
- F. No accessory building or accessory structure shall be constructed or occupied on a lot before the principal building or use on the lot is constructed or occupied; provided, however, in the LR District, one detached accessory building may be located on a lot that has no principal building, in the following circumstances only:
 - 1. If the lot is directly across a public street or private road from a lot improved with a dwelling to which the building is accessory; or
 - 2. If the lot on which the detached accessory building is located is adjacent to either side lot line of a lot directly across a public or private street from a lot improved with a dwelling to which the building is accessory.
- G. In the circumstances described in this subsection as to accessory buildings in the LR District on lots that have no principal building, not more than one detached accessory building may be located on an unimproved lot across a public or private street, as described above. The lot upon which the accessory building is constructed and the improved lot to which it is accessory shall be held in common ownership. A restrictive covenant confirming such common ownership and prohibiting the separate conveyance of either lot shall be recorded with the Kent County Register of Deeds prior to the issuance of a building permit or installation of any accessory building.

H. On non-waterfront lots in the R-1, R-2, R-3 and LR Districts, an accessory building or accessory structure which is equal to or less than 100 square feet in area and equal to or less than ten feet in height may be located in a rear yard as near as five feet from the side and rear lot lines; provided, however, that if the rear lot line of the parcel of land on which the accessory building or accessory structure is located is also the side lot line of the adjacent parcel, then the accessory building or accessory structure shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.

I. In the R-1, R-2, R-3, LR and PUD Districts, the total aggregate area of all accessory buildings on a lot or parcel shall be limited in floor area as follows:

1.

Lot Area	Permitted Accessory Building Size
30,000 square feet or less	Maximum 576 square feet
Greater than 30,000 square feet	Maximum 1,200 square feet

2. For lots greater than 30,000 square feet, accessory buildings with an aggregate area larger than 1,200 square feet may be permitted by the Planning Commission as a special land use, if the Planning Commission determines there would be no significant adverse effects upon adjacent or nearby lands and if the Planning Commission determines that the area, height and bulk of the accessory building would not seriously compromise the residential character of the lot or adjacent or nearby lands. If an applicant desires to obtain approval for an accessory building with an aggregate area larger than 1,200 square feet in the PUD District, such application can be considered and acted upon as a part of the planned unit development review and approval process, and in such cases, an application for the special land use approval shall not be required.

J. Accessory buildings and structures in planned unit developments shall be subject to the same requirements as in the residential districts, except that paragraph H shall apply only to those lots with a lot area less than 30,000 square feet unless the planned unit development ordinance specifically provides otherwise. Accessory buildings with an aggregate area larger than 1,200 square feet in area may be considered and approved in accordance with subsection I.2 of this section.

K. Buildings and structures used in active commercial agricultural operations are not considered accessory buildings and shall not be subject to this section, except that no buildings or structures shall be located within a required yard, and any building greater than 1,200 square feet in area shall be located at least 50 feet from any rear or side lot line.

- L. Swing sets, playground equipment, garden trellises, and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this section, except for height limitations, or unless specific provision is made for such equipment by other Township ordinance; provided, however, that a swing set, playground equipment or similar children's play structure located within a yard abutting the water on a waterfront lot shall be subject to the following:
1. A zoning permit shall be required.
 2. There shall be no portion of the structure that is enclosed for the purpose of storage.
 3. There shall be no platform or deck that creates a horizontal impervious surface greater than 50 square feet.
 4. A roof, if any, shall not exceed 20 square feet in area.
 5. There shall not be any portion of the structure enclosed by walls, other than knee-high walls or railings which shall be no more than 40 percent opaque and no higher than above grade or above the platform surface than the minimum required by the applicable code for child safety.
 6. The swing set, playground equipment or similar children's play structure shall be set back at least 20 feet from the water's edge or the ordinary high water mark, whichever is closer to the principal building, and at least ten feet from any side lot line. The structure shall be no less than ten feet from the principal building.

SECTION 3.14. MINIMUM REQUIREMENTS FOR DWELLINGS. All dwelling units located outside of manufactured housing communities shall comply with the following requirements:

- A. All dwelling units shall provide a minimum height between the interior floor and ceiling of seven and one-half feet or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- B. The minimum width of any single-family dwelling unit shall be 24 feet for at least 67 percent of its length, measured between the exterior part of the walls having the greatest length.
- C. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl

space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.

- D. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or, if a manufactured home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction and Safety Standards.”
- E. The wheels, pulling mechanism, and tongue of any manufactured home shall be removed prior to placement on a foundation.
- F. All dwellings shall be connected to a sanitary sewer system and water supply system approved by the Township and the County Health Department.
- G. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- H. All additions to dwellings shall meet all the requirements of this Ordinance.
- I. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the building inspector upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of manufactured home communities within 500 feet of the subject dwelling. 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 designed home.
- J. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the building inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section.
- K. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction and Safety

Standards” effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

- L. A minimum of 100 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator.

SECTION 3.15. TEMPORARY DWELLINGS No cabin, garage, basement, tent, recreational vehicle, or other temporary structure shall be used in whole or in part for dwelling purposes in any district; provided a manufactured home may be used as a temporary dwelling for a period not to exceed six months upon application to and approval of a permit for such occupancy by the zoning administrator upon determination that the following conditions exist and are met:

- A. The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- B. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- C. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of the occupants and the surrounding neighborhood.
- D. The temporary dwelling shall be served by sanitary sewer and potable water, approved by the Township and Kent County Health Department.

SECTION 3.16. ILLEGAL DWELLINGS. The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement complies with applicable provisions of the Township construction code. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.17. HOME OCCUPATIONS

- A. Prior to the establishment of a home occupation, the owner of the property involved and the operator of the proposed home occupation shall sign a letter agreement, in a form provided by the zoning administrator, acknowledging that the minimum conditions of this section apply to the proposed home occupation and that all of such conditions will be complied with, and if they are not, the permit for the home occupation will be subject to revocation.
 - 1. Upon receiving the signed letter agreement in satisfactory form and content, and if the zoning administrator determines that the home occupation would comply with the terms of this ordinance, the administrator shall then issue a home occupation permit, which may include conditions consistent with this section and other applicable provisions of this ordinance. If the administrator determines that the proposed occupation would not comply with this section or that it does not

qualify as a home occupation under the terms of this ordinance, the administrator shall deny the home occupation permit, and provide in writing the reasons for such denial.

2. In the administrator's discretion, the request for the proposed home occupation may be referred to the Planning Commission for review and decision in accordance with this section and other applicable provisions of this ordinance.
- B. The home occupation shall be conducted entirely within the dwelling, with the following exception(s):
1. The use may be conducted entirely within a dwelling, garage or accessory building unattached to the dwelling in property zoned in the RR District as long as the use is not prohibited in a planned unit development ordinance, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.
 2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Township ordinances and requirements.
- C. The use shall be conducted entirely within the dwelling, or in a permitted accessory building in the RR District, subject to A.1 above. It shall be carried on only by the residents of the dwelling and not more than one other person.
- D. The use of the dwelling for a home occupation shall be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20 percent of the floor area of the principal building.
- E. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.
- F. There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
- G. No outdoor storage or display shall be permitted.
- H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

- I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district, and shall in no case be greater than 20 vehicle trips per day (ten in and ten out).
- K. The parking of motor vehicles resulting from the operation of the home occupation, on the parcel of land where the home occupation is located, shall be limited to not more than one commercial vehicle. Such parking generated by the operation of the home occupation shall be provided for on the driveway of the parcel of land. The driveway shall comply with the minimum size requirements for an off-street parking space stated in Section 27.06. The parking of motor vehicles resulting from the conducting of the home occupation shall not be permitted on the adjacent street or in any yard of the parcel of land.
- L. There shall be no deliveries from commercial suppliers, other than on an occasional or incidental basis.
- M. No sign identifying the home occupation shall be displayed.

SECTION 3.18. ALTERATIONS TO GRADES AND SITE CLEARANCE

- A. The natural grade upon which a building is to be constructed shall not be altered in such a manner as to cause change in existing runoff volume or patterns, excessive sedimentation, or other adverse effects on neighboring properties, bodies of water, or public ways. Any alteration to natural grade in excess of 24 inches shall be subject to review and approval of the Township building inspector, in consultation with the Township engineer and zoning administrator as appropriate, to determine whether such adverse effects will result. If maintenance of a specific grade level was expressly required by an approval for a planned unit development, site condominium, subdivision, special land use, site plan, variance or other land use approval, the grade shall not be altered except in compliance with the provisions of this Ordinance for amendment of such approval.
- B. Grading or clearing vegetation for the purpose of preparing a lot or parcel for building construction shall not be permitted, prior to receipt of a building permit for construction of a principal use on the property.

SECTION 3.19. EXCAVATIONS OR HOLES. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, however, that this section shall not apply to the following:

- A. Any excavation approved under a permit issued by the building inspector where such excavations are properly protected and warning signs posted in such manner as approved by the building inspector.
- B. Any excavation approved as a special land use, in accordance with the requirements of Sections 23.39 and 23.40, for removal of mineral materials.
- C. Streams, natural bodies of water, ditches, reservoirs, and other bodies of water naturally created or existing by authority of governmental units or agencies.

SECTION 3.20. KEEPING OF DOMESTIC ANIMALS

- A. Ordinary household pets, such as dogs and cats and other animals customarily kept as pets, are permitted in the Township, subject to other provisions of this Ordinance, other Township ordinances, and applicable law.
- B. Livestock such as, but not limited to, horses, cattle, goats, pigs, sheep, llamas and buffalo are permitted in the RR District, on parcels of two acres or more. Horses are permitted in the R-1 District on parcels of two and one-half acres or more. On parcels of ten acres or less in the RR District and the R-1 District, the number of such permitted animals shall not exceed one animal for each acre.

SECTION 3.21. RECREATIONAL VEHICLE PARKING. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Township and to use the same as a dwelling. This provision shall not prohibit the temporary occupancy for periods up to 48 hours of a recreational vehicle, if the recreational vehicle contains sleeping accommodations, is parked on a lot in a residential district, and is for the use of the owner of that lot or guests of the owner.

SECTION 3.22. VEHICLE REPAIRS IN RESIDENTIAL DISTRICTS

- A. The carrying out of repair, restoration and maintenance procedures or projects on motor vehicles in any residential district, when such work is not conducted entirely within the interior of a building, shall be subject to the following requirements:
 - 1. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out only within a garage. Only one such period of vehicle repair requiring more than 48 hours shall be permitted within a single 30-day period.
 - 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lands within the Township to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or

enclosed building for a period of more than 48 hours unless the registered owner of the vehicle has secured a permit from the zoning administrator to extend the period for up to one additional week. An inoperable motor vehicle for purposes of this subsection shall include a motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power, or which is not permitted to be operated on the streets and highways because of non-compliance with the Michigan Motor Vehicle Code, or because the vehicle is not currently licensed or registered, as required for operation by the Motor Vehicle Code.

- C. It shall be unlawful for the owner, tenant or lessee of any lot in a residential district to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked solely for purpose of construction being conducted on that lot.
- D. In the RR District it shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers for more than 20 days of any 30-day period. Such vehicles shall be parked so as to not block the vision of drivers on or entering any adjacent street.

SECTION 3.23. ESSENTIAL SERVICE EQUIPMENT. The installation and maintenance of essential service equipment is permitted in all zone districts.

SECTION 3.24. HEALTH DEPARTMENT APPROVAL

- A. 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 and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations of the state and county health departments governing waste and sewage disposal.
- B. No permit shall be issued for the construction of a building with sanitary facilities and not served by public sewer, unless there has been obtained from the county health department and submitted to the Township a permit for two separate locations for private drain field or other private sewage disposal facility on such lot or parcel.
- C. No building or structure shall be erected, constructed or placed on any designated location for a private drain field or other private sewage disposal facility.

SECTION 3.25. LAKE AND WATERFRONT REGULATIONS. Lots abutting or containing a lake, river or stream shall comply with the following regulations:

- A. The lot width on the street side shall be the minimum width required for the zoning district in which the lot is located.
- B. A lot shall be a minimum of 70 feet wide, measured at the ordinary high water mark between the side lot lines, except for lots in the LR District that were legally established on or prior to January 8, 1996.
- C. Waterfront lots shall have the front yard on the water side and the rear yard on the street side. The front yard on the water side shall be the area between the ordinary high water mark and the nearest wall of the principal building. The rear yard on the street side shall be the area between the street right-of-way line and the nearest wall of the principal or accessory building.

SECTION 3.26. BOAT DOCKS AND SHORE LAND PROTECTION

- A. The purpose of this section is to encourage, protect, and preserve the use of lakes and streams for recreational activities such as boating, fishing, and swimming; to prevent overuse, overcrowding, and misuse of these water resources; to protect and preserve the quality of these waters from pollution and to otherwise protect the health, safety, and welfare of persons using these lakes and streams.
- B. This section is subject to the provisions of the Township Boat Launching and Docking Regulation Ordinance, Ordinance No. 2017-2 (the “Boat Launching and Docking Ordinance”), to the extent that such ordinance pertains to lakes. If any provision of this section is contrary to or inconsistent with those provisions of the Boat Launching and Docking Ordinance with respect to lakes, the latter Ordinance shall control.
- C. Boat docks and marine storage devices are permitted as accessory structures and uses on lots and parcels which front on a navigable body of water, subject to the terms of the Boat Launching and Docking Ordinance, including Section 4.02 thereof.
- D. No dock for boat use shall be located, utilized or placed within seven feet of the side lot lines of a lot or parcel as extended to the center of the lake or body of water, except that off-shore marine storage devices may be located within two feet of a side lot line as so extended to the center of the lake or body of water. No watercraft shall be launched, stored, moored or docked within two feet of the side lot lines of a property as extended to the center of the lake or body of water, except certain common docks as described and regulated in Section 4.15 of the Boat Launching and Docking Ordinance.
- E. In all zoning districts there shall be at least 70 feet of lake frontage, as measured along the ordinary high water mark of the lake for each dwelling unit, single-family dwelling, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake frontage. This restriction shall apply to all lots and parcels on or abutting any lake in any zoning district, regardless of whether

access to the lake shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease. This paragraph shall not apply, however, to Lake Bella Vista or North Lake Bella Vista, in that the current use of those lakes attributable to non-frontage lands is considered a lawful nonconforming use under the terms of this Ordinance.

- F. Commercial accessory waterfront uses in the B-1 Neighborhood Business District and the B-2 General Business District, as such uses are defined therein and in Section 2.04.F, shall be subject to the special land use provisions of Section 23.18.

SECTION 3.27. FENCES

- A. Fences in any residential district shall not exceed six feet in height, measured from the natural grade at the base of the fence to the top of the fence.
- B. Fences erected within the required front yard in any residential district, except the LR District, shall not exceed four feet in height. This shall apply to each front yard of a corner lot.
- C. In the LR District, a fence up to four feet in height may be erected within the required rear yard on the street side. Within the front yard (water side), no fence shall be erected within 20 feet of the ordinary high water mark and no fence in the remaining required front (water side) yard shall exceed a height of three feet.
- D. Fences shall not be erected within any public street right-of-way or private road easement.
- E. In the residential districts, if both sides of the fence are not identical, the finished side shall face the adjoining properties.
- F. Chain link fences shall not be erected in any front yard within a residential district, unless for the purpose of enclosing a retention or detention pond that has been approved by the Planning Commission.
- G. No barbed wire or above-ground electrified fence shall be located in any residential district, except for the purpose of enclosing crops, orchards, pastures, or similar land included in a bona fide farm.
- H. A non-sight-obscuring security fence up to eight feet high may be permitted around the perimeter of an essential public service building, essential public service storage yard, towers, and outdoor storage areas in the B-2 General Business District or the I Industrial District. The security fence may include a maximum of one additional foot of barbed wire.

SECTION 3.28. FLAG POLES One flag pole, not exceeding a height of 35 feet above average grade, may be erected per lot or parcel. The flag pole shall be set back at least 20

feet from all property lines. For flag poles on non-residential property, all flags, ropes, or other devices and accessories related thereto shall be fastened only to the flag pole; no part of any flag, rope, or other flag pole device or accessory shall be fastened to the ground or a building or any place other than the flag pole itself.

SECTION 3.29. SMALL ANTENNAS AND TOWERS. Freestanding radio, television or microwave antennas or towers (including satellite dish antennas) are permitted in all zoning districts provided the following provisions are satisfied, unless specifically exempted. Conventional VHF and UHF television antennas and satellite dishes less than one meter in diameter shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on any portion of the building facing the front lot line.

- A. No freestanding antenna shall exceed a height of 30 feet above grade, or have any dimension exceeding 30 feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 23.
- B. No portion of an antenna or tower shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
- C. All antennas and towers shall be permanently secured to a stable foundation.
- D. 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.
- E. For purposes of determining whether a proposed antenna or tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the antenna or tower may be located on leased parcels within such lot or parcel.
 - 1. If an antenna or tower is to be placed on a vacant lot or parcel, the location and setbacks of the antenna or tower shall be determined by the zoning administrator.
 - 2. Lots or parcels on which an antenna or tower is the principal use need not satisfy the minimum street frontage or the minimum lot area requirements of this Ordinance.
- F. An antenna or tower may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of ten feet, as measured from the roof at the base of the antenna or tower.
- G. All antennas and towers must be grounded to protect against damage from lightning.

- H. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- I. An antenna or tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other state or federal authority having jurisdiction over the antenna or tower. If lighting is required, the lighting as installed shall cause only the least possible disturbance to surrounding land uses and shall not exceed FAA minimum standards.
- J. Antennas and towers for commercial communications services, including cellular telephone antennas and towers, shall be approved only as special land uses under the terms of Chapter 17.
- K. The provisions of this section shall apply to towers and antennas owned and operated by a federally-licensed amateur operator and used solely for amateur radio communication purposes, but shall not be applied so as to preclude the construction and operation of an antenna or tower for amateur radio communication purposes. If the provisions of this section prohibit the construction of a particular amateur radio communications antenna or tower, then the Township shall seek to reasonably accommodate the proposed operator's desire to conduct amateur radio communications by considering other feasible designs, locations, methods of accessing repeater systems or the use of existing structures as an alternative to the operator's desired amateur radio communications antenna or tower.

SECTION 3.30. WIND ENERGY CONVERSION SYSTEMS

- A. **Purpose.** A wind energy conversion system (WECS) shall be permitted only in accordance with the provisions of this section.
- B. **Definitions.** The following words and phrases in this section shall have the meanings stated respectively below.
 - 1. **Wind Energy Conversion System (WECS).** The equipment, structures, land area and other components designed and operated for the purpose of converting wind energy into electrical energy and consisting of the following:
 - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
 - b. 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;

- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, housed in a nacelle;
 - d. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted; and
 - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
2. **WECS Height.** The distance between the ground (at normal grade) and the highest point of a WECS, as measured from the ground (at normal grade) to the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
 3. **On-site Service WECS.** A single WECS placed upon a lot or parcel with the intent to service the energy needs of only the structures and uses on the same lot or parcel.

C. On-site Service WECS General Requirements

1. An on-site service WECS shall be permitted in the RR Rural Residential/Agriculture District, the B-1 Neighborhood Business District, the B-2 General Business District and the I Industrial District, subject to the requirements of this section.
2. Site plan review and approval, pursuant to Chapter 22, shall be required for a WECS that does not exceed 60 feet in height. A WECS exceeding 60 feet in height shall be permitted only if approved as a special land use under Chapter 23.
3. The wind rating of the WECS turbine shall not be greater than 50 kwh.
4. The WECS shall provide energy only to the property where the tower is located and must be owned by the owner of the property upon which the WECS is placed.
5. No sound attributed to the WECS in excess of 55 dB(A) shall be discernible at the property line.
6. There shall be no signs on the WECS other than the name of the manufacturer, which may be affixed only to the nacelle.
7. The WECS shall be painted in a neutral color, such as gray or light blue, to blend into the background.

8. Each WECS shall also comply with all applicable federal, State of Michigan, and county requirements, in addition to Township ordinances.
9. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned.
10. A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless telephone or personal communication systems would produce electromagnetic interference with signal transmission or reception.

D. Ground-Mounted On-Site Service WECS.

1. Lots accommodating a WECS in the RR Rural Residential/ Agriculture District and the B-1 Neighborhood Business District and the B-2 General Business District shall be a minimum two acres if the WECS height does not exceed 60 feet, and five acres if the WECS height exceeds 60 feet.
2. In the I Industrial District, the minimum lot area shall be one acre.
3. The diameter of the rotor shall not be greater than 50 feet.
4. The WECS height shall not exceed 130 feet.
5. The minimum rotor blade tip clearance from grade shall be 20 feet.
6. The tower used to support a WECS shall be adequately anchored, as certified by an engineer.
7. The setback for placement of a WECS shall be at least equal to 1.5 times the WECS height. No part of a single WECS (including guy wire anchors) shall be located within or above any required setback.

E. Building-Mounted On-Site Service WECS.

1. Minimum lot area shall be one acre.
2. The diameter of the rotor shall not exceed 20 feet.
3. The WECS height shall not exceed the maximum height for principal buildings in the zone district, plus 25 feet.
4. The WECS shall be set back from adjoining property lines a distance equal to 1.5 times the height of the WECS. The setback shall be measured from the property line to the closest extension of the rotor when horizontal and perpendicular to the property line.

SECTION 3.31. GLARE, NOISE AND OTHER NUISANCES. Every land use shall be so conducted and operated that it does not create a nuisance and so that it does not result in serious adverse effects on other lands and uses by reason of heat, light, glare, fumes, dust, odor, noise, vibration or other adverse effects.

SECTION 3.32. TRASH, LITTER AND JUNK. It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed eight days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles shall not be left unattended in the front yard (or on the street side of a lakefront lot) longer than a period of 48 hours, unless they are kept or enclosed in a permanent receptacle designed to prevent disturbance of such receptacles by animals or severe weather conditions.

SECTION 3.33. SEPTIC TANK PUMPING. As a condition of approval of land development, the Township may require that on-site septic systems be pumped at a regular interval for the purpose of preservation of ground and surface water, and promotion of public health and welfare.

- A. If pumping of septic tanks is required, they shall be pumped every four years, except as stated in subsection C.
- B. Such septic tank pumping, if required, shall apply to all land developments, including planned unit developments, cluster developments, site condominiums, subdivisions, special land uses, and land uses approved by site plan review.
- C. In those situations in which septic tank pumping is a condition of approval, the approving body may require an interval different from four years, based upon conditions in the area and upon an express finding which specifically overrides the uniform septic tank pumping interval specified in this section.

SECTION 3.34. ACCESSORY DWELLING UNITS.

- A. An accessory dwelling unit is an attached or detached dwelling that is subordinate to a principal use consisting of a single-family detached dwelling located on the same lot or parcel as the accessory dwelling unit. The dwelling unit may contain sleeping quarters, a bathroom, living area and a kitchen.
- B. An accessory dwelling unit may be located only in the R-R District. Only one such dwelling unit shall be permitted on a parcel of land. The dwelling unit shall not have an address separate from that of the principal dwelling on the property.
- C. An accessory dwelling unit shall be used only for a residential use that is accessory to the principal dwelling on the parcel, such as a dwelling for guests of the residents of the principal dwelling, a dwelling unit for an elderly family member or for other residential accessory use.

- D. An accessory dwelling unit shall be permitted only on a lot or parcel with an area of at least four acres. It shall comply with all setback requirements applicable to a principal dwelling.
- E. The accessory dwelling unit shall be at least 500 square feet in area; but no larger than 35 percent of the usable floor area of the principal dwelling or 1,500 square feet, whichever is less. Space within a garage which is in the same building as the accessory building shall not be counted against the maximum area limitation for an accessory dwelling unit.
- F. The accessory dwelling unit, if attached, shall be designed as an independent housekeeping unit that can be isolated from the principal dwelling space.
- G. Approval of on-site septic and well systems by the Kent County Health Department shall be required. The accessory dwelling unit shall not have a separate mailing address, or except as provided below, separate meters for public utilities, such as electric and gas. Separate meters for public utilities may be permitted by the Planning Commission, or by the zoning administrator after approval of the request, if separate metering is required by code, ordinance, or policy of the utility. If separate meters are provided, the owner shall be the customer and responsible party for both billings.
- H. At least one parking space shall be provided for the accessory dwelling unit, and vehicular access shall be from the driveway serving the principal dwelling.
- I. A detached accessory dwelling unit shall meet all requirements of Section 3.14; provided, however, that the minimum width may be reduced to 20 feet for 67 percent of its length.
- J. The accessory dwelling unit shall have a residential appearance consistent with the design and the exterior materials of the principal dwelling.
- K. The applicant and property owner shall prepare a restrictive covenant or another legal instrument, subject to the approval of the zoning administrator, whereby the use of the accessory dwelling unit shall be limited as stated in this section. The instrument shall be recorded with the county register of deeds. The instrument shall include substantially the following:

1. A statement that the principal dwelling and the accessory dwelling unit shall remain in the same ownership.
2. A statement that the accessory dwelling unit shall not be used as a rental dwelling or for other commercial purpose.
3. Other restrictions may be required by the zoning administrator to be included in the restrictive covenant or similar instrument, consistent with the provisions hereof.

SECTION 3.35. ACCESSORY BUILDING IN ABSENCE OF PRINCIPAL BUILDING. If a principal dwelling or other principal building is demolished and removed, or if in the case of an approved land division, a former accessory building remains on the parcel of land, in the absence of a principal building, the zoning administrator may permit the former accessory building to remain on the land temporarily, during the period of construction of a new dwelling or other new principal building, upon the condition that the property owner deposits into a Township escrow account that sum of money estimated by the Township building official to fund the cost of demolition of the former accessory building, in the event that a new principal dwelling or other new principal building is not constructed and completed and approved for occupancy by the date specified in an escrow agreement to be signed by the property owner, in a form and content satisfactory to the Township. The escrow agreement shall also grant to the Township and to its agents and contractors the right to enter the land, and demolish and remove the former accessory building if the conditions of the escrow agreement have not been satisfied, including the timely construction of a new dwelling or other new principal building as stated above.

CHAPTER 4

ZONING DISTRICTS AND ZONING MAP

SECTION 4.01. ZONING DISTRICTS. For the purposes of this Ordinance, the Township of Cannon is hereby divided into the following zoning districts:

RR Rural Residential/Agricultural District
R-1 Low Density Residential District
R-2 Medium Density Residential District
R-3 High Density Residential District
MHC Manufactured Housing Community District
LR Lakes Residential District
B-1 Neighborhood Business District
B-2 General Business District
I Industrial District
R-PUD Residential Planned Unit Development District
M-PUD Mixed-Use Planned Unit Development District
Unique Recreation Resource Area Overlay District
Bear Creek Watershed Overlay District
Rogue River Natural River Overlay District
Cannonsburg Historic Area Overlay District
Access Management Overlay District

SECTION 4.02. ZONING MAP. The locations and boundaries of the zoning districts are hereby established as shown on a map, as amended from time to time, entitled “The Zoning Map of Cannon Township, Kent County, Michigan,” which is hereby made a part of this Ordinance. If amendments are made in the zoning map, they shall be accomplished by means of a Township ordinance referring to this section. If uncertainty exists as to the boundaries of any zoning district as shown on the zoning map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot line 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 the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.

- E. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03. LANDS NOT INCLUDED WITHIN A DISTRICT. In any case where, for whatever reason, lands have not been included within a zoning district on the zoning map, such lands shall be deemed to be included in the RR Rural Residential/Agricultural District.

SECTION 4.04. OFFICIAL ZONING MAP. The official zoning map of the Township shall be maintained in the Township offices. If an amendment in the zoning map is adopted by Township ordinance, the amendment shall be shown on the zoning map, following the effective date of the amendment.

SECTION 4.05. PARCELS LYING WITHIN DIFFERENT ZONING DISTRICTS. If a lot or parcel is divided by a zoning district boundary, one of the following options, at the property owner's discretion, shall apply to use of that property:

- A. A use permitted by right or with special use approval (if obtained) in a zoning district may be located entirely within that portion of the lot or property within that district, subject to the following:
 - 1. No more than one principal building or use shall be placed on a lot or parcel of property, as provided by this Ordinance.
 - 2. For uses, except single-family dwellings, utilizing this option; (i) all required yards, parking, greenbelts, buffers, landscaping and access associated with the use shall be located entirely on that portion of the lot zoned for that use; and (ii) the zoning district boundary shall be treated as the respective rear or side lot line for yard setback purpose.
 - 3. Single-family dwellings and accessory uses shall comply with yard setback regulations as applicable within the district in which each portion of the lot is located.
 - 4. The entire lot or parcel under single ownership may be used to meet the minimum lot area and lot width requirements, if the preceding requirements are satisfied.
- B. In the alternative, the property owner may choose to use the entire property for any use permitted by right or with special use approval (if obtained) in the more restrictive zoning district applicable to the property, subject to the following:
 - 1. No more than one principal building or use shall be placed on a lot or parcel of property, as provided by this Ordinance.

2. Building and accessory uses shall comply with yard setback regulations as applicable within the district in which each portion of the lot is located.
3. All parking, greenbelts, buffers, landscaping, access and other applicable requirements of the more restrictive district shall apply.
4. For purposes of determining which district is more restrictive: (i) the residential districts are considered more restrictive than non-residential districts; (ii) the commercial districts are considered more restrictive than the industrial districts; (iii) the residential districts are considered more restrictive to least restrictive in the following order: LR, R-1, R-R, R-2, R-3 and MHC; (iv) if a portion of the lot lies within a PUD District, the PUD District shall be considered the more restrictive.

CHAPTER 5

RR RURAL RESIDENTIAL/AGRICULTURAL DISTRICT

SECTION 5.01. PURPOSE. The RR Rural Residential/Agricultural District provides primarily for low density residential uses, consisting of single-family, detached dwellings, in a manner that protects the distinctive character and sensitive natural features of the Township. The R-R District permits building densities that support the goals and policies of the Township Master Plan; other provisions in this ordinance and in other Township ordinances include a variety of development techniques to encourage responsible development in reasonable harmony with natural features, including slopes, woods, wetlands, bodies of water and wildlife habitat. Farms and farming operations are also permitted, as are specified non-residential uses that support residential development.

SECTION 5.02. PERMITTED LAND USES. Land, buildings and structures in the RR District shall be used only for the purposes stated in Table 5.02, as follows:

Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Farms and farm operations	Including general and specialized farming, to be conducted in accordance with generally accepted agricultural and management practices (GAAMPS) approved by the Michigan Commission of Agriculture
3. Growing of trees, shrubs, sod and other nursery stock	For wholesale purposes only; not including retail greenhouses or other retail sales
4. Private stables	At least one acre of land for each horse; outdoor areas in which horses are kept must be completely fenced; GAAMPS must be complied with
5. Roadside stands and farm markets	Farm markets shall have no more than 800 square feet of building area and must sell primarily farm products grown on the premises
6. Adult foster care family homes	No more than six residents; must be State-licensed
7. Family child care homes	No more than six minor children; must be State-licensed
8. Small antennas and towers	Not more than 30 feet in height
9. Wind energy conversion systems	Towers and generators may not be higher than 60 feet

SECTION 5.03. SPECIAL LAND USES. The special land uses specified in Table 5.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 5.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Churches and other places of worship	
2. Public and private schools	Including school administrative buildings
3. Public libraries, museums and art galleries	
4. Government administrative and service buildings	
5. Commercial kennels	
6. Commercial stables	
7. Farm markets	Those having more than 800 square feet of building area
8. Raising or growing of plants, trees, shrubs, sod, and nursery stock.	For wholesale purposes only; may include greenhouses, but retail sales are not permitted
9. Outdoor recreational uses	May be publicly or privately owned; including parks, playgrounds, athletic fields, golf courses, country clubs, ski resorts, hunting clubs and similar outdoor recreational uses of predominately open space
10. Storage of boats, trailers and recreational vehicles	Only within existing barns or other existing farm accessory buildings
11. Essential public service structures and buildings	For public utilities only
12. Wireless communication facilities	With towers and antennas higher than 30 feet
13. Wind energy conversion systems	Exceeding 60 feet in height
14. Bed and breakfast establishments	
15. Adult foster care small group home	For 7-12 residents only; must be State-licensed
16. Group child care home	For 7-12 minor children only; must be State-licensed
17. Removal of sand, gravel and other mineral resource	
18. Private airfields and landing strips	
19. Commercial composting operations	
20. Outdoor public concerts and events within a publicly or privately owned outdoor recreation use	May include outdoor music concerts and performances; theatrical presentations; seasonal festivals; outdoor display and sale of antiques and used goods and objects; outdoor display and viewing of vintage and other motor vehicles; arts and crafts sales; horse shows and livestock exhibitions and similar exhibitions and amusements, but not including firearms-shooting competitions, carnival rides, motorized racing and the like

SECTION 5.04. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE; MINIMUM BUILDING FLOOR AREA; OTHER REGULATIONS.

Table 5.04 Parcel Served by Approved Private Well and Septic Tank		
Minimum required lot area	2 acres (not including street right-of-way or private road easement)	
Minimum required lot width	175 feet	
Minimum required building setbacks		
	Front yard	50 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 40 feet, the smallest must be at least 15 feet
	Rear yard	25 feet
Maximum permitted lot coverage	20%	
Front, rear and side yards	Must be maintained across entire width and length of parcel; for a waterfront lot, the required front yard shall be the area between the ordinary high water mark of the body of water and the building line of the principal building	
Maximum building height	35 feet	
Single-family detached dwelling	1,040 square feet, of which at least 700 square feet shall be on the ground floor	

SECTION 5.05. OTHER LAND USES. The other land uses stated in Table 5.04 may be permitted as follows:

Table 5.05 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Home occupations	Section 3.17
3. Small antennas and towers	Section 3.29; not more than 30 feet in height
4. Private roads	Chapter 28
5. Temporary dwellings	Section 3.15
6. Dwellings outside manufactured housing communities	Section 3.14
7. Accessory dwelling units	Section 3.34
8. Wind energy conversion systems	Section 3.30; not more than 60 feet in height

SECTION 5.06. OTHER REGULATIONS. The additional land use regulations stated in Table 5.06 may apply.

Table 5.06 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09
6. Minimum street frontage	Section 3.05
7. Front yard building setbacks	Section 3.04
8. Height exceptions	Section 3.10
9. Maximum width to depth ratio	Section 3.07
10. Maximum lot coverage	Section 3.08
11. Cul de sac lots	Section 3.06.D
12. Alteration of grades; excavations	Section 3.18; Section 3.19
13. Nonconforming lots, buildings and uses	Chapter 30
14. Open space preservation developments	Chapter 29
15. Planned unit developments	Chapters 14, 15 and 16
16. Platted subdivisions	Subdivision Ordinance, No. 96-2
17. Condominiums and site condominiums	Chapter 24
18. Trash, litter or junk	Section 3.32
19. Flag poles	Section 3.28
20. Site plan review	Chapter 22
21. Overlay districts	Chapters 17-21
22. Illegal dwellings	Section 3.16
23. Storage and repair of vehicles	Section 3.22
24. Recreational vehicle parking	Section 3.21
25. Nuisances	Section 3.31
26. Keeping of domestic animals	Section 3.20
27. Fences	Section 3.27
28. Essential service equipment	Section 3.23
29. Special land uses, minimum provisions	Chapter 23
30. Zoning permits	Chapter 32
31. Principal use per parcel	Section 3.02
32. Septic tank pumping	Section 3.33
33. Waterfront regulations	Section 3.25
34. Wetlands	Wetlands Protection Ordinance, No. 2005-1
35. Storm water regulation	Storm Water Ordinance, No. 2001-9
36. Land division	Land Division Ordinance, No. 2001-06
37. Gates blocking residential access	Gate Prohibition Ordinance, No. 2015-6

38.	Outdoor burning	Open Burning Ordinance, No. 95-22
39.	Use of fertilizers	Fertilizer Ordinance, No. 2005-6
40.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
41.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
42.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Ordinance, No. 2017-2

CHAPTER 6

R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01. PURPOSE. This district is intended to provide locations for low density residential development, primarily in single family platted subdivisions or site condominium developments. Reduced lot sizes are permitted in those locations where public water and sanitary sewer are available or can be provided. This district is specifically intended to accommodate housing in areas of the Township where low density development has previously occurred. Development within the R-1 District should preserve, to the extent feasible, natural resources and rural character, consistent with the goals and policies of the Township Master Plan.

SECTION 6.02. PERMITTED LAND USES. Land, buildings and structures in the R-1 District shall be used only for the purposes stated in Table 6.02, as follows:

Table 6.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Adult foster care family homes	No more than six residents; must be State-licensed
3. Family child care homes	No more than six minor children; must be State-licensed

SECTION 6.03. SPECIAL LAND USES. The special land uses specified in Table 6.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 6.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Churches and other places of worship	
2. Public libraries, museums and art galleries	
3. Government administrative and service buildings	
4. Essential public service structures and buildings	For public utilities only
5. Wireless communication facilities	With towers and antennas higher than 30 feet
6. Adult foster care small group home	For 7-12 residents only; must be State-licensed
7. Group child care home	For 7-12 minor children only; must be State-licensed

SECTION 6.04. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE.

Table 6.04.1 Parcel Served by Approved Private Well and Septic Tank		
Minimum required lot area		30,000 square feet
Minimum required lot width		150 feet
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	25 feet
Maximum permitted lot coverage		20%

Table 6.04.2 Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		12,000 square feet
Minimum required lot width		90 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	25 feet
Maximum permitted lot coverage		30%

SECTION 6.05. REQUIRED YARDS; BUILDING HEIGHT; MINIMUM BUILDING FLOOR AREA.

Table 6.05 Yard Regulations; Maximum Building Height, et al.	
Front, rear and side yards	Must be maintained across entire width and length of parcel; for a waterfront lot, the required front yard shall be the area between the ordinary high water mark of the body of water and the building line of the principal building
Maximum building height	35 feet
Single-family detached dwelling	1,040 square feet, of which at least 700 square feet shall be on the ground floor

SECTION 6.06. OTHER LAND USES. The other land uses stated in Table 6.06 may be permitted as follows:

Table 6.06 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Home occupations	Section 3.17
3. Small antennas and towers	Section 3.29; not more than 30 feet in height
4. Private roads	Chapter 28
5. Temporary dwellings	Section 3.15
6. Dwellings outside manufactured housing communities	Section 3.14

SECTION 6.07. OTHER REGULATIONS. The additional land use regulations stated in Table 6.07 may apply.

Table 6.07 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09
6. Minimum street frontage	Section 3.05
7. Front yard building setbacks	Section 3.04
8. Height exceptions	Section 3.10
9. Maximum width to depth ratio	Section 3.07
10. Maximum lot coverage	Section 3.08
11. Cul de sac lots	Section 3.06.D
12. Alteration of grades; excavations	Section 3.18; Section 3.19
13. Nonconforming lots, buildings and uses	Chapter 30
14. Open space preservation developments	Chapter 29
15. Planned unit developments	Chapters 14, 15 and 16
16. Platted subdivisions	Subdivision Ordinance, No. 96-2
17. Condominiums and site condominiums	Chapter 24
18. Trash, litter or junk	Section 3.32
19. Flag poles	Section 3.28
20. Site plan review	Chapter 22
21. Overlay districts	Chapters 17-21
22. Illegal dwellings	Section 3.16
23. Storage and repair of vehicles	Section 3.22

24.	Recreational vehicle parking	Section 3.21
25.	Nuisances	Section 3.31
26.	Keeping of domestic animals	Section 3.20
27.	Fences	Section 3.27
28.	Essential service equipment	Section 3.23
29.	Special land uses, minimum provisions	Chapter 23
30.	Zoning permits	Chapter 32
31.	Waterfront regulations	Section 3.25
32.	Principal use per parcel	Section 3.02
33.	Septic tank pumping	Section 3.33
34.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
35.	Storm water regulation	Storm Water Ordinance, No. 2001-9
36.	Land division	Land Division Ordinance, No. 2001-06
37.	Gates blocking residential access	Gate Prohibition Ordinance, No. 2015-6
38.	Outdoor burning	Open Burning Ordinance, No. 95-22
39.	Use of fertilizers	Fertilizer Ordinance, No. 2005-6
40.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
41.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
42.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Ordinance, No. 2017-2

CHAPTER 7

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 7.01. PURPOSE. This district is intended to allow residential uses at a slightly higher density than permitted in the R-1 zone. Single family dwellings along with two, three and four family dwellings are permitted, but must be served by public sanitary sewer, public or community water supply, and paved roads. The R-2 zone is intended to provide affordable housing opportunities for varying economic and lifestyle needs of Cannon Township residents. Residential development in the R-2 zone should be designed to complement the rural character of the Township through appropriate building scale, materials and style.

SECTION 7.02. PERMITTED LAND USES. Land, buildings and structures in the R-2 District shall be used only for the purposes stated in Table 7.02, as follows:

Table 7.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Two-family dwellings	
3. Adult foster care family homes	No more than six residents; must be State-licensed
4. Family child care homes	No more than six minor children; must be State-licensed

SECTION 7.03. SPECIAL LAND USES. The special land uses specified in Table 7.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 7.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Multiple-family dwellings	A multiple-family building shall not include more than four dwelling units
2. Churches and other places of worship	
3. Public libraries, museums and art galleries	
4. Government administrative and service buildings	
5. Essential public service structures and buildings	For public utilities only
6. Wireless communication facilities	With towers and antennas higher than 30 feet
7. Adult foster care small group home	For 7-12 residents only; must be State-licensed
8. Group child care home	For 7-12 minor children only; must be State-licensed

SECTION 7.04. MINIMUM SITE DEVELOPMENT STANDARDS. The following minimum site development standards stated in Table 7.04 shall apply in the R-2 District:

Table 7.04 Minimum Site Development Standards.	
1.	Two-family dwellings shall, insofar as practicable, be designed to have the exterior appearance of a single-family dwelling, by appropriate placement of exterior doors, garages and driveways.
2.	All land uses in the R-2 District shall be served by a public sanitary sewage disposal system and by a public or community water supply system.

SECTION 7.05. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS AND SEPARATION; MAXIMUM LOT COVERAGE.

Table 7.05.1 Single-Family Detached Dwelling – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		10,000 square feet
Minimum required lot width		80 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	25 feet
Maximum permitted lot coverage		30%

Table 7.05.2 Two-Family Dwelling – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		12,000 square feet
Minimum required lot width		100 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	25 feet
Maximum permitted lot coverage		30%
Minimum required separation between multiple-family buildings and/or two-family buildings		30 feet

Table 7.05.3 Multiple-Family Dwelling – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		10,000 square feet for each dwelling unit
Minimum required lot width		125 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 40 feet, the smallest of which must be at least 20 feet
	Rear yard	40 feet
Maximum permitted lot coverage		30%
Minimum required separation between multiple-family buildings and/or two-family buildings		30 feet

Table 7.05.4 Non-Residential Land Uses – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		20,000 square feet
Minimum required lot width		125 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 40 feet, the smallest of which must be at least 20 feet
	Rear yard	40 feet
Maximum permitted lot coverage		30%

SECTION 7.06. REQUIRED YARDS; BUILDING HEIGHT; MINIMUM BUILDING FLOOR AREA.

Table 7.06 Yard Regulations; Maximum Building Height; et al.	
Front, rear and side yards	Must be maintained across entire width and length of parcel; for a waterfront lot, the required front yard shall be the area between the ordinary high water mark of the body of water and the building line of the principal building
Maximum building height	35 feet
Single-family detached dwelling	1,040 square feet, of which at least 700 square feet shall be on the ground floor
Two-family dwelling; multiple-family dwelling	One-bedroom unit – 780 square feet; two-bedroom unit – 850 square feet; three-bedroom unit – 900 square feet; dwelling unit having

	more than three bedrooms – an additional 100 square feet for each bedroom in excess of three
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SECTION 7.07. OTHER LAND USES. The other land uses stated in Table 7.07 may be permitted as follows:

Table 7.07 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Home occupations	Section 3.17
3. Small antennas and towers	Section 3.29; not more than 30 feet in height
4. Private roads	Chapter 28
5. Temporary dwellings	Section 3.15
6. Dwellings outside manufactured housing communities	Section 3.14

SECTION 7.08. OTHER REGULATIONS. The additional land use regulations stated in Table 7.08 may apply.

Table 7.08 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09
6. Minimum street frontage	Section 3.05
7. Front yard building setbacks	Section 3.04
8. Height exceptions	Section 3.10
9. Maximum width to depth ratio	Section 3.07
10. Maximum lot coverage	Section 3.08
11. Cul de sac lots	Section 3.06.D
12. Alteration of grades; excavations	Section 3.18; Section 3.19
13. Nonconforming lots, buildings and uses	Chapter 30
14. Planned unit developments	Chapters 14, 15 and 16
15. Platted subdivisions	Subdivision Ordinance, No. 96-2
16. Condominiums and site condominiums	Chapter 24

17.	Trash, litter or junk	Section 3.32
18.	Flag poles	Section 3.28
19.	Site plan review	Chapter 22
20.	Overlay districts	Chapters 17-21
21.	Illegal dwellings	Section 3.16
22.	Storage and repair of vehicles	Section 3.22
23.	Recreational vehicle parking	Section 3.21
24.	Nuisances	Section 3.31
25.	Keeping of domestic animals	Section 3.20
26.	Fences	Section 3.27
27.	Essential service equipment	Section 3.23
28.	Special land uses, minimum provisions	Chapter 23
29.	Zoning permits	Chapter 32
30.	Principal use per parcel	Section 3.02
31.	Septic tank pumping	Section 3.33
32.	Waterfront regulations	Section 3.25
33.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
34.	Storm water regulation	Storm Water Ordinance, No. 2001-9
35.	Land division	Land Division Ordinance, No. 2001-06
36.	Gates blocking residential access	Gate Prohibition Ordinance, No. 2015-6
37.	Outdoor burning	Open Burning Ordinance, No. 95-22
38.	Use of fertilizers	Fertilizer Ordinance, No. 2005-6
39.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
40.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
41.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Ordinance, No. 2017-2

CHAPTER 8

R-3 HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 8.01. PURPOSE. The R-3 District is intended to allow primarily for multiple family dwellings although certain non-residential uses are also permitted by special use permit. Zoning in the high density residential district is permitted only for land served by public sanitary sewer, public or community water supply and paved roads. R-3 Districts can serve as transition zones between lower density residential development and non-residential areas; they are generally located on or near major thoroughfares and close to shopping and recreation areas.

SECTION 8.02. PERMITTED LAND USES. Land, buildings and structures in the R-3 District shall be used only for the purposes stated in Table 8.02, as follows:

Table 8.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Two-family dwellings	
2. Multiple-family dwellings	A multiple-family building shall have no more than four dwelling units
3. Adult day care homes	No more than six residents; must be State-licensed
4. Adult foster care family homes	No more than six residents; must be State-licensed
5. Family child care home	No more than six minor children; must be State-licensed

SECTION 8.03. SPECIAL LAND USES. The special land uses specified in Table 8.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 8.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Multiple-family dwellings	A multiple-family building shall have no more than eight dwelling units
2. Churches and other places of worship	
3. Public libraries, museums and art galleries	
4. Government administrative and service buildings	
5. Essential public service structures and buildings	For public utilities only
6. Wireless communication facilities	With towers and antennas higher than 30 feet
7. Adult foster care small group home	For 7-12 residents only; must be State-licensed
8. Group child care home	For 7-12 minor children only; must be State-licensed

SECTION 8.04. MINIMUM SITE DEVELOPMENT STANDARDS. The following minimum site development standards stated in Table 8.04 shall apply in the R-3 District:

Table 8.04 Minimum Site Development Standards.	
1.	All land uses in the R-3 District shall be served by a public sanitary sewage disposal system and by a public or community water supply system.
2.	Two-family dwellings shall, insofar as practicable, be designed to have the exterior appearance of a single-family dwelling, by appropriate placement of exterior doors, garages and driveways.
3.	Multiple-family buildings shall be designed to avoid excessive length and box-like appearance, and to have varied architectural features, in order to provide variety in appearance and so that such buildings would be in keeping with the generally rural character of the Township.

SECTION 8.05. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS AND SEPARATION; MAXIMUM LOT COVERAGE.

Table 8.05.1 Two-Family and Multiple-Family Dwellings – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		5,500 square feet for each dwelling unit
Minimum required lot width		100 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 40 feet, the smallest of which must be at least 20 feet
	Rear yard	50 feet
Maximum permitted lot coverage		30%
Minimum required separation between multiple-family buildings and/or two-family buildings		30 feet

Table 8.05.2 Non-Residential Land Uses – Parcel Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		20,000 square feet
Minimum required lot width		150 feet measured at the required front yard building setback
Minimum required building setbacks		
	Front yard	35 feet, but 75 feet for parcels fronting on Highway M-44 and Cannonsburg Road
	Side yards	Two side yards totaling 40 feet, the smallest of which must be at least 20 feet

	Rear yard	50 feet
Maximum permitted lot coverage		30%

SECTION 8.06. REQUIRED YARDS; BUILDING HEIGHT; MINIMUM BUILDING FLOOR AREA.

Table 8.06.1 Yard Regulations; Maximum Building Height	
Front, rear and side yards	Must be maintained across entire width and length of parcel; for a waterfront lot, the required front yard shall be the area between the ordinary high water mark of the body of water and the building line of the principal building
Maximum building height	35 feet
Two-family dwelling; multiple-family dwelling	One-bedroom unit – 780 square feet; two-bedroom unit – 850 square feet; three-bedroom unit – 900 square feet; dwelling unit having more than three bedrooms – an additional 100 square feet for each bedroom in excess of three

SECTION 8.07. OTHER LAND USES. The other land uses stated in Table 8.07 may be permitted as follows:

Table 8.07 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Home occupations	Section 3.17
3. Small antennas and towers	Section 3.29; not more than 30 feet in height
4. Private roads	Chapter 28
5. Temporary dwellings	Section 3.15
6. Dwellings outside manufactured housing communities	Section 3.14

SECTION 8.08. OTHER REGULATIONS. The additional land use regulations stated in Table 8.08 may apply.

Table 8.08 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09

6.	Minimum street frontage	Section 3.05
7.	Front yard building setbacks	Section 3.04
8.	Height exceptions	Section 3.10
9.	Maximum width to depth ratio	Section 3.07
10.	Maximum lot coverage	Section 3.08
11.	Cul de sac lots	Section 3.06.D
12.	Alteration of grades; excavations	Section 3.18; Section 3.19
13.	Nonconforming lots, buildings and uses	Chapter 30
14.	Planned unit developments	Chapters 14, 15 and 16
15.	Platted subdivisions	Subdivision Ordinance, No. 96-2
16.	Condominiums and site condominiums	Chapter 24
17.	Trash, litter or junk	Section 3.32
18.	Flag poles	Section 3.28
19.	Site plan review	Chapter 22
20.	Overlay districts	Chapters 17-21
21.	Illegal dwellings	Section 3.16
22.	Storage and repair of vehicles	Section 3.22
23.	Recreational vehicle parking	Section 3.21
24.	Nuisances	Section 3.31
25.	Keeping of domestic animals	Section 3.20
26.	Fences	Section 3.27
27.	Essential service equipment	Section 3.23
28.	Special land uses, minimum provisions	Chapter 23
29.	Zoning permits	Chapter 32
30.	Principal use per parcel	Section 3.02
31.	Septic tank pumping	Section 3.33
32.	Waterfront regulations	Section 3.25
33.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
34.	Storm water regulation	Storm Water Ordinance, No. 2001-9
35.	Land division	Land Division Ordinance, No. 2001-06
36.	Gates blocking residential access	Gate Prohibition Ordinance, No. 2015-6
37.	Outdoor burning	Open Burning Ordinance, No. 95-22
38.	Use of fertilizers	Fertilizer Ordinance, No. 2005-6
39.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
40.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
41.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Ordinance, No. 2017-2

CHAPTER 9
MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 9.01. PURPOSE. This district is intended to allow primarily for state-licensed manufactured housing communities in compliance with the rules and regulations of the Manufactured Housing Commission and the requirements of this Ordinance.

SECTION 9.02. PERMITTED LAND USES. Land, buildings and structures in the MHC District shall be used only for the purposes stated in Table 9.02, as follows:

Table 9.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. State-licensed manufactured housing communities	Shall comply with the Michigan Mobile Home Commission Act and the Rules of the Manufactured Housing Commission.
2. Single-family detached dwellings	

SECTION 9.03. SPECIAL LAND USES. The special land uses specified in Table 9.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 9.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Church or other place of worship.	
2. Essential public service structures and buildings.	For public utilities only
3. Wireless communication facilities.	With towers and antennas higher than 30 feet

SECTION 9.04. MINIMUM SITE DEVELOPMENT AND DESIGN REQUIREMENTS. A manufactured housing community shall comply with the following site development and design requirements:

A. Access and Roads.

1. The community’s internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
2. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
3. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).

4. An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
5. Safe-sight distance shall be provided at intersections.
6. An offset at an intersection or an intersection of more than two internal roads is prohibited.
7. Internal roads shall have pavement widths in accordance with the following:

Traffic Flow	Parallel Parking	Minimum Pavement Width
One Way	No Parking	16 feet
One Way	One side	23 feet
One Way	Both sides	33 feet
Two Way	No Parking	21 feet
Two Way	One side	31 feet
Two Way	Both sides	41 feet

8. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
 - a. All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - c. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
9. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system

approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

10. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

B. Driveways.

1. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
2. The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

C. Resident Vehicle Parking.

1. All home sites shall be provided with two parking spaces.
2. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - b. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

D. Visitor Parking Facilities.

1. A minimum of one parking space for every three home sites shall be provided for visitor parking.
2. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
3. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

E. Sidewalks.

1. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
2. All sidewalks shall be constructed in compliance with all of the following requirements:
 - a. Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, an act which regulates sidewalks for handicapped persons.
 - b. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

F. Lighting.

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15-foot candle.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
4. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

G. Utilities.

1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
5. All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

H. Site Size, Spacing and Setback Requirements.

1. **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured

housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 9.04.G.5 of this chapter.

2. Required Distances Between Homes and Other Structures.

- a. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - i. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - ii. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - iii. Ten feet from either of the following:
 - (aa) The parking space on an adjacent home site.
 - (bb) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - iv. Fifty feet from permanent community-owned structures, such as either of the following:
 - (aa) Club houses.
 - (bb) Maintenance and storage facilities.
 - v. One hundred feet from a baseball or softball field.
 - vi. Twenty five feet from the fence of a swimming pool.
- b. Accessory buildings that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.

- c. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - i. Ten feet from the edge of an internal road.
 - ii. Seven feet from a parking bay off a home site.
 - iii. Seven feet from a common sidewalk.
 - iv. Twenty five feet from a natural or man-made lake or waterway.
- d. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - i. Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
 - ii. Roof overhangs shall be set back two feet or more from the edge of the internal road.
- e. Steps and their attachments shall not encroach into parking areas more than three and one-half feet.

3. **Setbacks from Property Boundary Lines.**

- a. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- b. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

4. **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

- a. If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.

- b. If the community abuts a non-residential development, it need not provide screening.
- c. In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
- d. The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- e. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

5. Open Space Requirements.

- a. A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
- b. Required setbacks may not be used in the calculation of open space area.

6. Site Constructed Buildings and Dwellings.

- a. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.
- b. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- c. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.

- d. Site-built single-family dwellings may be located in a community as follows:
 - i. One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 - ii. Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 - iii. Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the R-2 Medium Density Residential District.

- 7. **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

- 8. **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.

- 9. **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

SECTION 9.05. MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.

- A. **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
- B. **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
 - 1. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
 - 2. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- D. **Storage of Personal Property.**
 - 1. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.
 - 2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 - 3. Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.

4. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- E. A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
- F. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- G. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- H. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- I. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- J. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- K. Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- L. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

SECTION 9.06. REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS.

- A. **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- B. **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information; provided, however, that detailed construction plans shall not be required to be submitted to the Township.
1. The date, north arrow and scale. The scale shall not be less than 1"=50' for property under three acres and at least 1"=100' for those three acres or more.
 2. All site and/or property lines are to be shown in dimension.
 3. The location and height of all existing and proposed structures on and within the subject property, and existing within 100 feet of the subject property.
 4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
 5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
 7. The name and address of the property owner and developer.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Location of all fire hydrants, if applicable.
 10. The number of manufactured housing sites proposed.
 11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.

12. Utility and other easements.
 13. Existing wetlands.
 14. Proposed sign locations.
 15. All required setbacks and separation distances.
- C. **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- D. **Decision.** The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the Rules of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with this chapter and the Rules, it shall be approved.

CHAPTER 10 LR LAKES RESIDENTIAL DISTRICT

SECTION 10.01. PURPOSE. These regulations are intended to apply to residential development around the following Township lakes: Bostwick, Ratigan, Silver and Sunfish and to any residential uses around future Township lakes over five acres in area. The regulations recognize the value and desirability of lake front lots and the desire of owners of existing lots to maintain and make improvements to existing structures. These regulations are designed to regulate new development and avoid development densities which could lead to the degradation of the surface water quality and associated natural lake environment.

SECTION 10.02. PERMITTED LAND USES. Land, buildings and structures in the LR District shall be used only for the purposes stated in Table 10.02, as follows:

Table 10.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Single-family detached dwellings	
2. Adult foster care family homes	No more than six residents; must be State-licensed
3. Family child care home	No more than six minor children; must be State-licensed
4. Docks and marine storage devices	Boat Launching and Docking Regulation Ordinance No. 2017-2 and Section 3.26 of this Ordinance

SECTION 10.03. SPECIAL LAND USES. The special land uses specified in Table 10.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 10.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Public and private non-commercial parks, playgrounds, swimming pools, athletic fields and community center buildings	Not including swimming pools accessory to residential land uses
2. Essential public service structures and buildings	For public utilities only

SECTION 10.04. MINIMUM SITE DEVELOPMENT STANDARDS. The following minimum development standards stated in Table 10.05 shall apply in the LR District as follows:

Table 10.04 Minimum Site Development Standards.	
1.	If two or more lots, or combination or portions of lots, created on or before January 8, 1996, and located adjacent to each other, are at any time held in common ownership, and if all or part of such lots do not satisfy the minimum requirements for lots created after January 8, 1996, and if such lots are designated by a single permanent parcel

	number as of the effective date of this ordinance, then such lots shall comply with Section 30.02 pertaining to combining of nonconforming lots.
2.	Ground level patios. A patio, terrace, walkway or similar area constructed of concrete, asphalt, pavers, bricks or similar surface, no part of the surface of which extends above ground level, is not subject to the minimum required building setbacks otherwise specified for this district. The area of these surfaces shall be included within the calculation of maximum lot coverage.
3.	Raised decks. A deck, any part of the surface of which is raised above grade, shall comply with the required minimum front, side and rear yard building setbacks for a principal building in this district. The entire area of the deck shall be included in the calculation of maximum lot coverage.
4.	Fences shall be set back at least 20 feet from the ordinary high water mark of the body of water and they shall not exceed a height of three feet.

SECTION 10.05. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE.

Table 10.05.1 Lots Created on or Before January 8, 1996 – Parcels Served by Approved Private Well and Septic Tank		
Minimum required lot area		4,000 square feet
Minimum required lot width		40 feet, measured at both the street right-of-way line and at the high water mark of the body of water
Minimum required building setbacks		
	Front yard	35 feet, measured from the ordinary high water mark for a waterfront lot, and measured from the street right-of-way line for a non-water front lot
	Side yards	Two side yards totaling 16 feet, the smallest of which must be at least eight feet
	Rear yard	20 feet, measured from the nearest street right-of-way line on a waterfront lot; on a non-water front lot, the required rear yard setback shall be 25 feet
Maximum permitted lot coverage		40%

Table 10.05.2 Lots Created on or Before January 8, 1996 - Parcels Served by Public/Community Water System and Public Sewage Disposal System		
Minimum required lot area		4,000 square feet
Minimum required lot width		40 feet, measured at both the street right-of-way line and at the high water mark of the body of water
Minimum required building setbacks		
	Front yard	35 feet, measured from the ordinary high water mark for a waterfront lot, and measured from

		the street right-of-way line for a non-water front lot
	Side yards	Two side yards totaling 16 feet, the smallest of which must be at least 8 feet
	Rear yard	20 feet, measured from the nearest street right-of-way line on a waterfront lot; on a non-water front lot, the required rear yard setback shall be 25 feet
Maximum permitted lot coverage		40%

Table 10.05.3 Lots Created After January 8, 1996 - Parcels Served by Approved Private Well and Septic Tank

Minimum required lot area		30,000 square feet
Minimum required lot width		150 feet
Minimum required building setbacks		
	Front yard	35 feet, measured from the ordinary high water mark for a waterfront lot, and measured from the street right-of-way line for a non-water front lot
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	35 feet, measured from the nearest street right-of-way line on a waterfront lot; on a non-water front lot, the required rear yard setback shall be 25 feet
Maximum permitted lot coverage		40%

Table 10.05.4 Lots Created After January 8, 1996 - Parcels Served by Public/Community Water System and Public Sewage Disposal System

Minimum required lot area		12,000 square feet
Minimum required lot width		90 feet; for a waterfront lot, minimum lot width shall be 70 feet, measured at the ordinary high water mark
Minimum required building setbacks		
	Front yard	35 feet, measured from the ordinary high water mark in the case of a waterfront lot
	Side yards	Two side yards totaling 20 feet, the smallest of which must be at least 10 feet
	Rear yard	35 feet
Maximum permitted lot coverage		40%

SECTION 10.06. REQUIRED YARDS; BUILDING HEIGHT; MINIMUM BUILDING FLOOR AREA.

Table 10.06 Yard Regulations; Maximum Building Height	
Front, rear and side yards	Must be maintained across entire width and length of parcel; for a waterfront lot, the required front yard shall be the area between the ordinary high water mark of the body of water and the building line of the principal building
Maximum building height	35 feet
Single-family detached dwelling	1,040 square feet, of which at least 700 square feet shall be on the ground floor

SECTION 10.07. OTHER LAND USES. The other land uses stated in Table 10.07 may be permitted as follows:

Table 10.07 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter; Other Ordinances
1. Accessory buildings, structures and uses	Section 3.13
2. Home occupations	Section 3.17
3. Small antennas and towers	Section 3.29; not more than 30 feet in height
4. Private roads	Chapter 28
5. Temporary dwellings	Section 3.15
6. Dwellings outside manufactured housing communities	Section 3.14

SECTION 10.08. OTHER REGULATIONS. The additional land use regulations stated in Table 10.08 may apply.

Table 10.08 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09
6. Minimum street frontage	Section 3.05
7. Front yard building setbacks	Section 3.04
8. Height exceptions	Section 3.10
9. Maximum width to depth ratio	Section 3.07
10. Maximum lot coverage	Section 3.08

11.	Cul de sac lots	Section 3.06.D
12.	Alteration of grades; excavations	Section 3.18; Section 3.19
13.	Nonconforming lots, buildings and uses	Chapter 30
14.	Platted subdivisions	Subdivision Ordinance, No. 96-2
15.	Condominiums and site condominiums	Chapter 24
16.	Trash, litter or junk	Section 3.32
17.	Flag poles	Section 3.28
18.	Site plan review	Chapter 22
19.	Overlay districts	Chapters 17-21
20.	Illegal dwellings	Section 3.16
21.	Storage and repair of vehicles	Section 3.22
22.	Recreational vehicle parking	Section 3.21
23.	Nuisances	Section 3.31
24.	Keeping of domestic animals	Section 3.20
25.	Fences	Section 3.27
26.	Essential service equipment	Section 3.23
27.	Special land uses, minimum provisions	Chapter 23
28.	Zoning permits	Chapter 32
29.	Principal use per parcel	Section 3.02
30.	Septic tank pumping	Section 3.33
31.	Waterfront regulations	Section 3.25
32.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
33.	Storm water regulation	Storm Water Ordinance, No. 2001-9
34.	Land division	Land Division Ordinance, No. 2001-06
35.	Gates blocking residential access	Gate Prohibition Ordinance, No. 2015-6
36.	Outdoor burning	Open Burning Ordinance, No. 95-22
37.	Use of fertilizers	Fertilizer Ordinance, No. 2005-6
38.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
39.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
40.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Regulation Ordinance, No. 2017-2
41.	Public sanitary sewer system	Sewer Use, Connection and Rate Ordinance, No. 92-6

CHAPTER 11

B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION 11.01. PURPOSE. The B-1 District is intended to permit those uses necessary to satisfy the basic day-to-day convenience shopping and/or service needs of persons residing in nearby residential areas. It is further the intent of this district to encourage the concentration of local business areas and avoid the strip business frontage development along major thoroughfares or other roads.

SECTION 11.02. PERMITTED LAND USES. Land, buildings and structures in the B-1 District shall be used only for the purposes stated in Table 11.02, as follows:

Table 11.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Retail businesses supplying on-site goods and commodities including, but not limited to, groceries and food products, drugs, apparel and accessories, notions, hardware, appliances, crafts, greeting cards, home furnishings, sporting goods, books, audio and video products and similar retail businesses	Limited to stores and other business locations not larger than 10,000 square feet
2. Personal service establishments which perform on-site services, including but not limited to repair shops (home appliances, shoes, watches, etc.), tailor shops, beauty/barber shops, photography studios, self-service laundries or other similar personal service businesses	
3. Dry-cleaning establishments or drop-off/pick-up stations for laundry and dry-cleaning	Central dry-cleaning plants serving more than one retail outlet are not permitted
4. Banks, credit unions and similar financial institutions	Drive-in or drive-through facilities are not permitted, except if approved as a special land use
5. Executive, administrative professional and outpatient medical offices and facilities	
6. State, county, municipal and other public offices	
7. Restaurants and other businesses	Drive-through facilities are not permitted.

8.	Small antennas and towers	Beverages served must be non-alcoholic. A restaurant shall not have the appearance or character of a drive-in establishment. Entry into and exit from the site must be directly from a county primary road or State highway.
9.	Other similar retail business or service establishment which supplies merchandise or convenience commodities, or performs services for the persons and areas described in Section 11.01, if determined by the Planning Commission under Section 1.07	

SECTION 11.03. SPECIAL LAND USES. The special land uses specified in Table 11.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 11.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Retail businesses supplying on-site goods and commodities including, but not limited to, groceries and food products, drugs, apparel and accessories, notions, hardware, appliances, crafts, greeting cards, home furnishings, sporting goods, books, audio and video products and similar retail businesses	Limited to stores and other business locations greater than 10,000 square feet but not greater than 50,000 square feet
2. Restaurants serving alcoholic beverages	Must be State-licensed; dancing not permitted unless State-licensed
3. Motor vehicle service stations	Including minor vehicle repair services. All services must take place within a fully enclosed building.
4. Veterinary clinics	All activities must be conducted within a fully enclosed building
5. Child care centers	Must be State-licensed
6. Open-front restaurants; restaurants with outdoor seating	If seating is provided on sidewalks, there must be a width of at least five feet along the sidewalk for pedestrian traffic
7. Wireless communication facilities	With towers and antennas higher than 30 feet
8. Wind energy conversion systems (WECS)	Limited to those exceeding 60 feet in height
9. Nursing homes; homes for the	

	elderly and retired	
10.	Church or other house of worship	
11.	Essential public service buildings	
12.	Mini-warehouses and self-storage facilities	
13.	Commercial accessory waterfront uses	
14.	Drive-through facilities when accessory to a permitted use	Including banks, credit unions, pharmacies and dry-cleaners, but not including drive-through restaurants

SECTION 11.04. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE.

Table 11.04		
Minimum required lot area		40,000 square feet (not including street right-of-way or private road easement)
Minimum required lot width		150 feet
Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards totaling 30 feet, the smallest of which must be at least 15 feet; however, if a building is built to the property line, no side yard is required, except if the property abuts a residential district or a residential PUD, there shall be a side yard setback of at least 25 feet.
	Rear yard	25 feet, but if the yard abuts a residential district or residential PUD, then the rear yard shall be 50 feet
Maximum permitted lot coverage		40%

SECTION 11.05. REQUIRED YARDS; MAXIMUM BUILDING HEIGHT; MINIMUM BUILDING FLOOR AREA.

Table 11.05 Yard Regulations; Maximum Building Height.	
Front, rear and side yards	Must be maintained across entire width and length of parcel, except where permitted buildings are built to the property line, as permitted in Table 11.04
Maximum building height	28 feet
Minimum floor area of principal building	None required

SECTION 11.06. OTHER LAND USES. The other land uses stated in Table 11.06 may be permitted as follows:

Table 11.06 Other Land Uses.	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Small antennas and towers	Section 3.29; not more than 30 feet in height
3. Wind energy conversion systems	Section 3.30; not more than 60 feet in height
4. Private roads	Chapter 28

SECTION 11.07. OTHER REGULATIONS. The additional land use regulations stated in Table 11.07 may apply.

Table 11.07 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Building projections	Section 3.09
6. Minimum street frontage	Section 3.05
7. Front yard building setbacks	Section 3.04
8. Height exceptions	Section 3.10
9. Maximum width to depth ratio	Section 3.07
10. Maximum lot coverage	Section 3.08
11. Cul de sac lots	Section 3.06.D
12. Alteration of grades; excavations	Section 3.18; Section 3.19
13. Nonconforming lots, buildings and uses	Chapter 30
14. Planned unit developments	Chapters 14, 15 and 16
15. Platted subdivisions	Subdivision Ordinance, No. 96-2
16. Condominiums and site condominiums	Chapter 24
17. Trash, litter or junk	Section 3.32
18. Flag poles	Section 3.28
19. Site plan review	Chapter 22
20. Overlay districts	Chapters 17-21
21. Recreational vehicle parking	Section 3.21
22. Nuisances	Section 3.31
23. Fences	Section 3.27
24. Essential service equipment	Section 3.23
25. Special land uses, minimum	Chapter 23

	provisions	
26.	Zoning permits	Chapter 32
27.	Principal use per parcel	Section 3.02
28.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
29.	Storm water regulation	Storm Water Ordinance, No. 2001-9
30.	Land division	Land Division Ordinance, No. 2001-06
31.	Outdoor burning	Open Burning Ordinance, No. 95-22
32.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
33.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
34.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Regulation Ordinance, No. 2017-2
35.	Liquid wastes	Grease Trap Ordinance, No. 2004-8
36.	Public sanitary sewer system	Sewer Use, Connection and Rate Ordinance, No. 92-06
37.	Public water supply system	Water System Ordinance, No. 89-5

CHAPTER 12
B-2 GENERAL BUSINESS DISTRICT

SECTION 12.01. PURPOSE. The B-2 General Business District is characterized by more diversified business types than the Neighborhood Business District and is often located to serve a broader community-wide base, as well as motorists along adjacent arterial streets. The District is intended to create attractive, cohesive commercial areas that take advantage of visibility and accessibility along major streets, but avoiding linear development patterns and providing convenient and safe vehicular access.

SECTION 12.02. PERMITTED LAND USES. Land, buildings and structures in the B-2 District shall be used only for the purposes stated in Table 12.02, as follows:

Table 12.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
1. Any land use permitted and as regulated in the B-1 District	
2. Retail businesses and shopping centers, in which the principal activity is the sale of goods and merchandise	Uses shall be conducted within a completely enclosed building not larger than 50,000 square feet
3. Catering establishment	
4. Pet shops, including grooming services	
5. Commercial recreation facilities	Including bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments and similar uses
6. Printing, lithography, publishing and photocopy establishments	
7. Business or professional college or trade or vocational school	
8. Medical or dental laboratory	
9. Electronic data processing centers	
10. Other similar retail business or service establishment which supplies merchandise or convenience commodities, or performs services for the persons and areas described in Section 12.01, if determined by the Planning Commission under Section 1.07	

SECTION 12.03. SPECIAL LAND USES. The special land uses specified in Table 12.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 12.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Special land uses authorized and as regulated in the B-1 District	
2. Retail businesses and shopping centers in which the principal activity is the sale of goods and merchandise	Uses shall be conducted within a completely enclosed building exceeding 50,000 square feet
3. Open air businesses	Including but not limited to the sale of motor vehicles, farm implements, lawn and garden equipment, motor homes, mobile or modular homes and similar uses
4. Retail nurseries	
5. Funeral homes	
6. Hotels and motels	
7. Public or private clubs, lodges or similar places of assembly; banquet hall	
8. Restaurants and taverns serving alcoholic beverages	Must be State-licensed; dancing is permitted if State-licensed
9. Restaurants with drive-up or drive-through facilities	
10. Commercial kennels	
11. Major motor vehicle repair	All work shall be performed within a fully enclosed building; any outdoor storage of motor vehicles or parts thereof shall be fully screened from view on all sides
12. Motor vehicle wash facilities	
13. Sexually oriented businesses	
14. Contractor yards for construction equipment	Including bulldozers, backhoes and dump trucks; all such equipment and vehicles shall be stored indoors or otherwise fully screened from view of surrounding properties and streets
15. Building contractors	Including painters, plumbers, electric, cement, heating and air conditioning, fencing and similar contractors, but any materials or equipment kept outside shall be fully screened from view of nearby properties and streets

SECTION 12.04. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE; MINIMUM BUILDING FLOOR AREA; OTHER REGULATIONS.

Table 12.04	
Minimum required lot area	40,000 square feet (not including street right-

		of-way or private road easement); 30,000 square feet (not including street right-of-way or private road easement) if served by public/community water system and public sewage disposal system
Minimum required lot width		150 feet
Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards totaling 30 feet, the smallest of which must be at least 15 feet; however, if a building is built to the property line, no side yard is required, except if the property abuts a residential district or a residential PUD, there shall be a side yard setback of at least 25 feet.
	Rear yard	25 feet, but if the yard abuts a residential district or residential PUD, then the rear yard shall be 50 feet
Maximum permitted lot coverage		40%
Front, rear and side yards		Must be maintained across entire width and length of parcel, except where permitted buildings are built to the property line, as permitted in Table 11.04
Maximum building height		28 feet
Minimum principal building floor area		None required

SECTION 12.05. OTHER LAND USES. The other land uses stated in Table 12.05 may be permitted as follows:

Table 12.05 Other Land Uses.		
	Land Use	Zoning Ordinance Section or Chapter
1.	Accessory buildings, structures and uses	Section 3.13
2.	Small antennas and towers	Section 3.29; not more than 30 feet in height
3.	Wind energy conversion systems	Section 3.30; not more than 60 feet in height
4.	Private roads	Chapter 28

SECTION 12.06. OTHER REGULATIONS. The additional land use regulations stated in Table 12.06 may apply.

Table 12.06 Other Regulations		
	Subject	Regulatory Provision in Ordinance; Other Ordinance
1.	Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2.	Landscaping and buffering	Chapter 26
3.	Signs	Chapter 25

4.	Off-street parking and loading	Chapter 27
5.	Building projections	Section 3.09
6.	Minimum street frontage	Section 3.05
7.	Front yard building setbacks	Section 3.04
8.	Height exceptions	Section 3.10
9.	Maximum width to depth ratio	Section 3.07
10.	Maximum lot coverage	Section 3.08
11.	Cul de sac lots	Section 3.06.D
12.	Alteration of grades; excavations	Section 3.18; Section 3.19
13.	Nonconforming lots, buildings and uses	Chapter 30
14.	Planned unit developments	Chapters 14, 15 and 16
15.	Platted subdivisions	Subdivision Ordinance, No. 96-2
16.	Condominiums and site condominiums	Chapter 24
17.	Trash, litter or junk	Section 3.32
18.	Flag poles	Section 3.28
19.	Site plan review	Chapter 22
20.	Overlay districts	Chapters 17-21
21.	Recreational vehicle parking	Section 3.21
22.	Fences	Section 3.27
23.	Nuisances	Section 3.31
24.	Essential service equipment	Section 3.23
25.	Special land uses, minimum provisions	Chapter 23
26.	Zoning permits	Chapter 32
27.	Principal use per parcel	Section 3.02
28.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
29.	Storm water regulation	Storm Water Ordinance, No. 2001-9
30.	Land division	Land Division Ordinance, No. 2001-06
31.	Outdoor burning	Open Burning Ordinance, No. 95-22
32.	Noxious weeds	Noxious Weeds Ordinance, No. 2010-4
33.	Inoperable motor vehicles	Inoperable Motor Vehicles Ordinance, No. 95-02
34.	Docks and watercraft launching	Section 3.26; Boat Launching and Docking Regulation Ordinance, No. 2017-2
35.	Liquid wastes	Grease Trap Ordinance, No. 2004-8
36.	Public sanitary sewer system	Sewer Use, Connection and Rate Ordinance, No. 92-06
37.	Public water supply system	Water System Ordinance, No. 89-5

CHAPTER 13 I INDUSTRIAL DISTRICT

SECTION 13.01. PURPOSE. It is the intent of this district to provide, in appropriate locations, for the development of warehousing, manufacturing, processing and limited commercial uses. Intensive industrial uses are not encouraged due to the absence of public water and sanitary sewer, the lack of adequate highway and rail access, the presence of sensitive natural features throughout the Township, and the availability of more suitable areas for intensive industrial uses in neighboring communities. Industrial districts are intended to be limited to those areas designated as industrial on the future land use map of the Township's Master Plan and with the objectives of that plan for industry.

SECTION 13.02. PERMITTED LAND USES. Land, buildings and structures in the I District shall be used only for the purposes stated in Table 13.02, as follows:

Table 13.02 Permitted Land Uses.	
Permitted Land Use	Regulation or Exception
<p>1. Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials for the production of:</p> <p style="padding-left: 40px;">a. Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.</p> <p style="padding-left: 40px;">b. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other textile goods.</p> <p style="padding-left: 40px;">c. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.</p> <p style="padding-left: 40px;">d. Lumber and wood products, including mill work, prefabricated structural wood products and containers.</p> <p style="padding-left: 40px;">e. Furniture and fixtures.</p> <p style="padding-left: 40px;">f. Paperboard containers, building paper, building board, and bookbinding.</p> <p style="padding-left: 40px;">g. Printed and published written and graphic materials.</p> <p style="padding-left: 40px;">h. Chemical products such as plastics,</p>	

perfumes, synthetic fibers.	
i. Engineering, measuring, optic, medical, lenses, photographic, and similar instruments.	
j. Jewelry, silverware, toys, athletic equipment, musical instruments, and signs and displays.	
k. Metal products; products derived from minerals, and other naturally occurring substances.	
2. Research and development facilities, testing and experimental laboratories.	
3. Trade and industrial schools.	
4. Tool and die manufacturing establishments.	
5. Essential public service buildings.	
6. Wind energy conversion systems (WECS).	With facilities and equipment 60 feet or less in height
7. Wireless communication facilities	With towers and antennas not higher than 30 feet
8. Growers and processors of medical marijuana, as defined in Public Act 281 of 2016, including outdoor cultivation, if use is conducted in accordance with Act 281, the Rules promulgated thereunder and the Township Medical Marijuana Facilities Ordinance	
9. Primary caregivers, as defined in MCL 333.26423(g), if use is conducted in accordance with the Township Medical Marijuana Act Implementation Ordinance, No. 2011-1	
10. Other industrial or industrially related land uses which are similar in character to the land uses described in this section, if determined by the Planning Commission under Section 1.07	

SECTION 13.03. SPECIAL LAND USES. The special land uses specified in Table 13.03 may be permitted if approved by the Planning Commission under Chapter 23:

Table 13.03 Special Land Uses.	
Special Land Use	Regulation or Exception
1. Warehousing, storage, or transfer buildings	Excluding the storage of bulk petroleum or related products, garbage, or rubbish
2. Truck terminals	Including maintenance and service facilities
3. 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
4. Mini-warehouses and self-storage facilities	
5. Contractor yards	For construction equipment such as bulldozers, backhoes, and dump trucks
6. Building contractors	Including painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses
7. Lumberyards	Including other building supply establishments
8. Stone yards or monument works	
9. Salvage yards	
10. Commercial composting operations	
11. Open air businesses	Including but not limited to: the sale of farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses
12. Major motor vehicle repair and body shops	All work shall be done in an enclosed building; damaged vehicles shall not be kept on site for long term storage
13. Outdoor storage accessory to a permitted use	All materials, vehicles, and equipment stored out of doors shall be effectively screened from view by fencing, walls, landscaping, or a combination thereof
14. Sexually oriented businesses	
15. Wireless communication facilities	With antennas and towers above a height of 30 feet
16. Wind energy conversion systems (WECS)	Limited to towers and other equipment exceeding 60 feet in height

SECTION 13.04. MINIMUM REQUIRED LOT AREA AND LOT WIDTH; MINIMUM REQUIRED BUILDING SETBACKS; MAXIMUM LOT COVERAGE; MINIMUM BUILDING FLOOR AREA.

Table 13.04	
Minimum required lot area	80,000 square feet
Minimum required lot width	150 feet

Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards totaling 50 feet, but a side yard shall be 50 feet if adjacent to a residential use.
	Rear yard	50 feet, but 100 feet if adjacent to a residential district
Maximum permitted lot coverage		40%
Maximum building height		35 feet; not more than two stories
Minimum principal building floor area		None required

SECTION 13.05. DISTRICT REGULATIONS. The use of land, buildings and structures in the I District shall comply with all of the requirements stated in Table 13.05, as follows:

Table 13.05	
1.	<p>Building Façade.</p> <p>a. At least 40 percent of any portion of a new or expanded building or structure which faces a street, residential district, or residential PUD shall be finished with vinyl, face brick, wood, glass, stone, fluted concrete block, or stucco-like material.</p> <p>b. In recognition of developing technologies in building materials, the Planning Commission may approve other materials, provided they are compatible with surrounding buildings and the material meets applicable architectural and safety requirements, as may be provided in any Township ordinance or code.</p>
2.	<p>Site Development Standards.</p> <p>a. No outdoor storage of materials, vehicles, or equipment shall be permitted, unless permitted as a special land use for outdoor storage, in addition to the applicable requirements for the principal use.</p> <p>b. All business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining or nearby properties or streets.</p> <p>c. Industrial equipment, including trucks, shall not produce noise above 75 decibels when measured at the nearest occupied dwelling unit.</p> <p>d. Driveways shall be located to minimize negative impacts upon nearby properties, including traffic flow on adjacent streets, impact of truck traffic, and conflicts with intersecting streets.</p> <p>e. To minimize fire hazards and prevent hazardous liquids from contaminating ground and surface waters, operations involving the repair or storage of</p>

damaged vehicles shall be required to remove all fluids from those vehicles if there is evidence of leaking of fluids or the potential for leaking fluids.

- f. All properties in the I District shall abut and have direct access to a county primary road or state highway.

SECTION 13.06. OTHER LAND USES. The other land uses stated in Table 13.06 may be permitted as follows:

Table 13.06 Other Land Uses	
Land Use	Zoning Ordinance Section or Chapter
1. Accessory buildings, structures and uses	Section 3.13
2. Small antennas and towers	Section 3.29
3. Wind energy conversion systems	Section 3.30
4. Private roads	Chapter 28

SECTION 13.07. OTHER REGULATIONS. The additional land use regulations stated in Table 13.07 may apply.

Table 13.07 Other Regulations	
Subject	Regulatory Provision in Ordinance; Other Ordinance
1. Outdoor lighting	Outdoor Lighting Ordinance, No. 99-06
2. Landscaping and buffering	Chapter 26
3. Signs	Chapter 25
4. Off-street parking and loading	Chapter 27
5. Minimum street frontage	Section 3.05
6. Height exceptions	Section 3.10
7. Maximum width to depth ratio	Section 3.07
8. Cul de sac lots	Section 3.06.D
9. Alteration of grades; excavations	Section 3.18; Section 3.19
10. Nonconforming lots, buildings and uses	Chapter 30
11. Platted subdivisions	Subdivision Ordinance, No. 96-2
12. Condominiums and site condominiums	Chapter 24
13. Trash, litter or junk	Section 3.32
14. Flag poles	Section 3.28
15. Site plan review	Chapter 22
16. Overlay districts	Chapters 17-21
17. Nuisances	Section 3.31
18. Essential service equipment	Section 3.23
19. Special land uses, minimum provisions	Chapter 23

20.	Zoning permits	Chapter 32
21.	Principal use per parcel	Section 3.02
22.	Wetlands	Wetlands Protection Ordinance, No. 2005-1
23.	Storm water regulation	Storm Water Ordinance, No. 2001-9
24.	Land division	Land Division Ordinance, No. 2001-06
25.	Outdoor burning	Open Burning Ordinance, No. 95-22
26.	Public sanitary sewer system	Sewer Use, Connection and Rate Ordinance, No. 9206
27.	Public water supply system	Water System Ordinance, No. 89-5
28.	Hazardous materials incidents	Hazardous Materials Ordinance, No. 96-08
29.	Liquid wastes	Grease Trap Ordinance, No. 2004-8

CHAPTER 14

PLANNED UNIT DEVELOPMENT DISTRICTS

SECTION 14.01. DESCRIPTION AND PURPOSE.

- A. A Planned Unit Development District consists of an area of land that is zoned, developed, operated and maintained as a single planned development under the terms of a Township-approved plan and ordinance for residential, commercial, recreational, industrial or mixed land uses, approved in accordance with the procedures and standards of this chapter and the requirements of the chapter pertaining to the applicable type of planned unit development.
- B. A Planned Unit Development District is intended to foster more innovative or creative land use and development than might otherwise be achieved under the terms of the other available zone districts.
- C. Among the objectives of a Planned Unit Development District are the following:
 - 1. To encourage innovation and creativity in the planning, development and use of land.
 - 2. To encourage the use of lands in accordance with a plan which is consistent with their general character and suitability.
 - 3. To promote the preservation of natural resources and natural features.
 - 4. To encourage the efficient use of land by establishing economic and convenient arrangements for buildings, streets, public services and other land use features.

SECTION 14.02. QUALIFYING CONDITIONS.

- A. A Planned Unit Development (“PUD”) shall consist of at least that number of acres specified in the chapter in this ordinance pertaining to the applicable type of PUD.
- B. A PUD may be established only by the rezoning of lands from those existing zoning districts specified in the respective chapter in this ordinance pertaining to the applicable type of PUD.
- C. The land uses permitted in a PUD shall be consistent with those proposed for the land under the terms of the Township Master Plan.
- D. A PUD shall result in recognizable and substantial benefits to the ultimate users and occupants of the PUD and the general public.

- E. A PUD shall comply with the minimum provisions of the existing zoning district from which it is proposed to be rezoned, and other applicable minimum provisions of this ordinance, except as to such departures or modifications therein as are approved in the PUD ordinance.

SECTION 14.03. PRE-APPLICATION CONFERENCE.

- A. Before submitting an application for PUD rezoning, an applicant is encouraged to meet with the zoning administrator and other Township planning and zoning representatives for the purpose of discussing the proposed PUD, assessing the eligibility of the proposed development as a PUD and to acquaint the applicant with Township PUD application procedures.
- B. The expenses of the Township in connection with the pre-application conference, including the cost of Township consultants, if any, shall be included in Township expenses for which the applicant shall make a deposit of funds into a zoning escrow account for reimbursement of Township expenses in the consideration of the proposed PUD.

SECTION 14.04. APPLICATION FOR PRELIMINARY PUD PLAN APPROVAL AND REZONING.

- A. An applicant shall apply for the rezoning of land to a PUD District on a Township application form. The applicant shall pay the application fee and shall deposit funds into a Township zoning escrow account to reimburse the Township for its costs and expenses in considering the application.
- B. With the application, the applicant shall submit a preliminary PUD plan. The plan shall include all of the required contents of a preliminary site plan as specified in Section 22.06 of this Ordinance, except that the preliminary PUD plan shall also include the following:
 - 1. The typical dimensions of all building and structure setbacks and, as to non-residential buildings, typical building separation distances.
 - 2. Typical dimensions of street right-of-way widths and the widths of pavement portions of streets, including a typical cross-section of private streets, if any.
 - 3. Typical dimensions of an off-street parking space and maneuvering aisles within parking lots or areas. Each parking space shall be shown on the plan.
 - 4. Typical dimensions of driveways, acceleration/deceleration lanes, sidewalks and loading/unloading areas.

5. Parking space calculations, showing the required number of parking spaces and the number of parking spaces being provided.
 6. A separate landscape plan, showing locations of all landscaped areas. Details on the type and size of plant materials may be deferred to the final PUD plan.
 7. Preliminary typical elevation views of buildings. Final elevation views may be deferred to the final PUD plan.
 8. The expected number of single-family detached dwellings, two-family dwellings and multiple-family dwelling units, and the expected number of multiple-family buildings. The final determination of the number of each type of dwelling and/or dwelling unit may be deferred to the final PUD plan.
 9. The general location of the major components of the storm water drainage system, with sufficient detail to enable the Township engineer to determine preliminarily that storm water drainage would be adequately controlled and sufficiently detained or retained on the site. Detailed storm water volume calculations and detailed locations of catch basins and similar operational elements of the system may be deferred to the final PUD plan.
- C. The preliminary PUD plan shall be a specifically dimensioned drawing, not merely in schematic form, depicting all matters required to be included on a preliminary PUD plan.
- D. The application shall include a written statement describing the following:
1. The principal aspects of the PUD.
 2. Any proposed modifications of the minimum zoning ordinance provisions that would otherwise apply.
 3. The expected benefits of the PUD that would accrue to users, occupants, and the public as a result of the development and use of the PUD.
 4. The anticipated impacts of the PUD, including the effects, if any, on adjacent and nearby lands; bodies of water and ground water; public services; natural resources; the values of adjacent and nearby lands; motor vehicle traffic; and other expected impacts.
- E. The application shall include such other information and detail determined by the zoning administrator as relevant to Township consideration of the PUD.

- F. The zoning administrator shall determine if the application is complete. If it is not complete, the administrator shall return the application and other submitted materials to the applicant, together with a letter stating the deficiencies and any additional requirements. Thereafter, the applicant shall re-submit the application and supporting materials with the necessary corrections or supplementation.
- G. When the zoning administrator has determined that the application is complete, the administrator shall forward the application, the preliminary PUD plan and other supporting materials to the Planning Commission.

SECTION 14.05. CONSIDERATION OF THE PRELIMINARY PUD PLAN.

- A. **Planning Commission Work Session Meeting.** The Planning Commission may convene a work session meeting with the applicant to review and discuss the application, the proposed PUD plan and other aspects of the proposal and applicable Township procedures.
- B. **Other Required Information or Studies.** The Planning Commission may require other information or studies, including but not limited to the following:
 - 1. A traffic impact study
 - 2. An environmental impact assessment
 - 3. A developmental impact statement, including assessment of potential impacts noted by the Planning Commission, which may include those involving public services and additional costs thereof; storm water drainage; affected natural resources; increase in local school system population; and other matters which may be identified by the Planning Commission.
- C. **Comments by Other Agencies.** The Planning Commission may require the applicant to obtain and submit written statements or comments with respect to the proposed PUD from, among others, the county road commission, the county drain commissioner, the county health department, the Township fire department, the local and intermediate school districts and the State Department of Natural Resources.
- D. **Neighborhood Informational Meeting.** An applicant is encouraged to convene, prior to the Planning Commission public hearing, an informational meeting of persons residing in the area of the proposed PUD, for the purpose of explaining the proposed development, inviting public comment and otherwise providing information that may be of general or neighborhood interest as to the proposed development.
- E. **Public Hearing.** The Planning Commission shall schedule a public hearing on the PUD application, including the PUD plan and the applicant's request for the

rezoning of the land to a PUD District in accordance with the plan. Notice of the public hearing shall be given by publication and by U.S. mail in the manner and to the extent required by law and this ordinance for the rezoning of land.

F. Recommendation to Township Board.

1. After the public hearing, either at the same meeting or at a subsequent meeting, the Planning Commission shall recommend to the Township Board approval of the preliminary PUD plan and rezoning to the requested PUD district in accordance with the preliminary plan; or the Commission shall recommend denial of the PUD and rezoning; or recommend approval thereof with specified conditions.
2. A private road may be required to be extended to the adjacent property line of a planned unit development (PUD), by recommendation of the Planning Commission and approval by the Township Board in accordance with the following criteria and requirements:
 - a. The private road extension is necessary to provide a secondary means of access for emergency vehicles.
 - b. The private road extension is a logical means to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the number of vehicle trips which would otherwise use the public street system to access adjoining residential areas.
 - c. The private road extension would not result in future vehicle traffic from off-site creating unsafe situations for the residents of the PUD.
 - d. If such a private road connection is required, the applicant shall construct the private road to the adjacent property line at the time the remainder of the private road within the PUD is built; provided, however, that the PUD ordinance may provide that, as a condition of deferring the construction of the private road connection, the applicant shall prepare and record a restrictive covenant whereby the applicant shall be required to construct the private road connection at such time as the Township requires the same, on the basis of pending or potential development of the adjacent property. The restrictive covenant shall be subject to the approval of the Township attorney prior to recording and it shall run with the land so as to obligate all subsequent property owners, including a condominium association, if any.
 - e. Upon completion of the private road connection to the adjacent property, and the continuance of the private road on the adjacent

property, the private road on both sides of the PUD property line shall remain fully open at all times for the uninterrupted travel of persons and vehicles, save only for necessary road repair or emergency circumstances.

3. In making its recommendation, the Planning Commission shall determine whether the proposed PUD complies with the standards for PUD approval stated in Section 14.05.G.4.

G. Township Board Proceedings. Upon receiving the Planning Commission recommendation and the preliminary PUD plan, the Township Board shall review the preliminary plan, the minutes of Planning Commission proceedings, other written or graphic material included in the record of the Planning Commission proceedings, and the Commission's recommendation.

1. The Township Board shall convene a public hearing on the preliminary PUD plan and the proposed ordinance to rezone the land to the requested PUD district.
2. Notice of the Township Board public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township, stating the date, time, place and purpose of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first class U. S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of such owners are shown in the current Township property tax assessment roll, as supplemented by any recent changes. The notices shall be published and mailed at least 15 days prior to the date of the public hearing.
3. Following the public hearing, the Township Board shall approve, deny or approve with conditions the preliminary development plan and the ordinance rezoning the land to the requested PUD district.
4. In making a decision on the PUD plan and the application for PUD rezoning, the Township Board shall determine whether the PUD plan and the proposed rezoning comply with the following standards and requirements:
 - a. The PUD would result in recognizable and substantial benefits to the ultimate users and occupants of the PUD and to the public, which would not otherwise be achievable under a conventional zoning district.
 - b. The PUD would not result in a significant increase in the need for public services and facilities, unless the costs of any such increase are adequately provided for.

- c. The PUD would not place a significant burden upon adjacent or nearby lands or the natural environment, unless any resulting adverse effects are mitigated by features of the PUD as approved.
- d. The PUD would be consistent with the Township Master Plan and consistent with the intent and purposes of this chapter and the PUD chapter applicable to the type of PUD under consideration.
- e. The PUD would not result in significant adverse effects on adjacent or nearby lands and would not change the essential character of the surrounding area.
- f. The PUD would be consistent with the public health, safety and general welfare of the Township.

H. Final PUD Plan

1. Not later than one year after the Township Board's approval of the preliminary PUD plan and adoption of the PUD ordinance, the applicant shall submit a final PUD plan to the zoning administrator, in accordance with the requirements for final site plan review as stated in Section 22.06 of this Ordinance. If the zoning administrator determines that the plan is complete, copies thereof shall be forwarded to the Planning Commission for review and consideration.
2. Upon request of the applicant in writing, the Planning Commission may grant one extension of the required one-year period for submission of the final PUD plan, up to one additional year. The application for such extension shall be submitted not later than the expiration of the original one-year period for submittal. If the final PUD plan and an application for its approval has not been submitted prior to the expiration of the original one year or a permitted extension thereof, the preliminary PUD plan shall then be void and no longer effective. In that event, the Planning Commission or Township Board may initiate rezoning of the land to another zoning district.
3. The Planning Commission shall review the final development plan at a public meeting of the Commission.
 - a. The Commission shall determine whether the final PUD plan substantially conforms with the preliminary PUD plan and the terms and conditions included in the PUD ordinance. If the Commission so determines, the Commission shall review the final plan in accordance with the standards for final site plan review as stated in Section 22.08 and the standards for PUD approval as stated in Section 14.05.G.4.

- b. If the Planning Commissions determines that the final PUD plan is not in substantial conformance with the preliminary PUD plan, the Commission shall review the plan as if it were a preliminary development plan, in accordance with Sections 22.06 and 14.04.B, and proceedings thereafter shall proceed as provided herein for consideration and approval an originally submitted preliminary PUD Plan.
- c. The Planning Commission shall approve, deny or approve with conditions the final PUD plan; all such conditions, if any, shall be conditions in addition to those included in the PUD ordinance.

SECTION 14.06. MODIFICATIONS OF MINIMUM REQUIREMENTS.

- A. The minimum requirements of the existing zoning district from which lands are rezoned to a PUD may be modified in the approval of a PUD. Such minimum provisions which may modified include, but are not limited to, all of the minimum provisions of the existing zoning district and, in addition, the otherwise applicable provisions on off-street motor vehicle parking, signage, outdoor lighting, maximum lot coverage and otherwise applicable minimum provisions.
- B. Such modifications may be permitted if they would result in a higher quality of development or in more successful integration of the proposed land uses with surrounding land uses.

SECTION 14.07. PERFORMANCE GUARANTEE. In approving a PUD, the Planning Commission and Township Board may require a reasonable performance guarantee, in accordance with Section 32.07 of this ordinance, to ensure completion of specified improvements within the PUD.

SECTION 14.08. COMMENCEMENT OF CONSTRUCTION.

- A. A PUD shall be under construction not later than one year after the approval of the final PUD plan by the Planning Commission.
- B. If a PUD is not under construction within one year after approval of the final PUD plan, the applicant may apply in writing to the Planning Commission for an extension of time. The application shall be submitted not later than one year after the date of approval of the final PUD plan; provided, however, that if the application is not timely submitted, the Planning Commission in its sole discretion may nevertheless consider the application, though it is not required to do so.
- C. The duration of any such extension shall be as determined by the Planning Commission. Subsequent extensions may be granted by the Commission in its discretion.

- D. An application for such extensions of time for construction shall include reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have arisen, thereby causing delay in the commencement of construction.
- E. If the PUD is not under construction within one year after the date of approval of the final PUD plan, or if it is not under construction within the period of any approved extension of time, then the approved final PUD plan shall be void and of no further effect as of the end of one year following the date of approval of the final PUD plan or as of the end of any approved extension of time. In that event, any permits issued for construction for or within the PUD shall then be of no further effect. Thereafter, the Township may initiate and complete proceedings for the rezoning of the land to some other zoning district.

SECTION 14.09. AMENDMENTS OF A PLANNED UNIT DEVELOPMENT.

- A. **Minor Amendments.** A proposed minor amendment in an approved PUD may be approved by the zoning administrator (or by the Planning Commission, if referred by the zoning administrator) if the amendment does not substantially alter the basic design of the PUD or the terms and conditions included in the PUD ordinance. Only the following types of amendments are minor amendments:
 - 1. Reduction of the size of any building, structure or sign.
 - 2. An increase of not more than 5% in the size of a principal or accessory building.
 - 3. An increase of building or structure height by not more than 5%, if the resulting height is not greater than the maximum height otherwise permitted in the zoning ordinance.
 - 4. An adjustment in a building footprint that does not substantially alter a building setback or separation distance that was imposed in the PUD ordinance.
 - 5. An increase in the areas designated on the final PUD plan as undeveloped open space or non-disturbed areas.
 - 6. The replacement of plant or landscape materials specified in the approved PUD plan if such materials are reasonably similar in type to those originally approved.
 - 7. Changes in interior building floor plans which do not alter the type or character of the use of the building.
 - 8. Changes in exterior building materials to those of a higher quality.

9. Minor alterations in vehicle or pedestrian access routes or circulation systems, including but not limited to the addition of acceleration/deceleration lanes, boulevards, curbing, sidewalks or non-motorized paths.
10. Relocation of entrance or exit driveways for a distance of up to 100 feet, if required by the county road commission or the Michigan Department of Transportation, or if such relocation would result in safer or more convenient ingress to or egress from the site and would not result in adverse effects on the layout or use of the PUD.
11. Minor changes in the locations of approved signage.
12. Minor changes in the location and/or design of exterior light fixtures.
13. The internal rearrangement of parking spaces in an off-street parking area if the total number of parking spaces remains sufficient and if no traffic circulation hazards or congestion would result.
14. A change in the name of the PUD or in the names of any of the streets therein.
15. Changes required by the Township for public safety reasons.
16. Changes which will preserve the natural features within the PUD without resulting in substantial adverse effects.
17. Other changes of a minor nature proposed to be made in the configuration, design, layout, topography or features of the final PUD plan which are determined by the zoning administrator to be not material or significant in relation to the entire PUD and which the administrator determines would not have a significant adverse effect on adjacent or nearby lands or the public interest.

B. Major Amendments. Amendments other than those stated in subsection A shall be major amendments. Consideration of major amendments shall be initiated by an application to amend the PUD. The consideration of and decision on major amendments shall be carried out in the same manner and with the same public notice as is required for an original application for a PUD.

SECTION 14.10. NO PUD AUTHORITY BY ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall have no jurisdiction or authority to consider an appeal from any PUD determination or decision or any part thereof, nor shall the Board of Appeals have authority to grant variances for or with respect to a PUD or any part thereof.

CHAPTER 15
RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 15.01. DESCRIPTION AND PURPOSE.

- A. The Residential Planned Unit Development District (PUD) is intended to permit and control the development of lands for residential and related land uses, under the terms of a final PUD plan and a PUD ordinance.
- B. A major objective of the Residential PUD District is to encourage a higher quality of residential development than may usually be achieved under the terms of the other zoning districts that permit residential development.

SECTION 15.02. QUALIFYING CONDITIONS.

- A. A residential PUD shall be established only in a residential zoning district.
- B. A residential PUD shall consist of at least 20 acres.
- C. The land proposed for a residential PUD shall be designated for residential development on the future land use map of the Township Master Plan.

SECTION 15.03. PERMITTED LAND USES. Land, buildings and structures in the Residential PUD District shall be used for the following purposes only:

- A. Single-family detached dwellings.
- B. Two-family dwellings.
- C. Multiple-family dwellings, but not more than eight dwelling units per building, if the land is designated for multiple-family dwelling use on the future land use map of the Township Master Plan.
- D. Recreational and common facilities to be used primarily by residents of the PUD, including, but not limited to, golf courses, tennis courts, athletic fields, bicycle and walking paths, playgrounds, community buildings and similar facilities.
- E. Limited farming activities within the dedicated open space, to the extent permitted in the PUD ordinance.
- F. Nature preserves; natural areas.
- G. Accessory uses, buildings and structures.

SECTION 15.04. PROCEDURES AND STANDARDS OF APPROVAL. A residential PUD shall be considered in accordance with the procedures and may be approved if in compliance with the standards specified in Section 16.06.E.

SECTION 15.05. DWELLING UNIT DENSITY. The number of dwelling units permitted in a PUD is limited by the terms of this Section. The permitted number of dwelling units shall be determined as follows:

- A. The PUD applicant shall prepare and submit a parallel site plan, illustrating the number of dwellings or dwelling units that could lawfully be located within the lands proposed for the PUD, under the terms and conditions of the existing zoning district.
- B. The parallel site plan shall show the following at a scale of one inch for each 100 feet:
 - 1. The dimensions of the property boundaries.
 - 2. Individual lots or site condominium units, with dimensions, and complying with the minimum lot area and minimum lot width requirements of the existing zoning district.
 - 3. Building envelopes, shown by the minimum required principal building setback lines for each individual lot or condominium unit.
 - 4. Street rights-of-way to serve the proposed lots, other parcels of land or condominium units, with the minimum required right-of-way width, turn-around areas and other required dimensions for public roads or private streets, as applicable.
 - 5. The existing street right-of-way adjacent to the property.
 - 6. All existing easements on the property, including private streets, storm water drainage, public utility and other easements.
 - 7. Natural features, including bodies of water, wetlands, wooded areas, floodplains and slopes over 12%.
- C. All lots, other parcels of land and/or condominium units shown on the parallel site plan shall be buildable in the present state of the land and shall comply with all minimum requirements of the applicable zoning district as determined under subsections D and E, except as such minimum requirements may be modified in the approval of the PUD ordinance under Sections 14.02.E and 14.06.
- D. The parallel site plan shall illustrate the number of dwelling units that could be placed on the PUD site, based on the requirements of subsections B and C and determined as follows:
 - 1. The parallel site plan shall illustrate the number of dwelling units that could be placed on the PUD site (a) under the current zoning district or (b) under a zoning district that would be consistent as to dwelling unit density

with the dwelling unit density proposed for the PUD site under the future land use map and text of the Township Master Plan.

2. If the zoning ordinance or Master Plan specifies different numbers of dwelling units for different areas of the PUD site, then the parallel site plan shall illustrate each area separately, in accordance with the permitted number of dwelling units of the current zoning district or a zoning district that would be consistent with the number of dwelling units proposed under the future land use map and text of the Township Master Plan, as the case may be.
- E. The Planning Commission shall review the parallel site plan to determine the total number of dwelling units that could lawfully be located on the proposed PUD property under the terms of the current zoning district and under a zoning district that would be consistent as to number of dwelling units with the number of dwelling units proposed for the PUD site under the future land use map and text of the Township Master Plan, whichever is applicable to the PUD site or portions thereof.
1. In evaluating the parallel site plan, the Planning Commission shall, if necessary require the plan to be corrected in accordance with this section.
 2. The number of dwelling units, as determined on the basis of the parallel site plan, either as submitted by the applicant or as the Planning Commission may have corrected it, shall be the maximum number of dwelling units permitted in the PUD.
 3. If the parallel site plan illustrates differing numbers of dwelling units, for differing areas of the PUD, based either on the current zoning district or the Township Master Plan, the Planning Commission may determine the maximum permitted number of dwelling units in the PUD on the basis of the average between the number of dwelling units indicated for each portion of the PUD, or the Commission may determine the maximum number of dwelling units for the PUD on the basis of another method, including a separate determination of permitted maximum number of dwelling units for each area indicated separately on the parallel site plan.

SECTION 15.06. REQUIRED OPEN SPACE. At least 20% of the total land area of the PUD shall be preserved and maintained as dedicated open space, primarily for use by the property owners and residents of the PUD. The required open space shall be subject to the following requirements:

- A. The open space shall either be (1) centrally located, along the street frontage of the PUD to protect or enhance rural views; (2) be located to preserve significant natural features; (3) be located to interconnect multiple open spaces throughout the PUD or (4) a combination of them.

- B. The following land areas shall not be included in the calculation of required open space under the terms of this Section:
1. The area within any public street right-of-way and within any private street easement.
 2. Any easement for overhead utility lines.
 3. 50% of the area of any lakes, streams, stormwater detention ponds, wetlands, flood plains, steep slopes of 20% or more and habitats of endangered species.
 4. The area within a lot or site condominium unit.
 5. Off-street parking and off-street loading areas.
 6. 50% of the area of any golf course.
- C. Required open space areas shall be located and configured to be significant enough to enhance the overall quality of the PUD. The minimum dimension of a required open space area shall be 100 feet by 50 feet.
- D. If the PUD includes a body of water, the PUD ordinance may require that a portion of the required open space abut the body of water.
- E. A portion of the required open space may be required to be located along the public street frontage of the PUD. The PUD ordinance may determine the required depth of this portion of required open space. The open space shall be preserved in its natural condition or be landscaped such as to reduce the view of dwellings from the adjacent streets and to preserve and enhance the rural view.
- F. Required open space areas shall be configured so that the open space is reasonably accessible to and usable by residents of the PUD.
- G. Required open space shall generally be preserved in its natural state. Grading in open space areas shall be only minimal; existing topography shall be preserved if practical.
- H. An applicant is encouraged to link open space areas with any adjacent open spaces, public parks or bicycle or pedestrian paths.
- I. Required open space shall be available 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 reasonable fees and charges, if imposed.
- J. A building, structure or sign accessory to a recreation or conservation use may be included within required open space, to the extent permitted in the PUD

ordinance. Accessory buildings, structures or uses of a significantly greater scale or different character from those of the abutting residential districts shall not be located near a boundary of the PUD if the same would result in substantial adverse effects on the residential use of the adjacent lands as determined in the PUD ordinance.

SECTION 15.07. ADDITIONAL APPROVAL STANDARDS. In addition to the PUD approval standards of Section 14.06.E, the following standards shall be considered for approval of a residential PUD:

- A. PUDs which are varied in design, layout and appearance are encouraged.
- B. Dwelling units located along adjacent public streets shall be arranged or screened by landscaping, berming or other measures so that they do not constitute a dominant view along the public street.
- C. Dwelling units may be constructed on slopes of 12% or more only if measures are provided whereby erosion of slopes during and after construction will be minimized.
- D. The construction of dwellings on hilltops is discouraged if they are unscreened from the view of adjacent properties, in order to maintain scenic views and a generally rural character. If dwellings are permitted on hilltops, they may be required to be of one story only, to avoid interference with a rural view.
- E. The required open space in a PUD shall be designed to protect all floodplains, wetlands and steep slopes from clearing, grading, filling or construction, except as approved for essential services, recreational amenities or other permitted aspects of required open space.
- F. The required open space in a PUD shall be designed to preserve and maintain mature wetlands, fields, pastures, meadows, orchards and similar areas, and to include sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- G. A PUD shall be designed to avoid development that fronts directly on existing public streets.
- H. It is desirable that a PUD include paths or trails for convenient travel by pedestrians in and among areas of the PUD.
- I. Development in the PUD, including individual lots, buildings, streets and open space areas shall be designed to minimize alterations of environmental features of the property.

CHAPTER 16
MIXED-USE PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 16.01. DESCRIPTION AND PURPOSE.

- A. The Mixed-Use Planned Unit Development District (M-PUD) is intended to permit and regulate a mix of residential, business and open space uses, designed and established to achieve a character and include land uses consistent with a traditional small town or village.
- B. Desired characteristics of the M-PUD include traditional architectural style, a variety of housing types, live/work buildings, a walkable environment, public gathering spaces and similar components of traditional village or neighborhood development.

SECTION 16.02. QUALIFYING CONDITIONS.

- A. An M-PUD shall consist of at least 40 acres in area, unless a lesser number is permitted under the terms of the approving M-PUD ordinance.
- B. An M-PUD shall be adjacent to a county primary road, a state highway or another M-PUD.
- C. An M-PUD shall be served by a public sanitary sewer system and a public or community water supply system.
- D. The land proposed for an M-PUD shall be designated as commercial or M-PUD on the future land use map of the Township Master Plan.

SECTION 16.03. PERMITTED LAND USES. Land, buildings and structures in the M-PUD District shall be used for the following purposes only:

- A. Permitted land uses and special land uses authorized and as regulated in the B-1 District, except that such special land uses shall be permitted uses in the M-PUD District.
- B. Single-family detached dwellings.
- C. Two-family dwellings.
- D. Multiple-family dwelling buildings.
- E. Live/work dwelling units, for dwelling use and permitted commercial uses.
- F. Multiple-family dwelling units located above a ground floor used for permitted commercial or office uses.

- G. Bed and breakfast establishments.
- H. Public libraries, museums, community centers, parks and other outdoor recreation areas.
- I. Temporary outdoor art and craft exhibitions and sales; temporary outdoor markets, festivals and similar events, subject to applicable Township ordinance requirements.
- J. Outdoor sales or displays of merchandise associated with permitted commercial uses.
- K. Public or private clubs, lodges, banquet halls and similar places of assembly.
- L. Breweries, brew pubs and wineries, if State-licensed.
- M. Other principal uses recommended by the Planning Commission and approved by the Township Board that are similar in character and operation to the above-described permitted uses.

SECTION 16.04. PROCEDURES AND STANDARDS OF APPROVAL. An M-PUD shall be considered in accordance with the procedures and may be approved if in compliance with the standards specified in Chapter 16.

SECTION 16.05. DEVELOPMENT REQUIREMENTS.

A. Mixed Land Use Requirements.

- 1. At least 10% of the entire land area of an M-PUD, but not more than 30% of such land area, shall consist of non-residential uses; the remainder of the M-PUD shall consist of residential uses.
- 2. The residential land uses may consist of one type of dwelling or dwelling unit, or a mix of types of dwellings or dwelling units.
- 3. The initial development and construction within an M-PUD may consist of either residential uses or non-residential uses exclusively, but the M-PUD ordinance shall nevertheless require that the development be a mix of residential and non-residential land uses.
 - a. To assure that the M-PUD shall be a mixed-use development, the M-PUD ordinance shall specify the terms or schedule on which mixed-use development and construction shall occur.
 - b. Such terms and schedule may include, for example, requirements prohibiting the commencement of a subsequent phase or prohibiting the construction of dwellings or non-residential

buildings until the required alternate type of development and construction, whether residential or non-residential, is commenced and completed to a specified extent. Other reasonable requirements may be included, to assure a mixed-use character of the M-PUD.

B. Design Objectives. The land uses, buildings and structures within an M-PUD shall be designed, constructed and located to achieve the following objectives:

1. Pedestrian access shall be provided within and between the various types of land uses, so that residents and other users need not necessarily use motor vehicles to travel to and from the respective types of land use within the M-PUD. Such access may consist of sidewalks or improved pathways.
2. Different types of approved land uses or groups of different approved uses shall be reasonably integrated by means of pedestrian and vehicular connections; reasonable proximity to each other; complementary building styles and orientation or other design and construction measures.
3. An M-PUD and the buildings and uses therein shall be designed and constructed to minimize the alteration of existing natural features and to integrate those features into the overall design of the development.
4. An M-PUD shall be designed and its land uses, buildings and structures shall be located so as not to create significant adverse impacts on adjacent or nearby lands or uses.

C. Site Amenities. The design, construction and operation of an M-PUD development shall include site amenities and other desirable features that may not necessarily be included in developments established under the terms of conventional zoning districts. Examples of such site amenities and features may include:

1. Convenient public places within the PUD, including gathering spaces and useable landscaped areas for owners, tenants, customers and guests.
2. Parks, playgrounds, athletic grounds and other outdoor features that promote or encourage congregating and interaction by property owners, tenants, visitors and others.
3. Open space areas, including courtyards, village squares, plazas, pocket parks, rain gardens and similar features.
4. Sidewalks and other pedestrian ways constructed of brick, ornamental paving and other non-concrete materials.

5. Bicycle parking structures and locations.
- D. **Streets.** Public or private streets, or a combination thereof are permitted. Private streets shall comply with Chapter 28 of this ordinance, unless modifications of the provisions therein are specified in the M-PUD ordinance.
 - E. **Pedestrian Circulation.** Sidewalks, pathways, bicycle paths or similar features shall be provided for the convenience of pedestrians. Sidewalks or bicycle paths shall be provided along public streets which abut the M-PUD, unless provided otherwise in the M-PUD ordinance.
 - F. **Motor Vehicle Access and Off-Street Parking Areas.**
 1. Vehicle circulation routes to and within the commercial or office portion of the M-PUD shall be designed to minimize traffic congestion and to promote traffic and pedestrian safety.
 2. Off-street parking and loading areas shall be provided in accordance with Chapter 27 of this Ordinance; provided, however, that such off-street parking and loading requirements may be modified in the approval of the M-PUD if to do so would more fully achieve the objectives of this chapter. In determining whether to modify any such off-street parking and loading requirements, the Township shall consider the following factors:
 - a. The location and size of the proposed off-street parking and/or off-street loading areas.
 - b. The number of off-street parking spaces estimated to be reasonably required for the safe, convenient and effective operation of the uses proposed and potential future uses in the M-PUD.
 - c. The extent of motor vehicle traffic likely to be generated by the land uses in the M-PUD, and the expected off-street traffic volume and proposed vehicle circulation routes.
 - d. The extent and nature of proposed landscaping and screening of parking areas, as compared to the required extent thereof as stated in Chapter 26.
 3. Applicants are encouraged to design and construct off-street parking areas that are located on more than one side of a building, if reasonably feasible, in order to avoid having a single large area for the total number of parking spaces provided.
 4. Applicants are likewise encouraged to provide for areas and arrangements whereby off-street parking locations may be shared by and among land

uses within the M-PUD, thus potentially contributing to a reduction in impervious surfaces and a more efficient use of available off-street parking spaces.

5. Bicycle parking spaces and golf cart parking spaces may be required by the terms of the M-PUD ordinance.

G. Storm Water Management.

1. A separate storm water management plan shall be submitted. The plan shall provide detailed information on the control, management and dispersion of storm water during and after construction of the M-PUD. The plan shall be subject to the review and approval of the Township engineer.
2. The storm water management system, and the construction and operation thereof, shall comply with the Township Storm Water Ordinance.

H. Landscaping.

1. A separate landscape plan shall be submitted. The plan shall comply with the landscape plan requirements of Chapter 26, except as they may be modified in the approval of the M-PUD, if to do so would more fully achieve the objectives of this Chapter.
2. The landscaping plan shall show existing vegetation on the site, and shall indicate which, if any, of the existing vegetation will be retained or removed. Existing vegetation shall be preserved whenever reasonably possible.
3. Landscaping shall be provided in reasonable proximity to buildings, to reduce the visual impact of buildings, provide shade and to improve the general appearance of the areas around buildings.
4. A greenbelt shall be provided between the non-residential portion of the M-PUD and an abutting residential use outside of the M-PUD.
5. Shade trees may be required at specified locations in the M-PUD along streets and pedestrian ways.
6. Existing wetlands, ponds and other water features may be included in the development; the development of rain gardens and other green infrastructure is encouraged.

I. Signage.

1. A signage plan for the M-PUD shall be submitted. The plan shall show all proposed signs, including their size, location, materials and whether or not the signs will be lighted, and if so, the type of lighting proposed.
2. Signs shall comply with the sign requirements for planned unit developments as stated in Chapter 25, except as the same may be modified in the terms of the approving M-PUD ordinance, if such modification would more fully achieve the objectives of this Chapter.

J. Outdoor Lighting.

1. Street lights, affixed on poles, shall be provided, including street lights in off-street parking areas.
2. Such outdoor lighting shall comply with applicable provisions of the Township Outdoor Lighting Ordinance; provided, however, that in approving the M-PUD, the Township may modify the outdoor lighting requirements thereof, as to the number, placement, height, level of illumination, and other features of the outdoor light poles and fixtures.
3. An outdoor lighting plan, including a photometric plan for all proposed outdoor lighting, may be required.

SECTION 16.06. MINIMUM REQUIREMENTS FOR RESIDENTIAL LAND USES.

A. Minimum Lot Area and Minimum Lot Width.

1. Single-Family Dwellings. The average lot area shall be at least 6,000 square feet, but no lot shall be less than 5,000 square feet in area, with a minimum lot width of 50 feet.
2. Two-Family Dwellings. Minimum lot area shall be 10,000 square feet, with a minimum lot width of 80 feet.
3. Multiple-Family Dwellings. The density of multiple-family dwellings shall not exceed 10 dwelling units for each acre of the entire area of the M-PUD.

B. Minimum Required Building Setbacks; Maximum Building Height.

1. Minimum Front Yard Setbacks.

- a. Buildings and off-street parking areas located adjacent to a county primary road shall be set back at least 50 feet from the nearest right-of-way line.
 - b. Single-Family Detached Dwellings; Two-Family Dwellings and Multiple-Family Dwellings. Minimum front yard building setbacks shall be 25 feet or such lesser setback as may be permitted in the M-PUD District.
- 2. Minimum Rear Yard Building Setbacks. 30 feet, or such lesser setback as may be permitted in the M-PUD District.
- 3. Minimum Side Yard Building Setbacks; Minimum Building Separations.
 - a. Single-family detached dwellings and two-family dwellings on adjacent lots shall be at least 16 feet apart and no side yard shall be less than five feet, except as may otherwise be provided in the M-PUD ordinance.
 - b. Distances between multi-family buildings, townhouses and live/work units shall be at least 20 feet and no side yard shall be less than 10 feet, except as may otherwise be provided in the M-PUD ordinance.
- 4. The maximum height of a building shall be 35 feet.
- C. **Minimum Building Floor Areas.** The minimum floor area of single-family detached dwellings, two-family dwellings and multiple-family dwelling units shall be as determined in the M-PUD ordinance.

SECTION 16.07. MINIMUM PROVISIONS FOR NON-RESIDENTIAL LAND USES.

A. Building Height, Placement and Appearance.

- 1. The maximum height of a building shall be 35 feet.
- 2. The principal entrance of a building shall preferably be oriented to the street that provides access to the building. If the rear façade of a building faces a public street, the façade shall be articulated with architectural features reasonably similar to those of a front building façade.
- 3. A reasonable portion of a commercial building façade shall consist of street-level transparent glass, to vary the appearance of the façade.

4. Multiple-tenant commercial buildings shall include features to avoid monotonous façades, by means of differing façade elements or embellishments, varying roof lines and the like.
5. The use of compatible or consistent architecture, building materials and building styles is encouraged.
6. Buildings with exterior walls that are sided substantially with metal or vinyl are prohibited.
7. Awnings, canopies, covered walkways, open colonnades and similar architectural features are encouraged to be provided on the fronts of commercial buildings.
8. Façades of commercial buildings facing public streets shall not be blank walls, but shall be articulated with windows, signs and other architectural features.
9. The massing of large commercial buildings shall be de-emphasized by the use of projecting and recessed sections and other design features which reduce the apparent overall bulk and volume of the buildings.
10. Refuse receptacles for pedestrian use shall be placed at convenient locations. Dumpsters and similar refuse receptacles for commercial use shall be fully screened by an enclosure on all sides. Landscaping may also be used to augment the screening of dumpsters and other commercial refuse receptacles.

- B. **Phasing of Development.** An M-PUD may be constructed in phases, as specified in the PUD ordinance. The ordinance shall require that specified infrastructure and certain common elements of the M-PUD shall be constructed in the initial phase.

SECTION 16.08. ADDITIONAL STANDARDS OF APPROVAL. In addition to the PUD approval standards of Section 16.06.E, the Planning Commission and Township Board shall determine that the following additional standards are satisfied, in the approval of a proposed M-PUD:

- A. The buildings and other features of the M-PUD would be so located and designed as to constitute a village or traditional town setting or arrangement.
- B. The M-PUD would provide pedestrian amenities, open spaces and an arrangement of residential buildings and commercial buildings in a manner evocative of a traditional village or small town.

- C. The M-PUD would provide for a mix of residential uses and commercial uses, together with usable open space.
- D. The M-PUD would complement the character of the surrounding area and would result in recognizable and substantial benefits to the ultimate users and occupants of the M-PUD and the general public.

CHAPTER 17
UNIQUE RECREATION RESOURCE AREA OVERLAY DISTRICT

SECTION 17.01. DESCRIPTION AND PURPOSE.

- A. The provisions of the Unique Recreation Resource Area Overlay District (the “Overlay” or “Overlay District”) are in addition to the provisions of the existing zoning districts in which the lands within the Overlay are located. Lands within the Overlay are subject to both the provisions of the existing zoning districts and the Overlay District; in the case of conflicts between the provisions of the Overlay and those of the existing zoning districts, the provisions of the Overlay shall control.
- B. This Overlay District is established to protect the integrity and usefulness of unique areas of the Township devoted to recreation, nature study, wildlife habitat, game hunting and similar uses. Other purposes of the Overlay include the following:
1. To ensure the compatibility of lands within the Overlay with adjacent lands by reducing the permitted density of residential development in such adjacent lands, to minimize potentially adverse effects on the lands within the Overlay.
 2. To create a reasonable buffer zone for the safety and solitude of nearby residents.
 3. To minimize conflicts between hunters, skiers and other users of the Overlay lands, with nearby land uses.
 4. To provide a reasonable alternative residential use at a maximum building density that will minimize potential disturbance of areas within the Overlay, including wooded areas, rugged terrain, lakes and streams, wildlife habitat and other natural resources.
 5. To preserve and protect the lands within the Overlay so that they may be used and enjoyed for their intended purposes.

SECTION 17.02. LANDS INCLUDED WITHIN THE OVERLAY DISTRICT.

- A. The Overlay District includes the following lands and areas, all of which are designated and shall be shown on the Township zoning map as URRRA-1:
1. Cannonsburg State Game Area.
 2. Cannonsburg Ski Area.
 3. Pando Ski Area.

4. Camp Roger.
 5. Townsend County Park.
 6. Pickerel Lake County Park.
 7. Luton County Park.
- B. The Overlay also includes those lands and areas located adjacent to URRRA-1, that are designated and are shown on the Township zoning map as URRRA-2.

SECTION 17.03. LAND USE REGULATIONS.

- A. **Existing Zoning Districts.** The permitted land uses and the special land uses of the lands within the Overlay, and the minimum requirements for such uses, shall be as stated in the existing zoning districts, except as otherwise provided in this section.
- B. **Minimum Lot Area and Minimum Lot Width.**
1. Within URRRA-1, the minimum lot area for residential use shall be two acres, and the minimum lot width shall be 200 feet; provided, however, that the gross residential building density for any property shall not exceed one dwelling for each five acres.
 2. Within URRRA-2, the minimum lot area shall be three acres, and the minimum lot width shall be 200 feet; provided, however, in the case of a multi-parcel development, including a planned unit development, condominium or site condominium, platted subdivision and land division, the Planning Commission may approve smaller lot sizes and widths, though not less than an area of one acre and not less than a width of 150 feet.
- C. **Building Setback from URRRA-1.**
1. A dwelling or other principal building constructed on or after January 8, 1996, in URRRA-2 shall not be located closer than 450 feet from any boundary of that part of URRRA-1 comprising the Cannonsburg State Game Area.
 2. A dwelling or other building constructed in URRRA-2 prior to January 8, 1996, shall be a lawful nonconforming building with respect to the required minimum building setback stated in paragraph C.1, and may be remodeled, enlarged or extended without regard to such building setback. A dwelling or other building constructed in URRRA-2 prior to January 8, 1996, shall also be a lawfully nonconforming building with respect to such minimum building setback in the case of damage to the dwelling or other permitted building, under the terms of Chapter 30 of this ordinance.

D. Limitation on Clearing or Grading Within the Overlay District.

1. There shall be no cutting or removal of trees or any grading or other earth changes permitted beyond an area within 50 feet in any direction from the foundation wall of a single-family dwelling, unless approved by the Planning Commission. Such approval shall be given if the Commission determines that such cutting or removal of trees or grading or other earth changes would not contribute to soil erosion, create added runoff into water bodies or wetlands, detract from existing rural views from adjacent public streets or have significant adverse effects on existing wildlife habitat.
2. Dead, diseased, unsafe or fallen trees and noxious plants and other plants identified as a common nuisance under Section 2 of Public Act 359 of 1941 may be removed without Planning Commission approval.

CHAPTER 18

BEAR CREEK WATERSHED OVERLAY DISTRICT

SECTION 18.01. DESCRIPTION AND PURPOSE.

- A. The provisions of the Bear Creek Watershed Overlay District (the “Overlay” or “Overlay District”) are in addition to the provisions of the existing zoning districts in which the lands within the Overlay are located. Lands within the Overlay are subject to both the provisions of the existing zoning districts and the Overlay District; in the case of conflicts between the provisions of the Overlay and those of the existing zoning districts, the provisions of the Overlay shall control.
- B. The purpose of the Bear Creek Watershed Overlay District is to establish regulations to preserve and enhance the integrity of certain creeks and their tributaries located within the Bear Creek Watershed.
- C. These creeks and streams are valuable natural resources of the Township, for they contribute to the Township’s rural character, provide scenic views and serve as a habitat for fish and wildlife. The provisions in this chapter are adopted in order to minimize land erosion, stabilize creek banks, protect water quality, avoid runoff of nutrients into creeks and streams, maintain water temperature of creeks and streams at natural levels, preserve fish and wildlife habitat, screen buildings and other structures and preserve the appearance and resource values of the Watershed.

SECTION 18.02. LANDS INCLUDED WITHIN THE OVERLAY DISTRICT.

- A. The Overlay District includes all lands within a distance of 100 feet beyond the ordinary high water mark on each side of the creeks and tributaries shown on the Township zoning map, including Bear Creek, Stout Creek and Armstrong Creek.
- B. Flowing tributaries, including those that flow only intermittently, of Bear Creek, Stout Creek and Armstrong Creek are also included in the Overlay.

SECTION 18.03. LAND USE REGULATIONS.

- A. **Existing Zoning Districts.** The permitted land uses and the special land uses of the lands within the Overlay, and the minimum requirements for such uses, shall be as stated in the existing zoning districts, except as otherwise provided in this section.
- B. **Natural Vegetation Strip.**
 - 1. A natural vegetation strip shall be maintained along the banks of all creeks and streams in the Overlay within 25 feet of the ordinary high water mark.

2. Natural ground cover within the required natural vegetation strip shall be preserved to the fullest extent feasible. If natural ground cover is removed, it shall be replaced with vegetation that is equally effective in retarding stormwater runoff, preventing land erosion and preserving natural beauty.
3. Within the required natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, in order to achieve a filtered view of a creek or stream from a dwelling or other principal building and for reasonable private access to the creek or stream. Such pruning and removal shall, however, ensure that a live root system remains intact in order to stabilize the bank of the creek or stream and to control erosion. Clear-cutting within the required natural vegetation strip is prohibited.
4. Dead, diseased, unsafe or fallen trees and noxious plants and other plants identified as a common nuisance under Section 2 of Public Act 359 of 1941 may be removed without Planning Commission approval.
5. The planting of perennial, native plant species in the required natural vegetation strip is encouraged, especially in the case of exposed soil and steep slopes and in undertakings for reforestation.
6. Pathways to a creek or stream may cross the required natural vegetation strip, but the clearing for the pathway shall be no greater than 10 feet wide, and the pathway shall be located such as to protect the soil and vegetation from erosion.

C. Minimum Building Setbacks.

1. A dwelling or other principal building shall be set back at least 100 feet from the ordinary high water mark of any creek or stream within the Overlay.
2. Septic tanks and septic drain fields shall be set back at least 100 feet from the ordinary high water mark of any creek or stream within the Overlay; provided, however, that the zoning administrator may permit a septic tank and septic drain field to be set back no closer than 80 feet from the ordinary high water mark of any creek or stream if such alternate setback is the only reasonably available location for the septic tank and drain field or any part thereof, based on the nature of the soils, topography, location of water bodies or buildings or other factors pertaining to the land.

CHAPTER 19

ROGUE RIVER NATURAL RIVER OVERLAY DISTRICT

SECTION 19.01. DESCRIPTION AND PURPOSE.

- A. The provisions of the Rogue River Natural River Overlay District (the “Overlay” or “Overlay District”) are in addition to the provisions of the existing zoning districts in which the lands within the Overlay are located. Lands within the Overlay are subject to both the provisions of the existing zoning districts and the Overlay District; in the case of conflicts between the provisions of the Overlay and those of the existing zoning districts, the provisions of the Overlay shall control.
- B. The purpose of this Overlay District is to establish regulations to preserve and enhance the integrity of the tributaries of the Rogue River as a valuable natural resource of the Township. The tributaries of the River contribute to the Township’s rural character, provide scenic views and serve as habitats for fish and wildlife.
- C. The regulations of the Overlay are intended to minimize erosion, stabilize the banks of the River’s tributaries, protect water quality, avoid runoff of nutrients into the tributaries, maintain the temperature of the water’s natural levels, preserve fish and wildlife habitat, screen dwellings and other structures, maintain economic values resulting from the presence and use of the River’s tributaries, enhance boating and recreational opportunities and otherwise to preserve the appearance and resource values of the tributaries of the River.
- D. The provisions of this section also support and are consistent with the designation of the Rogue River and its tributaries as a natural river district, under the terms of Michigan Public Act 231 of 1970.

SECTION 19.02. LANDS INCLUDED WITHIN THE OVERLAY DISTRICT.

The Overlay District comprises all lands within 300 feet of the ordinary high water mark on both sides of Barkley Creek, from Blakely Drive downstream to the west line of Section 6, and within 300 feet of the ordinary high water mark on both sides of Rum Creek, from 10 Mile Road in Section 4, downstream to the north line of Section 5.

SECTION 19.03. LAND USE REGULATIONS.

- A. The permitted land uses and the special land uses of the lands within the Overlay, and the minimum requirements for such uses, shall be as stated in the existing zoning districts, except as otherwise provided in this section.
- B. Single-family detached dwellings, residential accessory buildings and the lands on which they are located shall be subject to the following requirements:
 - 1. The minimum lot width along the creek edge shall be 200 feet.
 - 2. All buildings shall be set back at least 100 feet from the ordinary high water mark of a creek, but no building shall be located within the established floodplain of the creek.
 - 3. The minimum setback for all buildings shall be 35 feet from the nearest right-of-way line of a public road; the minimum side yard setback for all buildings shall be 15 feet.
 - 4. No building shall be located closer than 25 feet from the top of a bluff on the non-cutting edge of a creek and not less than 50 feet from the top of a bluff on the cutting-edge of a creek.
- C. Septic tanks and septic drain fields shall not be located closer than 150 feet from the ordinary high water mark of a creek, and shall comply with the applicable requirements of the county health department.
- D. All earth-changing activities, other than normal landscaping and maintenance, undertaken within 500 feet of the edge of a creek, are subject to the provisions of Part 91 of Michigan Public Act 451 of 1974, as amended.
- E. All dredge and fill activities and construction of permanent structures below the ordinary high water mark of a creek are subject to the provisions of Part 91 of Michigan Public Act 451 of 1974, as amended.
- F. Excavation and removal of natural resources shall be subject to the applicable requirements of this ordinance, and shall not be located closer than 300 feet from the ordinary high water mark of a creek.
- G. The provisions of this section are subject to existing lawful recorded easements, restrictive covenants and deed restrictions, except that if this section imposes greater restrictions than specified in such easements, covenants or deed restrictions, then the provisions of this section shall control.
- H. **Natural Vegetation Strip.**
 - 1. A natural vegetation strip shall be maintained along the banks of all creeks in the Overlay within 25 feet of the ordinary high water mark.

2. Natural ground cover within the required natural vegetation strip shall be preserved to the fullest extent feasible. If natural ground cover is removed, it shall be replaced with vegetation that is equally effective in retarding stormwater runoff, preventing land erosion and preserving natural beauty.
3. Within the required natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, in order to achieve a filtered view of creeks from a dwelling or other principal building and for reasonable private access to the creeks. Such pruning and removal shall, however, ensure that a live root system stays intact in order to stabilize the banks of creeks and to control erosion. Clear cutting within the required natural vegetation strip is prohibited.
4. Dead, diseased, unsafe or fallen trees and noxious plants and other plants identified as a common nuisance under Section 2 of Public Act 359 of 1941 may be removed without Planning Commission approval.
5. The planting of perennial, native plant species in the required natural vegetation strip is encouraged, especially in the case of exposed soil and steep slopes and in undertakings for reforestation.
6. Pathways to creeks may cross the required natural vegetation strip, but the clearing for the pathway shall be no greater than 10 feet wide, and the pathway shall be located such as to protect the soil and vegetation from erosion.

CHAPTER 20

CANNONSBURG HISTORIC AREA OVERLAY DISTRICT

SECTION 20.01. DESCRIPTION AND PURPOSE.

- A. The provisions of the Cannonsburg Historic Area Overlay District (the “Overlay” or “Overlay District”) are in addition to the provisions of the existing zoning districts in which the lands within the Overlay are located. Lands within the Overlay are subject to both the provisions of the existing zoning districts and the Overlay District; in the case of conflicts between the provisions of the Overlay and those of the existing zoning districts, the provisions of the Overlay shall control.
- B. The Township hereby determines that the unincorporated settlement of Cannonsburg has historic and cultural significance that is worthy of preservation for the public benefit. Accordingly, the purpose of the Overlay District is to preserve, safeguard and enhance the heritage of the Township by promoting the preservation of the Cannonsburg Historic Area, which in its various components reflects the cultural, social, economic and architectural history of the Township.
- C. Further, the purpose of the Overlay District is to stabilize and enhance property values within the Overlay; to permit flexibility in the arrangement and use of property, consistent with the historic traditions of the Overlay; and to preserve the historic identity of the settlement of Cannonsburg.

SECTION 20.02. LANDS INCLUDED WITHIN THE OVERLAY.

- A. The Overlay District consists of the following described portion of the plat of the Village of Cannonsburg:
 - 1. That part of the Village of Cannonsburg a recorded plat, being also part of the East 1/2 of the Northeast 1/4, Section 27, and part of the West 1/2 of the Northwest 1/4, Section 26, Town 8 North, Range 10 West, described as commencing at the intersection of the centerline of Cannonsburg Road (formerly LeGrand Street) and the centerline of Bear Avenue (formerly Pine Street), thence Southeasterly along the centerline of Cannonsburg Road to its intersection with the centerline of Joyce Street, thence Northeasterly to the intersection of said centerline with the centerline of the Mill Pond in the Village of Cannonsburg, thence Easterly along the centerline of the Mill Pond to its intersection with the centerline of Sturgis Avenue (formerly Spruce Street) extended Northerly, thence South along the centerline of Sturgis Avenue as extended Northerly to its intersection with the centerline of Elm Street, thence West along the centerline of Elm Street to its intersection with the centerline of Honey Creek Avenue (formerly Mill Street), thence North along the centerline of Honey Creek Avenue to its intersection with the centerline of abandoned West Street

extended East, thence West along the centerline of abandoned West Street as extended East and as extended West to its intersection with the centerline of Bear Avenue, thence Northeasterly along the centerline of Bear Avenue to the centerline of Cannonsburg Road and the point of beginning, Township of Cannon, County of Kent, Michigan.

SECTION 20.03. LAND USE REGULATIONS.

- A. The permitted land uses and the special land uses of the lands within the Overlay, and the minimum requirements for such uses, shall be as stated in the existing zoning districts, except as otherwise provided in this section.
- B. The provisions of this section shall not apply to lawful residential uses or to lawful home occupations.
- C. In addition to the land uses permitted by the existing zoning district, the following land uses are permitted:
 - 1. Bed and breakfast establishment.
 - 2. Dwelling units located above main floor businesses.
- D. All land uses shall be subject to site plan review and approval by the Planning Commission, including determination of permitted building setbacks, permitted lot area, permitted lot width, off-street parking, signage, greenbelts and other site development features, in order to retain the established character of the Overlay District. In determining such site plan requirements, the Planning Commission shall consider the following criteria:
 - 1. The physical context of the site and its surroundings, including scale, building setbacks and the architectural features of nearby buildings and structures.
 - 2. The compatibility of the proposed building or structure with the established styles and character of nearby buildings and structures.
 - 3. The historic or architectural significance of nearby buildings and structures.
 - 4. The off-street parking requirements of the proposed land use, its hours of operation and the availability of off-street parking in reasonable proximity to the site.
 - 5. Motor vehicle access and traffic visibility.
 - 6. The availability of or provision for pedestrian connections with other land uses.

7. Whether the proposed use would comply with applicable construction, safety, and health codes.
- E. An applicant for site plan approval under subsection D shall submit a site plan in accordance with Section 22.06, except as to such matters as may be waived by the Commission under Section 22.06.B. If requested, the applicant shall provide additional information concerning the proposed land use, to assist the Planning Commission in reviewing the application and site plan.
- F. In considering whether to approve the site plan described in paragraph D, the Planning Commission, shall in addition to the applicable site plan approval standards of Section 22.08, consider the following:
1. Whether the site plan and the architecture of the buildings shown therein would be consistent with the historic nature and appearance of other buildings and structures in the Overlay.
 2. Whether the components of the land use, as shown on the site plan, would be compatible with the existing and intended land uses of the Overlay.
 3. Whether the proposed land use, as shown on the site plan, would adversely affect other lands in the Overlay or in the immediate vicinity, including potential adverse effects on groundwater or the Bear Creek or Honey Creek watersheds; or whether the proposed use would diminish the historic value and character of the Overlay.
 4. Whether the preservation of an existing building or structure would be contrary to the health, safety or welfare of its occupants as a result of its lack of structural soundness, fire safety or compliance with applicable codes.
 5. Whether a required preservation or renovation of a building or structure would result in an undue financial burden on the property owner.
 6. Whether there may be other factors, identified by the Planning Commission, as to whether the land use, as shown in the site plan, would be generally consistent with the purposes of the Overlay District, as stated in Section 20.01.
- G. The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may, among other matters, relate to the following:
1. The exterior features and materials of buildings and structures; the placement of buildings and structures and their relationship and proximity to other buildings and structures in the Overlay.
 2. The design, size and placement of driveways, parking areas, signs, exterior lighting, pedestrian connections and other land features.

3. Other matters which may reasonably promote the goal of preserving and enhancing the historic character of the Overlay.

CHAPTER 21

ACCESS MANAGEMENT OVERLAY DISTRICT

SECTION 21.01. DESCRIPTION AND PURPOSE.

- A. The provisions of the Access Management Overlay District (the “Overlay” or “Overlay District”) are in addition to the provisions of the existing zoning districts in which the lands within the Overlay District are located. Lands within the Overlay are subject to both the provisions of the existing zoning districts and the Overlay District; in the case of conflicts between the provisions of the Overlay and those of the existing zoning districts, the provisions of the Overlay shall control.
- B. The Township has determined that the somewhat rugged natural character of the Township, together with the presence of significant lakes, creeks, streams and wetlands throughout the Township have in many instances inhibited the creation of an efficient, well-planned roadway network. As a consequence, much of the motor vehicle traffic to and from the Township, as well as in developing areas east of the Township, is funneled onto two major east/west arterial streets – State Highway M-44 and Cannonsburg Road – rather than being dispersed across a broader network of major streets.

Because of these street limitations, it is essential that access to these streets be managed. Many published studies and reports document the relationship between driveways, traffic operations and public safety. Those reports and the experiences of other communities in the county demonstrate that controlling the number and placement of access points, including driveways and side street intersections, can preserve the capacity of a street and thereby reduce the potential for vehicle accidents.

- C. The regulations of the Overlay District are intended to accomplish the following purposes:
1. To preserve the vehicle capacity of Highway M-44 and Cannonsburg Road by limiting and controlling the number, location and design of access points, by requiring alternate means of access through shared driveways, service drives and access by means of cross-streets in specified locations to encourage the efficient flow of traffic by minimizing the disruption and conflicts between through traffic and vehicle turning movements.
 2. To improve public safety and reduce the potential for vehicle accidents.
 3. To avoid the proliferation of unnecessary curb cuts and driveways and, when opportunities arise, to eliminate or reconfigure existing access points that currently may not conform to the requirements of the Overlay.

4. To implement the recommendations of the Township Master Plan.
5. To require longer street frontages or wider minimum lot widths than otherwise required in the existing zoning districts, to help achieve acceptable distances between driveways.
6. To require coordinated motor vehicle access among adjacent properties when possible.
7. To avoid the need for unnecessary and costly reconstruction of the streets, which can disrupt business operations and traffic flow.
8. To ensure efficient access by emergency vehicles.
9. To improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access locations.
10. To establish uniform standards to ensure fair and equal treatment among property owners within the Overlay.

SECTION 21.02. LANDS INCLUDED WITHIN THE OVERLAY.

- A. The Overlay District includes all lands which have frontage on Highway M-44, also known as Belding Road, and Cannonsburg Road, and, in addition, all lands within 200 feet of the right-of-way line on either side of Highway M-44 and Cannonsburg Road.

SECTION 21.03. APPLICABILITY OF OVERLAY REGULATIONS. The regulations of this chapter shall apply only in the following circumstances:

- A. The erection of a new building or structure or the reconstruction, demolition, rehabilitation or expansion of an existing building or structure on an existing site.
- B. A proposed platted subdivision or condominium or site condominium.
- C. The construction or expansion of an off-street parking lot.
- D. Any other change of land use which will result in an increase in accepted average daily trip generation figures significant enough to cause the site to be included in a higher trip generation intensity category, such as from the low category to the medium category, from the medium category to the high category or otherwise, in accordance with the following table:

Trip Generation Intensity Categories and Examples

Intensity Categories		
Low (Less than 1,500 Daily Trips)	Medium (1,500 – 4,000 Daily Trips)	High (Greater than 4,000 Daily Trips)
150 Unit Apartments (1,050)	Gas Station w/ Convenience (1,950)	200,000 s.f. Shopping Center (10,650)
150 Room Hotel (1,350)	Fast Food w/ Drive- Thru (1,500)	50,000 s.f. Strip Commercial Center (4,300)
Pharmacy w/Drive-Thru -1,320	50,000 s.f. Medical/Dental Office (1,835)	

SECTION 21.04. LAND USE REGULATIONS.

- A. The permitted land uses and the special land uses of the lands within the Overlay, and the minimum requirements for such uses, shall be as stated in the existing zoning districts, except as otherwise provided in this section.

- B. An applicant who applies for site plan review or for a special land use under the terms of an existing zoning district shall comply with the application and site plan requirements stated in Chapters 22 and 23, respectively. In addition, the applicant shall provide the following information, to the extent required by the Planning Commission, in site plan review or special land use, as the case may be:
 - 1. The site plan shall include the existing access points within 500 feet of the subject property along the frontage of Highway M-44 or Cannonsburg Road, on either side of the subject property and along both sides of any intersecting streets.
 - 2. Written evidence indicating that the sight-distance recommendations of the Michigan Department of Transportation (MDOT) or the county road commission, as applicable, are complied with.
 - 3. The site plan shall show the dimensions between proposed and existing access points to the subject property, and if applicable, median cross-overs.
 - 4. If shared access is proposed or required, a shared access and maintenance agreement shall be submitted. After approval, the agreement shall be recorded with the county Register of Deeds.

5. The site plan shall show the dimensions of driveways, including width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and traffic signs.
6. The site plan shall illustrate the routes and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles, school buses and similar vehicles. The site plan shall confirm that the proposed routing of vehicles will not disrupt operations at access points, nor impede maneuvering or parking of vehicles.
7. A traffic impact study may be required to be submitted for any land use that would be expected to generate 50 or more vehicle trips during any peak hour, or 500 or more vehicle trips daily, or if modifications from the generally applicable access-spacing standards are requested.

The traffic impact study shall be prepared by a qualified firm or professional person that is a member of the Institute of Traffic Engineers with demonstrated experience in the preparation of such studies. The methodology and analysis of the study shall be in accordance with accepted principles, as described in "Evaluating Traffic Impact Studies, A Recommended Practice for Michigan" developed by MDOT and other Michigan Transportation agencies. The Township may also require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

8. The applicant shall submit the application for site plan review or a special land use, and the materials included therewith, to MDOT and the Kent County Road Commission, as applicable, for review. The review of MDOT or the county road commission shall be considered by the Planning Commission during site plan review or consideration of the special land use.

The Planning Commission may request attendance by representatives of the applicable road authority, at meetings at which the proposed site plan or special land use is considered. The applicant shall not request an access permit from the applicable road authority until after the site plan or the special land use has been approved by the Planning Commission.

- C. Access points (excluding driveways that serve a single family dwelling, a two-family dwelling or an essential service facility or structure), shall comply with the following standards:
 1. Each lot or other parcel of land shall be permitted one access point. The access point may consist of an individual driveway, a shared access with

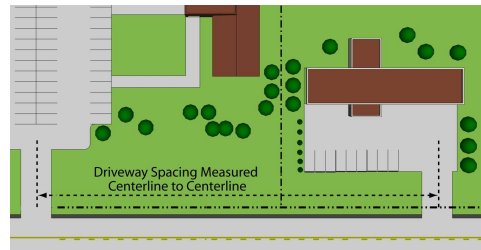
an adjacent land use or access by means of a service drive or frontage road.

2. An additional driveway may be permitted by the Planning Commission if the conditions stated below in this subparagraph are found to be present. The additional driveway may be required to be located on a side street or may be required to be a shared access with an adjacent property.
 - a. The subject property has a frontage of more than 660 feet and the minimum spacing requirements between access points stated below are complied with; and
 - b. The additional access will not prevent adjacent lands from complying with the access spacing standards if such adjacent lands develop or redevelop in the future; or
 - c. A traffic impact study, prepared in accordance with accepted practices as describe in this chapter, demonstrates that the subject property will generate more than 300 trips in a peak hour or more than 3,000 trips daily, or more than 400 trips in a peak hour or more than 4,000 trips daily if the subject property has access to a traffic signal.
 - d. The traffic study demonstrates that the additional driveway will provide improved conditions for the motoring public and will not cause negative traffic impacts.

D. Driveways shall be located to provide safe sight-distance, as determined by the applicable road authority.

E. No driveway shall interfere with governmental or utility facilities, such as street lights, traffic signal poles, signs, fire hydrants, cross-walks, bus-loading zones, utility poles, fire alarm supports, drainage structures or other structures associated with streets.

F. Access points shall be separated from other access points along the same side of the public street, measured from centerline to centerline, based on the posted speed limit along the public street segment, as shown in the following table.



Posted Speed limit	Minimum Driveway Spacing
35 mph or less	245 ft

40 mph	300 ft.
45 mph	350 ft.
50 mph	455 ft.
55 mph	455 ft.

G. If the subject property adjoins lands that may be developed or redeveloped in the future, including vacant lands or potential outlots, the access point shall be located to ensure that the adjacent lands would also comply with access location standards in the future.

H. Access points shall be aligned with driveways on the opposite side of the street, or shall be offset from them at least 250 feet, measured from centerline to centerline; provided, however, that the Planning Commission may reduce this requirement to not less than 150 feet if each of the opposing access points generates fewer than 50 trips (inbound and outbound) during the peak hour of the public street or if there are no sight-distance limitations.



I. Minimum spacing of access points from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge):

	Access on Major Street	Access on Side Street
Signalized Intersection	300 ft.	200 ft.
Unsignalized Intersection*	300 ft.	150 ft.

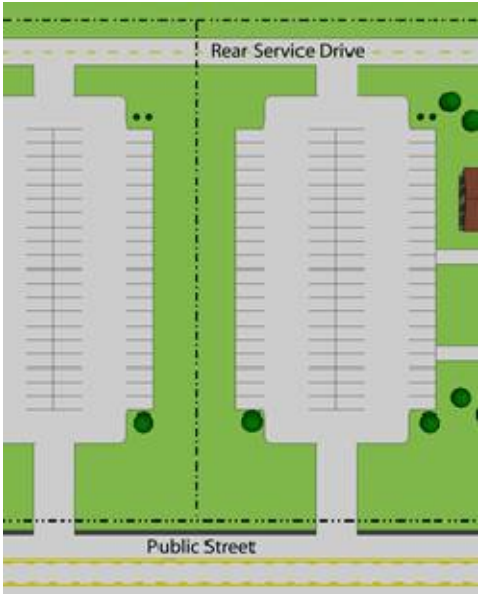
*Spacing shown for signalized intersections shall also be applied at unsignalized intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.

J. If direct access consistent with the requirements of this section cannot be achieved, access shall be accomplished by means of a shared driveway or a service drive. The Planning Commission may require development of frontage roads or rear service drives if such facilities can provide access to signalized locations, in



those circumstances where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to move more efficiently and safely for both ingress and egress. Frontage roads or service drives shall be constructed in accordance with the following standards:

1. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
2. The alignment of the service drive may be adjusted as may be necessary for the proposed land use and anticipated traffic conditions, if the resulting location and alignment permits the service drive to be extended to an adjacent property or properties, as shown in the nearby diagram.
3. If a shared access is recommended, but is not yet available, temporary drive access may be permitted, if the access is designed to accommodate a future service drive, and if a written agreement is submitted to the effect that the temporary access will be removed by the applicant when the alternative access becomes available. In such a case, a restrictive covenant and the posting of a financial performance guarantee may be required.



K. Modifications in the standards of this section may be permitted by the Planning Commission in site plan review, in view of the variations and existing physical conditions along Highway M-44 or Cannonsburg Road, upon findings that all of the following conditions apply:

1. That the proposed modification is generally consistent with the intent of the Overlay District and the standards of this section.
2. That practical difficulties (including sight-distance limitations, topography, wetlands, drains or water bodies, woodlands to be preserved, existing development and unique site configurations or shape) exist on or as to the property that cause full compliance to be unreasonable or that existing off-site access points make it impractical to fully comply with the applicable standards.

3. That the proposed modification involves an access improvement to an existing property or a new land use that would generate less traffic than the previous land use or that the proposed modification is consistent with MDOT guidelines and is supported by MDOT and/or the county road commission.
4. If required by the Planning Commission, a traffic study by a qualified traffic engineer has been provided, and certifies that the modification will improve traffic operations and safety.
5. That the applicant has demonstrated that the proposed modification would not create non-compliant access to adjacent lands that may be developed or redeveloped in the future.
6. That the proposed roadway improvements would be made to improve overall traffic operations prior to the completion of the proposed land use and the occupancy of any building.
7. That indirect or shared access is not possible or reasonably attainable.
8. That the proposed modification has been demonstrated to be the minimum modification necessary in the circumstances.

CHAPTER 22

SITE PLAN REVIEW

SECTION 22.01. PURPOSE.

- A. The purpose of this chapter is to provide standards and procedures under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of the zoning ordinance and implementation of the goals and policies of the Township Master Plan.
- B. Among other matters, this chapter establishes requirements for the planning and design of developments in order to achieve the following objectives: to determine compliance with the provisions of this Ordinance; to promote the orderly development of the Township; to assist in preserving land values; to ensure a harmonious relationship between new developments and the existing natural environment and existing buildings, structures and developments; to achieve the purposes of the Township Master Plan; to promote consultation and cooperation between applicants and the Township in order that applicants may accomplish proposed land uses, consistent with the purposes of this chapter, other provisions of this Ordinance, and the Master Plan.

SECTION 22.02. SITE PLAN REVIEW REQUIRED; TYPES OF SITE PLAN REVIEW. Prior to the issuance of a building permit or other Township construction approval, an applicant shall submit a site plan to the Township for review and approval, unless the proposed land use is exempt from site plan review under Section 22.03. The types of required site plan review for various land uses are the following:

- A. Full site plan review. The land uses for which full site plan review by the Planning Commission is required are stated in Section 22.04.
- B. The land uses that are eligible for administrative site plan review by the zoning administrator are stated in Section 22.5.

SECTION 22.03. LAND USES EXEMPT FROM SITE PLAN REVIEW. The following land uses are exempt from site plan review:

- A. Single-family and two-family detached dwellings on individual lots or parcels.
- B. Farms; farm buildings and farm structures.
- C. Permitted residential accessory buildings.
- D. Home occupations in compliance with Section 3.17.
- E. Temporary dwellings in compliance with Section 3.15.

- F. Grade alterations and site clearance in compliance with Section 3.18.
- G. Essential service equipment, not including buildings.
- H. Small antennas and towers in compliance with Section 3.29.

SECTION 22.04. LAND USES SUBJECT TO FULL SITE PLAN REVIEW. Full site plan review by the Planning Commission is required for the following land uses and in the following circumstances, except as otherwise provided in Section 22.05:

- A. Permitted land uses in the R-R, R-1, R-2, R-3, LR and MHC Districts, except single-family and two-family detached dwellings on individual lots and parcels and other exempt land uses as stated in Section 22.03.
- B. Permitted land uses in the B-1, B-2 and I Districts.
- C. Special land uses.
- D. Planned unit developments.
- E. Condominiums and site condominiums.
- F. Open space preservation developments under Chapter 29.
- G. An enlargement of a building otherwise requiring site plan approval that results in an increase in the gross floor area of the building of at least 10%.
- H. A change in a land use requiring site plan approval that results in the addition of five or more off-street parking spaces.
- I. All other land uses for which site plan review and approval is required under the terms of this Ordinance.
- J. Any change in a land use that does not qualify as a minor change under Section 22.12.

SECTION 22.05. LAND USES SUBJECT TO ADMINISTRATIVE SITE PLAN REVIEW. Administrative site plan review by the zoning administrator is required for the following land uses and in the following circumstances, unless the use is exempt from site plan review under Section 22.03:

- A. An increase in the gross floor area by less than 10 percent, of a building otherwise subject to site plan approval;
- B. A change in a land use that results in fewer than five additional off-street parking spaces.

- C. A change from an existing permitted land use to a different permitted land use, if the proposed land use complies with all of the following:
1. The proposed land use would be conducted entirely within an existing enclosed building.
 2. The proposed land use would not increase the area of an existing off-street parking area by more than five parking spaces.
 3. The proposed land use would not substantially alter the character or appearance of an existing building or the site.
 4. The proposed land use would not result in serious adverse impacts on adjacent or nearby lands or uses.
- D. Construction of a building or structure which is accessory to a principal building or principal structure.

SECTION 22.06. APPLICATIONS FOR SITE PLAN REVIEW, BOTH FULL AND ADMINISTRATIVE SITE PLAN REVIEW.

- A. A completed application for site plan review and the required number of site plans shall be submitted to the Zoning Administrator, together with the required application fee. The site plan shall include, at a minimum, the following information:

Required Site Plan Content	Site Plan Level	
	Preliminary	Final
General Information		
Date, north arrow, graphic and written scale, and revision dates	✓	✓
Name and address of the property owner or petitioner	✓	✓
Project name	✓	✓
Name and firm address of the professional individual responsible for preparing the site plan	✓	✓
Professional seal		✓
Location map illustrating the subject site in relation to surrounding parcels and street system	✓	✓
Size (in acres) of the subject property, excluding any abutting road right-of-way	✓	✓
Legal description of the subject property	✓	✓

Required Site Plan Content	Site Plan Level	
	Preliminary	Final
Existing Site Conditions		
Property lines and dimensions	✓	✓
Existing public and private easements	✓	✓
Location and dimension of all existing structures	✓	✓
Existing zoning classification of site and adjoining properties	✓	✓
Existing buildings and structures within 100 feet of the property boundaries on all property abutting site	✓	✓
Abutting street right-of-way and pavement width	✓	✓
Location of all existing driveways and parking areas on both sides of the street within 300 feet of the subject property's boundary	✓	✓
Size and location, if applicable, of existing utilities (water, sanitary sewer, storm sewer, electric, gas, phone, septic tanks, drain fields, and wells)	✓	✓
Lakes, rivers, or similar water bodies (including names)	✓	✓
All existing surface water drainage facilities	✓	
General location of flood plain and wetlands	✓	
Delineated flood plain and wetland boundaries		✓
Existing vegetation	✓	✓
Topographic contours at no more than two foot intervals	✓	✓
Slope analysis showing slopes of 12 percent or greater	✓	✓
Natural features assessment (if required)	✓	✓
Proposed Development		
Required setbacks	✓	✓
Location and dimension of all proposed buildings and structures	✓	✓
Gross and net floor area for non-residential buildings		✓

Required Site Plan Content	Site Plan Level	
	Preliminary	Final
Height of all buildings and structures		✓
Layout and typical dimensions of proposed parcels or lots	✓	✓
Location of all proposed driveways, streets, acceleration/deceleration lanes, sidewalks, parking areas (including total number of spaces to be provided or deferred), snow storage areas, and unloading areas	✓	✓
Surface materials and dimensions (width, radii, taper length, typical cross-sections, etc.) of driveways, acceleration/deceleration lanes, sidewalks, curbing, parking areas (showing individual spaces), and unloading areas		✓
Parking calculations showing required and proposed parking (including barrier-free spaces) and any parking to be deferred or shared (shared parking agreements may be deferred until final site plan)	✓	✓
Dimensions and turning radius for truck maneuvering at loading/unloading areas, trash receptacles, and similar locations		✓
Location and type of directional signs and pavement markings		✓
Location and details of signs and lighting fixtures, including size, height, materials, type of lighting, and other relevant details		✓
Generalized landscape concept showing location of existing vegetation to be retained, proposed landscaped areas, required buffers, berms, screening, and other open space	✓	
Landscape plan (prepared by registered landscape architect) showing location, type, and size of all plant material and dimensions of all landscaped areas		✓
Recreation areas, common use areas, and areas to be conveyed for public use	✓	✓
Location, type, height, and materials for all fences and walls		✓
All deed restrictions or covenants		✓

Required Site Plan Content	Site Plan Level	
	Preliminary	Final
A brief narrative description of the proposed project including size, density, parking availability, relationship to the surrounding area, traffic movement, and conformance to applicable review standards of the Zoning Ordinance	✓	✓
Notation of any variances received		✓
Engineering		
Proposed method of handling sanitary sewage and providing potable water	✓	
Size and location of proposed utilities, including proposed connections to public sewer and water supply systems		✓
Location of fire hydrants and spacing between hydrants		✓
Location of on-site water wells and/or wastewater systems and dimensions from existing and proposed water bodies and property lines		✓
Generalized location and type of proposed storm water drainage facilities	✓	
Storm drainage system, including location of catch basins, manholes, detention pond design, and materials		✓
Concept grading plan showing proposed changes to existing site	✓	
Final grading plan at no more than two foot intervals		✓
Proposed roadways (including pavement width, materials, and easement or right-of-way)	✓	✓
Proposed roadways (including cross-section, curve radii, and vertical profiles)		✓
Building Details		
Building footprints and typical floor plan (dimensioned)		✓
Basement and finished floor elevations of all buildings		✓
Typical elevation views of all sides of each building type		✓
Elevation views of building additions		✓
Summary schedules for residential developments, providing: (i) Number of proposed dwelling units (by type), including typical floor plans; (ii) Number		✓

Required Site Plan Content	Site Plan Level	
	Preliminary	Final
and location (by code, if necessary) of efficiency and one or more bedroom units)		
Additional Information		
Other information required by the Planning Commission to demonstrate compliance with all applicable provisions of this Ordinance. This may include traffic studies, environmental impact assessments, fiscal impact studies, groundwater analysis, wetland determinations, utility studies, perspective views, aerial photos, building material samples, or similar items.	✓	✓
Other information required by the zoning administrator deemed necessary to evaluate compliance with other applicable provisions of this Ordinance	✓	✓
Information items required for final site plan review may, at the Planning Commission's discretion, also be required for preliminary site plan review	✓	

- B. The Planning Commission, in the case of full site plan review, and the zoning administrator in the case of administrative site plan review, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for review and consideration of the proposed land use.
- C. The zoning administrator may refer to the Planning Commission for decision an application and site plan for administrative site plan review, or any part thereof.
- D. Before submitting an application for site plan review, an applicant is encouraged to meet with the zoning administrator and/or other Township representatives for the purpose of describing the proposed land use or development, providing information, obtaining Township guidance and for related purposes. At such a conference, no Township action will be taken, nor will comments or statements made by Township representatives be in any way binding on the Township. The applicant shall pay the required Township fee for the conference, to defray the Township's expense for the services of consultants at the meeting or in connection with the application and other related expenses.

SECTION 22.07. PROCEDURES FOR SITE PLAN REVIEW.

A. Preliminary Site Plan Review.

1. An applicant may submit a preliminary site plan, with that number of copies required by the zoning administrator, but is not required to do so. The submission of a preliminary plan may be helpful to the applicant and to the Planning Commission or zoning administrator, to promote discussion, to identify issues or concerns as to the site plan, to consider alternative approaches and for other purposes.
2. In addition to the preliminary site plan, an applicant shall submit a completed application form and pay the required application fee. The zoning administrator shall determine whether the application form and the preliminary site plan are complete. If they are not complete, they shall be returned to the applicant for completion.
3. If the preliminary site plan and the application form are complete, the zoning administrator shall forward copies to the Township planner, engineer, fire chief and others as necessary for review and comment or report to the approving authority, whether the Planning Commission or the zoning administrator.
4. The zoning administrator shall forward copies of the preliminary plan to the Planning Commission prior to the meeting at which it will be considered. If the land use is subject to administrative site plan review, the administrator shall consider whether to approve the preliminary site plan. The Planning Commission and the zoning administrator may make recommendations to assist the applicant in preparing a final site plan.

B. Final Site Plan Review.

1. An applicant shall submit a final site plan for review by the Planning Commission. A preliminary site plan need not first be submitted, if the applicant elects not to do so. If a preliminary plan was submitted and reviewed, the final site plan shall generally conform to the preliminary plan.
2. The applicant shall submit the final site plan, with that number of copies required by the zoning administrator. The zoning administrator shall determine whether the application and the final site plan are complete. If they are complete, the administrator shall forward them to the Planning Commission.
3. The Planning Commission shall review the final site plan at a public meeting of the Commission, in accordance with the standards for approval of site plans as stated in Section 22.08. The Commission shall approve,

deny or approve with conditions the final site plan. The terms and conditions under which the site plan is approved shall be stated in the minutes of the meeting or in a resolution adopted by the Commission. If the site plan is disapproved, the reasons for disapproval shall likewise be stated in the minutes of the meeting or in a resolution.

4. Upon approval of the final site plan, all terms and conditions of approval, and required revisions or modifications of the plan, shall be deemed a part of the approved site plan.
5. If the plan is approved with conditions, the applicant shall revise the plan and submit a revised final site plan to the zoning administrator, who shall determine whether the revised plan complies with all conditions of approval. The administrator may forward the revised plan to other Township staff and to Township consultants, for review as deemed necessary.
6. Upon approval of the final site plan, including any required revisions, three copies of the plan shall be stamped as approved, dated and signed by the zoning administrator, one of which shall be given to the applicant and one of which shall be provided to the Township building official. Other copies shall be distributed to appropriate Township staff and retained in Township files.
7. All subsequent actions relating to the land use shall be consistent with the approved site plan. Any construction, land use or other activity carried out contrary to or not in conformity with the approved site plan shall be a violation of this Ordinance.
8. If there is any construction work or other activity that does not comply with the approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or until there is other satisfactory resolution of the noncompliance.

- C. **Phased Developments.** If a proposed development is to be carried out in two or more phases, final site plan approval may be granted for all phases or for a single phase. Such approval for a single phase may be given if the applicant has submitted a complete plan of the development showing all proposed phases, and if such plan was first approved by the Planning Commission as a preliminary site plan. In such a case, each subsequent phase, when ready for Township consideration, shall be submitted for final site plan approval; each subsequent phase shall be consistent with the preliminary site plan of the entire development, unless otherwise approved by the Planning Commission.

In the consideration of a preliminary site plan of an entire development that will be constructed in phases, the Planning Commission may require information beyond that otherwise required for preliminary site plan review if, in view of the proposed subsequent phases, more detailed information is necessary in order for the Planning Commission to reach a decision as to preliminary site plan approval. Such additional information may include, among other matters, the number of phases proposed and the locations and other details of the streets, utilities, storm water drainage systems and other systems and construction common to the entire development.

SECTION 22.08. STANDARDS FOR REVIEW AND APPROVAL OF SITE PLANS. The Planning Commission, or the zoning administrator in the case of administrative site plan review, shall approve the site plan only if the plan complies with the following standards and requirements:

- A. The site plan shall comply with all standards of this section and all applicable requirements of this Ordinance and all other applicable laws and regulations. Approval may be conditioned on the applicant receiving necessary county, state or federal permits before receiving final site plan approval.
- B. The site shall be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- C. All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- D. 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.
- E. The development shall conform to the goals and policies of the Township Master Plan.
- F. The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- G. Unless a more specific design standard is provided for in this Ordinance or other applicable regulations, all uses and structures subject to site plan review shall comply with the following design standards:
 - 1. **Traffic Circulation.** The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be

designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Provision shall be made, to the maximum extent possible, for the extension of streets and walkways to connect with and serve adjacent development, both existing and future.

2. **Storm Water Drainage.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system. 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. All storm water drainage measures shall comply with the Township Storm Water Ordinance.
3. **Natural Drainage.** 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.
4. **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers, or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
5. **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing or equivalent landscaping shall be provided so as to shield residential properties from noise, headlights and glare.
6. **Snow Storage.** Reasonable accommodation shall be made on the site for the stockpiling of snow from parking lots, roads, and other surfaces that must be kept clear during winter months.
7. **Outdoor Lighting.** Outdoor lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township. Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or

intermittent lights shall not be permitted. Reduction of outdoor lighting during non-business hours may be required. All exterior lighting shall comply with the Township Outdoor Lighting Ordinance.

8. **Utility Services.** All utility services shall be underground, unless impractical.
9. **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to minimize their visibility and ensure compatibility with surrounding properties.
10. **Water Supply and Sanitary Sewer Service.** Water supply and sanitary sewer systems and installations shall comply with all applicable Township requirements.
11. **Pedestrian Circulation.** In the approval of a site plan, the Planning Commission and/or zoning administrator, as appropriate, may require the providing of sidewalks or similar measures for pedestrian circulation.
12. **Signs.** All signs shall comply with applicable provisions of Chapter 25, and other applicable sign provisions in this Ordinance.
13. **Parking and Loading.** All off-street motor vehicle parking areas and all loading and unloading areas shall comply with all applicable provisions of Chapter 27 of this Ordinance.
14. **Emergency Vehicle Access.** All lands, buildings and structures shall be readily and safely accessible for emergency vehicles and emergency personnel.

SECTION 22.09. CONDITIONS ON APPROVAL OF SITE PLANS.

- A. The Planning Commission, or zoning administrator in the case of administrative site plan review may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to ensure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.
- B. All terms and conditions of approval shall be set forth in writing, either on the site plan, in a resolution of the Planning Commission or written approval by the

zoning administrator, in the minutes of a Planning Commission meeting or in an attachment to the site plan.

SECTION 22.10. PERFORMANCE GUARANTEE. The Planning Commission, or the zoning administrator in the case of administrative site plan review, may require reasonable performance guarantees, in accordance with Section 31.07, to assure the completion of required improvements.

SECTION 22.11. EFFECTIVENESS OF SITE PLAN APPROVAL.

- A. Approval of a site plan shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the land use covered by the site plan commences within one year and is diligently pursued thereafter. In the absence thereof, the approval of the final site plan shall be null and void.
- B. The Planning Commission, or the zoning administrator in the case of an administrative site plan review, may authorize one extension of up to one additional year for commencement of construction and diligent progress thereafter. Such extension shall be granted only on the basis of evidence submitted by the applicant that there is a reasonable likelihood of construction commencing and continuing within the period of the proposed extension.
- C. A written request for an extension of up to one year after the original one year time limit shall be submitted by the applicant not later than one year following the date of original approval of the site plan.

SECTION 22.12. MINOR CHANGES IN APPROVED SITE PLANS.

- A. An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved in accordance with this section.
- B. An applicant shall submit an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted, together with any required zoning escrow deposit for reimbursement of Township expenses in the matter.
- C. A minor change in an approved site plan may be approved by the zoning administrator, upon a determination that the proposed minor change will not alter the basic design of the development or any specific terms and conditions imposed in the approval of the site plan.
- D. Only the following changes in a site plan shall be deemed to be 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 being 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 or county, state, or federal agencies 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.
- E. The zoning administrator may refer any proposed minor change to the Planning Commission for review and approval.
- F. If the proposed change in the site plan is not a minor change in accordance with this Section, the change shall be considered only in accordance with the requirements and procedures for the approval of an original site plan, whether under the provisions herein for full site plan review or administrative site plan review.

SECTION 22.13. APPEAL OF SITE PLAN DECISION BY ZONING ADMINISTRATOR.

- A. Any applicant who disagrees with a site plan decision made by the zoning administrator may appeal that decision to the Planning Commission. The appeal shall be in writing and shall be filed with the zoning administrator not later than 14 days after the decision. The appeal shall state specifically the matters being appealed and the factual basis for each. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or other development within the lands included in the approved site plan.

- B. Upon receiving the appeal, the Planning Commission shall include the matter on the agenda of its next convenient meeting. Upon consideration of the appeal, the Planning Commission shall review the record of action taken by the zoning administrator. The party appealing may submit written materials bearing on the appeal. Written material in support of the decision may also be submitted by or on behalf of the zoning administrator.
- C. In considering the appeal, the Planning Commission shall determine whether the record supports the action taken with respect to the matter being appealed. The Commission may affirm the decision being appealed, it may reverse the decision or it may affirm the decision in part and reverse it in part. In making a decision on the appeal, the Commission shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or in a resolution adopted by the Commission.
- D. If the Planning Commission's decision is to reverse or modify the decision of the zoning administrator, the applicant shall prepare a revised site plan, accurately including the changes or other matters resulting from the Planning Commission's decision on the appeal. The revised plan shall be subject to the approval of the zoning administrator, consistent with the terms of the decision on appeal. No permits shall be issued, nor shall work commence, until the revised plan has been approved.

CHAPTER 23

SPECIAL LAND USES

SECTION 23.01. PURPOSE.

- A. Various land uses and activities possess unique characteristics which under certain conditions require special limitations and controls to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities.
- B. Such land uses, if provided for in this Ordinance, are special land uses, subject to review and approval by the Planning Commission after public notice and public hearing. In granting any such approval, the Planning Commission may impose reasonable terms and conditions in order to assure that public services and facilities will be capable of accommodating increased service and facilities requirements, to protect the natural environment and conserve natural resources, and to promote the use of land in a socially and economically desirable manner.
- C. Only the special land uses specifically stated in this Ordinance are eligible for consideration and approval. This chapter includes provisions for applications for special land uses; required procedures; standards for approval of special land uses; and particular standards and requirements for specific special land uses which are available if included in the zone district chapters or in other provisions of this Ordinance.

SECTION 23.02. APPLICATIONS FOR SPECIAL LAND USES. An applicant for a special land use shall proceed as follows:

- A. An application, on a form provided by the Township, shall be completed by the applicant and submitted to the zoning administrator.
- B. The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall also deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township's zoning escrow account procedures.
- C. A site plan and the required number of copies covering the special land use shall be submitted with the application. The site plan shall comply with all of the required contents of a site plan as stated in Section 22.06.A of this Ordinance, except items waived under Section 22.06.B.

SECTION 23.03. PROCEDURES FOR CONSIDERATION AND APPROVAL OF SPECIAL LAND USES.

- A. When an application and site plan are received for an available special land use, the zoning administrator shall determine whether the application and the site plan are complete. If either is incomplete, the administrator shall return both to the applicant for correction or completion. Complete applications and site plans shall be forwarded by the zoning administrator to the Planning Commission, for public hearing.
- B. Notice of a Planning Commission public hearing on a proposed special land use shall be published and mailed in accordance with Chapter 32 of this Ordinance.
- C. A special land use shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for the special land use.
- D. In considering a special land use, the Planning Commission may require the submission of additional reports, studies or information, including an environmental impact assessment, traffic impact study, storm water drainage plan and other plans or studies, bearing upon the operation and effects of the special land use.
- E. In its review of the application and the site plan, the Planning Commission may submit the same for review and comment by the Township's professional consultants.
- F. Following the public hearing, the Planning Commission shall approve the special land use, deny the use or approve the use with conditions; subject to subsection G of this section. If the special land use is denied, the Planning Commission shall specify the grounds for denial in a resolution or in the minutes of the public hearing.
- G. In the case of a special land use that is subject to final approval by the Township Board, the Planning Commission shall, after public hearing, make a recommendation to the Board as to whether the special land use shall or shall not be approved or, if approved, upon what terms. Following such recommendation, the application, the site plan, the minutes of the Planning Commission hearing and other relevant information and materials on the matter shall be forwarded to the Township Board for consideration and decision.

SECTION 23.04. STANDARDS FOR APPROVAL OF SPECIAL LAND USES.

The Planning Commission shall approve a special land use only if all of the following standards are satisfied, in addition to any specific requirements stated in this Ordinance for the special land use:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- E. The site plan proposed for the use demonstrates compliance with the special land use specific design standards and all other applicable requirements of this Ordinance.
- F. The special land use must be consistent with the intent and purposes of this Ordinance and the Master Plan.

SECTION 23.05. TERMS AND CONDITIONS OF APPROVAL. In approving a special land use, the Planning Commission may impose terms and conditions in order to achieve the following:

- A. To ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- B. To ensure that the use is compatible with adjacent land uses and activities.
- C. 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. To relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- E. 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.

SECTION 23.06. EFFECTIVENESS OF APPROVAL.

- A. Approval of a special land use shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the special land use commences within such period of one year and is diligently pursued to completion and operation thereafter.
- B. Upon written application by the applicant, the Planning Commission may extend the one-year term of the special land use by an additional period of up to one year upon a finding that there have been no changed relevant conditions in the area or with respect to the use which would require reconsideration of the special land use. An application for an extension of the initial one-year period shall be submitted by the applicant in writing prior to the expiration of the initial one year period; provided, however, that in the case of an untimely application for such an extension, the Planning Commission shall nevertheless have the option to consider, or not consider, the extension, upon a finding that extenuating circumstances or unforeseen events have prompted the untimeliness and, further, that land use conditions in the area of the special land use have not changed to such extent that the use should be reconsidered under the same procedures that applied for original consideration.

SECTION 23.07. AMENDMENT OF SPECIAL LAND USE.

- A. An applicant may apply for an amendment in an approved special land use, by submitting a complete application form, a site plan depicting the special land use and the requested amendment, together with payment of the applicable application fee and zoning escrow deposit.
- B. The procedures whereby the Planning Commission may consider and approve an amendment shall be the same as those specified for original approval of a special land use, including public notice of and public hearing by the Planning Commission.
- C. In considering any such amendment, the Planning Commission may review the existing special land use, and all operational and other aspects thereof, in order to determine whether the special land use, as amended, may properly be approved. In approving a proposed amendment, the Planning Commission may include terms and conditions.

SECTION 23.08. VIOLATION OF SPECIAL LAND USE REQUIREMENTS; ENFORCEMENT.

- A. A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for the violation of the Ordinance shall apply; the Township shall also have such other enforcement remedies permitted by law.

- B. The Township may also take such other lawful action as may be necessary to prevent or moderate the violation, including revocation of all or part of the special land use. A decision to revoke a special land use or any part thereof shall be made by the Planning Commission at a public meeting. Prior to any Planning Commission consideration and decision as to revocation, the zoning administrator shall notify the applicant of the violation in writing and that unless corrected, the special land use or a stated component thereof shall be subject to revocation. Such notice of violation shall be mailed to the applicant at least 15 days prior to any consideration of revocation by the Planning Commission.

SECTION 23.09. STANDARDS AND REQUIREMENTS FOR PARTICULAR SPECIAL LAND USES. The following sections of this chapter include standards and requirements for specific special land uses which must be satisfied in addition to compliance with the general special land use standards stated in Section 23.04.

SECTION 23.10. ADULT FOSTER CARE SMALL GROUP HOME.

- A. An adult foster care small group home is a State-licensed foster care facility for the supervision and care of not more than 12 adults.
- B. The small group home shall be State-licensed under the terms of the Adult Foster Care Facility Licensing Act. The owner and operator of the small group home shall comply with all applicable provisions of the Act.
- C. The small group home shall not include, or be State-licensed for, the residence, care or treatment of persons who have been released from a correctional institution or who are serving a term of probation after being convicted of the commission of a crime involving violence, illegal sale or use of a controlled substance or criminal sexual conduct.
- D. The small group home shall not be located within a 1,500 foot radius of any other adult foster care home or any adult day care facility, measured from property lines, except that this provision shall not apply to another adult foster care small group home that has been approved as a special land use under the terms of this section.
- E. The small group home shall not commence operation until proof of the issuance of the applicable State license has been submitted to the zoning administrator.
- F. Residential services, supervision, care and other services permitted under the terms of the State license shall be provided only to the residents of the small group home.
- G. Operating hours shall be between 6 a.m. to 10 p.m. daily, unless otherwise approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area.

- H. Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
- I. The facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- J. All refuse collection facilities shall be screened from view by adequate fencing.

SECTION 23.11. AIRFIELDS AND LANDING STRIPS.

- A. The creation of additional private airfields accommodating more than two airplanes on a more or less permanent basis is hereby deemed to be contrary to the sound development of the Township and the safety of its residents.
- B. Existing private airfields may expand on the same property, provided the Planning Commission finds that such expansion will not adversely affect existing or future development of the area.
- C. Private airfields or landing strips accessory to a permitted agricultural use on the same property are permitted if the Planning Commission finds that:
 - 1. Such use will not adversely affect existing or future development of the district.
 - 2. The takeoff and landing pattern within 1,000 feet of the end of the runway does not pass over an occupied structure.
 - 3. Not more than two airplanes, one of which is owned by the owner of the premises, use the landing strip.
 - 4. The landing strip is at least 200 feet from any property line.
 - 5. The safety of the citizens of the Township is not adversely affected.
 - 6. The owner agrees in writing to move, relocate or abandon the landing strip if any of the above provisions cannot be met in the future.
 - 7. The landing strip conforms to all Federal Aviation Administration rules and regulations.

SECTION 23.12. BED AND BREAKFAST ESTABLISHMENT.

- A. A bed and breakfast establishment shall be located only in a detached single-family dwelling, which has at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.

- B. The bed and breakfast shall be the principal residence of the owner, who shall reside there when the bed and breakfast is in operation. If the owner is not in residence in the dwelling unit for 14 consecutive days or more, the bed and breakfast shall be closed until the owner returns.
- C. The bed and breakfast shall have no more than five guest rooms plus a common area for use by all guests.
- D. One sign, not exceeding four square feet, shall be allowed for identification purposes only. Sign lighting shall be indirect and shielded from view off site. Internally lighted signs are not permitted.
- E. Meals may be served only to the operator's family and overnight guests of the establishment.
- F. Cooking facilities in bed and breakfast guest rooms are prohibited.
- G. Off-street parking shall be provided in addition to that required for single family dwellings at the rate of one vehicle parking space per sleeping room, and shall be located so as to minimize negative impacts on adjacent and nearby lands.
- H. Exterior refuse storage facilities shall be screened from view on all sides by a six-foot solid decorative fence or wall, or by other screening approved by the Planning Commission.
- I. The maximum stay for any guest of a bed and breakfast shall be ten consecutive days, not to exceed a total of 30 days in any twelve-month period. A guest register accurately showing the names of the guests and the dates and duration of their stays shall be maintained by the owner and made available to the Township for inspection upon request.
- J. Bed and breakfast establishments shall be located only in buildings that are used and have been used as detached single-family dwellings. No dwelling or other building shall be constructed or enlarged for the purpose of having or operating a bed and breakfast establishment. A building shall have been in use as a detached single-family dwelling for at least five years prior to the issuance of any special land use for the operation of a bed and breakfast establishment within the building.
- K. In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall also be submitted with the special land use application.

SECTION 23.13. CHILD CARE CENTERS.

- A. A child care center shall be State-licensed under the terms of the Child Care Organizations Act, Act 116 of 1973, as amended. The owner and operator of the child care center shall comply with all applicable provisions of the Act.
- B. In accordance with its State license, a child care center shall receive one or more preschool or school-aged children for care for periods of less than 24 hours a day.
- C. Operating hours shall be between 6 a.m. to 10 p.m. daily, unless otherwise approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area.
- D. Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
- E. The facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- F. In its approval of the child care center, the Planning Commission may require the establishment and use of an outdoor play area of at least a specified size. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height. If it is located adjacent to a residential use, it shall be screened by vegetation having a height when planted of at least five feet.
- G. All refuse collection facilities shall be screened from view by adequate fencing.

SECTION 23.14. CHILD DAY CARE HOME.

- A. A child day care home is also known as a group child care home under the terms of the Child Care Organizations Act, Act 116 of 1973, as amended. The day care home shall be State-licensed under the terms of the Act. The owner and operator of the day care home shall comply with all applicable provisions of the Act.
- B. Under the terms of its State license, the child day care home may provide care and supervision for more than six but not more than 12 minor children for periods of less than 24 hours a day, except children related to an adult member of the family living in the home. A child day care home shall be located only in a private single-family detached dwelling.
- C. Operating hours shall be between 6 a.m. to 10 p.m. daily, unless otherwise approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area.

- D. Parking shall conform to the parking regulations applicable in the district in which the facility is located.
- E. The facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- F. In its approval of the child day care home, the Planning Commission may require the establishment and use of an outdoor play area of at least a specified size. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height. If it is located adjacent to a residential use, it shall be screened by vegetation having a height when planted of at least five feet.
- G. All refuse collection facilities shall be screened from view by adequate fencing.

SECTION 23.15. CHURCH OR OTHER PLACE OF WORSHIP.

- A. A church or other place of worship shall be located on a lot of at least three acres in area.
- B. In considering the proposed special land use, the Planning Commission shall consider the size, setbacks and other characteristics of the church building; the amount of off-street parking to be provided; any potential traffic congestion that may result from the church use; and any adverse effects of the church and its use on adjacent properties and the surrounding area.
- C. Safe, convenient and paved access drives and vehicle circulation lanes within the site shall be provided.
- D. If located in a residential district, the principal building shall be set back at least 100 feet from the street right-of-way line, or the building shall have such lesser setback as may be permitted in the terms of the special land use. If the use is located in a non-residential district, the applicable minimum required principal building setbacks of the district shall apply.
- E. A spire or steeple may exceed the building height limitation that would otherwise apply, if permitted in the terms of the special land use.
- F. Parking lots shall be reasonably screened if located adjacent to residential lands.
- G. Playgrounds, athletic grounds or similar recreational areas may be permitted on the site, if approved within the terms of the special land use.
- H. A child care center may be operated in the church building or other permitted principal building, if approved as a part of the special land use, subject to compliance with the following requirements:

1. Appropriate fencing, child drop-off and pick-up areas, outdoor play areas, and other design elements and operational characteristics for the safety of the children attending the facility shall be provided.
2. If the child care center is required to be State-licensed, the applicant shall obtain and comply with the applicable license, and a copy thereof and of any renewal shall be promptly furnished to the zoning administrator. If the facility is required to be State-licensed under the terms of the Child Care Organizations Act, it shall also comply with the requirements for the child care center special land use stated in Section 23.14 of this chapter.

SECTION 23.16. COMMERCIAL COMPOSTING OPERATIONS.

A. Nature of Composting Materials.

1. The operation shall not involve the processing, storage or on-site handling of general household refuse material and shall be limited to the processing of source separated yard waste and agricultural by-products, including but not limited to the following: leaves, grass clippings, brush, garden waste, tree trimmings, plant prunings, and similar woody waste or other vegetative by-products.
2. The on-site processing of mixed refuse consisting of paper, textiles, and other organic material classified as mixed municipal solid waste shall be permitted only if the site in question has been identified and included in the Kent County Solid Waste Management Plan. Prior to the commencement of operations involving mixed municipal solid waste, the facility shall be approved and licensed by the State of Michigan as a Solid Waste Processing Facility as defined by Public Act 641 of 1978, as amended.

B. Site Development Requirements.

1. To ensure maximum flexibility for operating areas, material isolation, and buffering, the site shall consist of a minimum 20 acres.
2. The site shall have direct access to a paved county primary road or state highway and all access shall be limited to that road.
3. All windrows, material screening areas and material staging areas used to temporarily stockpile material prior to placement in windrows shall be located a minimum of 150 feet from property lines and a minimum of 1,000 feet from any residential dwelling or any residential lot within a platted subdivision or site condominium.

4. Material handling, staging and processing areas shall be located in consideration of prevailing winds and situated to provide maximum isolation and screening from adjacent properties.
5. Appropriate site grading and drainage shall be provided. Material stockpiling and processing areas shall be a minimum of 200 feet from wetlands, floodplains, or established surface waters. Grading plans shall illustrate measures proposed to prevent ponding of surface water and leachate runoff.
6. No operations shall be established on property where the prevailing water table is less than six feet below the natural grade. Soil borings shall be taken from throughout the property to determine the depth to water table.
7. All primary access drives shall be paved. Internal service drives shall be graveled to reduce dust conditions.

C. **Additional Considerations.** In addition to the site plan required by Chapter 22, a proposed operation and management plan shall be submitted containing the following information.

1. Type of organic material to be composted and otherwise processed on the site.
2. Hours of operation and access by the public, if any.
3. Types of equipment to be utilized on site.
4. Size of windrows and rates of turning.
5. Source of water and method of irrigation.
6. Security measures such as gates and fences.
7. Operation and management techniques to be used to minimize odors.
8. Landscaping and buffering plans.
9. Measures to be taken in handling sorted material such as plastic bags and other non-compostable material.
10. On-site associated accessory activities.
11. Prior to final approval, the applicant shall demonstrate that all appropriate county and state agency permits have been obtained.

SECTION 23.17. COMMERCIAL KENNELS AND STABLES.

- A. The minimum lot area for a commercial kennel is two acres, plus an additional one-third of an acre for each animal in excess of six.
- B. The minimum lot area for a commercial stable is ten acres, not including areas devoted to living quarters or other uses not incidental to the stable.
- C. Buildings for the housing of animals shall not be located within 300 feet of any property line or street right-of-way.
- D. Areas for riding trails or riding purposes shall be located on the same premises, unless the owner has written permission to use adjacent lands for said purpose. Access to riding areas shall not necessitate the riding or leading of animals upon or across a public road.
- E. The premises shall include storage adequate for the disposal of manure and refuse, have proper insect control methods and be suitably fenced.

SECTION 23.18. COMMERCIAL ACCESSORY WATERFRONT USES.

- A. Commercial accessory waterfront uses are limited to the keeping, rental, launching and use of non-motorized recreational watercraft and other recreational buoyant devices (except rafts), but only insofar as such use is accessory to a permitted principal commercial use located on a property fronting on a lake in the B-1 and B-2 Districts.
- B. The non-motorized recreational watercraft and other recreational buoyant devices that may be kept, launched, rented and used in the special land use are kayaks, canoes, rowboats, sailboats, paddleboats, paddleboards, wind surfboards and similar non-motorized watercraft and other non-motorized buoyant devices (except rafts) whereby persons may travel or float for recreational purposes on a lake.
- C. The maximum number of non-motorized kayaks, canoes, rowboats, sailboats and paddleboats that shall be docked or moored on or launched from a lakefront property shall not exceed six of such vessels, in any combination, in accordance with Section 4.03 of Township Ordinance No. 2017-2, the Township Boat Launching and Docking Regulation Ordinance (the “Boat Launching and Docking Ordinance”).
- D. The maximum number of paddleboards, wind surfboards and similar flat buoyant devices (except rafts) that may be kept, launched, rented and used on or from a lakefront property shall be as determined in the approval of the special land use.
- E. The placement and use of a raft as an accessory use to a permitted principal commercial use shall not be subject to the special land use, but shall be regulated

exclusively by Section 4.16 and other applicable provisions of the Boat Launching and Docking Ordinance. A raft shall be as defined in Section 3.01(i) of the Boat Launching and Docking Ordinance.

- F. The special land use shall be approved only in accordance with the special land use standards of Section 23.05 and upon findings based on the following:
 - 1. Whether the proposed use would contribute to significant overcrowding of the lake.
 - 2. Whether the proposed use would create a nuisance or impair the condition or quality of the lake as a natural resource available for reasonable recreational use.
 - 3. Whether the proposed use would otherwise result in or substantially contribute to adverse or unsafe conditions in or on the lake or adjacent lands.

- G. The terms of the special land use shall not be inconsistent with applicable provisions of the Boat Launching and Docking Ordinance, to the extent that such ordinance may regulate the commercial accessory use of the non-motorized watercraft and other buoyant devices as described in this section, on and from waterfront lands in the B-1 and B-2 Districts.

SECTION 23.19. CONTRACTOR YARD.

- A. Adequate, safe and convenient driveways for the ingress and egress of construction equipment and other contractor equipment shall be provided.
- B. The contractor yard shall have such area and such minimum frontage on a public street as is specified in the special land use.
- C. All storage areas shall comply with the same setback requirements that are applicable to principal buildings and structures in the zone district.
- D. Outdoor parking and storage of vehicles and equipment shall be set back at least 200 feet from any residential zone or residential use; provided, however, that the Planning Commission may reduce such setback if the Commission determines that the parking area will be adequately screened from residential lands with a solid fence or equivalent landscaped screening.
- E. Adequate landscaping, buffering or other design features shall be provided to ensure that the use is reasonably compatible with adjacent and nearby land uses.
- F. In its approval of the special land use, the Planning Commission may determine the maximum height of construction equipment being stored out of doors, such as excavation equipment, cranes and the like.

- G. The Planning Commission may include conditions for the purpose of avoiding adverse effects on other lands, such as fencing of the entire contractor yard; measures for control of noise, dust and the like and similar protective provisions.

SECTION 23.20. DRIVE-THROUGH FACILITIES ACCESSORY TO A PERMITTED USE.

- A. This special land use includes drive-through facilities for permitted banks, credit unions, pharmacies, drycleaners and other retail-related drive-through facilities, but it does not include drive-through facilities at restaurants, which are addressed elsewhere in this chapter.
- B. In considering the special land use, the Planning Commission shall consider the following, among other factors: the proposed location for the drive-in portion of the use; the size, setbacks and other features of the building in which the drive-through facility would be located; the proximity of the drive-through facility and the applicable driving lane to adjacent lands and uses; and the off-street parking spaces and areas provided for the business which includes the drive-through facility.
- C. The entrance to and exit from the drive-through facility shall be located so as to avoid potential traffic congestion or hazards resulting from the entrance and exit of motor vehicles to and from the facility.
- D. There shall be adequate stacking space for vehicles on the site, to avoid motor vehicles being lined up to an extent that will interfere with other traffic circulation on the site or which may result in infringement of entry or exit driveways.

SECTION 23.21. ESSENTIAL PUBLIC SERVICE BUILDINGS.

- A. The materials, color and design of buildings shall be generally compatible with the surrounding neighborhood.
- B. Buildings and structures shall comply with the setback requirements of the district for principal buildings.
- C. Fencing or screening may be required in order to minimize the visual impact of the facility or improve its compatibility with adjoining properties.

SECTION 23.22. FARM MARKETS EXCEEDING 800 SQUARE FEET.

- A. Adequate off-street parking shall be maintained in a dust-free condition.
- B. The building in which the operation is conducted shall be located not less than 100 feet from any dwelling on a neighboring property.

- C. The minimum setback for all uses and structures associated with the operation shall be in accordance with minimum setbacks for the district.
- D. All structures which are temporary in nature shall be removed when the operation is not active.
- E. No building or display area shall extend into any required yard or required parking or maneuvering areas for vehicles.
- F. The special land use shall include terms and conditions on the operations of the farm market.
- G. Any merchandise offered for sale in addition to agricultural produce shall be limited to items that are accessory to or reasonably related to the produce being offered for sale.

SECTION 23.23. HOTEL AND MOTEL.

- A. In considering the special land use, the Planning Commission shall determine minimum lot area, minimum lot width and minimum building setbacks for the use.
- B. The hotel or motel shall be located on and shall have direct access from a major street.
- C. Driveways and parking areas shall have sufficient space to accommodate vehicles of patrons waiting to check into the hotel or motel or waiting to depart therefrom.
- D. There shall be sufficient landscaping, buffering and isolation area from other lands, to avoid adverse impacts by reason of view, traffic noise or other adverse effects.
- E. Driveways and parking areas for delivery and service vehicles may be required to be separated from driveways and parking areas used by the public.
- F. In approving the special land use, the Planning Commission shall determine other required aspects of the use, including public water and sanitary sewer service, storm water drainage measures, landscaping, signage and other aspects of the use.

SECTION 23.24. MINI-WAREHOUSE AND SELF-STORAGE FACILITY.

- A. Only storage uses shall be permitted, except for sales of products and supplies incidental to the principal use, such as packing materials, labels, rope, locks, tape or similar items.
- B. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the Fire Protection Code, or toxic materials, is prohibited.

- C. Site access shall be directly from a paved public street.
- D. Individual businesses other than the storage use itself are prohibited.
- E. The minimum separation between self-storage buildings shall be 24 feet.
- F. Internal drive aisles shall be at least 24 feet wide and shall be clearly marked to indicate the direction of traffic flow.
- G. Adequate parking spaces and loading and unloading spaces shall be provided.
- H. Storage buildings shall not exceed one story in height. The Planning Commission may limit the floor area of an individual storage building.
- I. All goods and items shall be stored only in an enclosed building.
- J. Storage-unit doors shall not face a public street right-of-way.
- K. In approving the special land use, the Planning Commission may include terms and conditions for the purpose of avoiding adverse effects of the use on adjacent or nearby lands.

SECTION 23.25. MOTOR VEHICLE REPAIR, MAJOR.

- A. The site shall be a sufficient area to provide space for the parking of vehicles at the repair shop, including vehicles being repaired, those being parked for repair at a future time and the temporary parking of vehicles for service or departure from the site.
- B. Driveways, service areas and off-street parking areas shall be paved. They shall be graded and drained so as to properly dispose of all accumulated surface water.
- C. The number of driveways and the location and width thereof shall be subject to Planning Commission approval.
- D. The setbacks of buildings, internal driveways and other features shall be as determined by the Planning Commission.
- E. All motor vehicle repair and related services shall be conducted only in a fully enclosed building, except for necessary parking of vehicles out of doors when repair activities are not occurring.

SECTION 23.26. MOTOR VEHICLE SERVICE STATION.

- A. In approving the special land use, the Planning Commission shall determine minimum lot area, minimum lot width and minimum street frontage.

- B. The Planning Commission shall determine the location and number of driveways for the use, and the width thereof.
- C. All fueling pumps shall be at least 30 feet from any lot line or street right-of-way and shall be arranged to prevent motor vehicles waiting to be serviced from encroaching on a sidewalk, street, intersection or other right-of-way.
- D. Minor vehicle repair work may be permitted, if conducted inside a fully enclosed building, except for incidental services, such as adding of motor oil, windshield wiper fluid and other fluids or minor additions or adjustments.
- E. All areas designed for vehicles shall be paved.
- F. If the use adjoins a residentially zoned property, the Planning Commission may require a six-foot-high solid wall or fence, or substantial landscaped screening, along the shared property line.
- G. All outside storage areas for trash, auto parts and similar items shall be located in the rear yard and shall be fully enclosed.
- H. Accessory retail uses in the service station building may be permitted in accordance with conditions included in the special land use. Adequate off-street parking for customers of any such accessory retail uses shall be provided.

SECTION 23.27. MOTOR VEHICLE WASH FACILITY.

- A. All washing activities must be carried on within a building, except for outdoor temporary drying of vehicles.
- B. Vacuums shall be at least 100 feet from any building on an adjoining property.
- C. The entrances and exits of the vehicle wash building and areas provided for the outdoor drying of vehicles shall be arranged to prevent queued or parked motor vehicles from encroaching on a sidewalk, street, intersection or other right-of-way.
- D. Adequate vehicle stacking spaces shall be provided for each self-serve wash stall and for each automatic wash lane.
- E. All off-street parking areas and maneuvering lanes shall be adequately drained to prevent water from flowing onto adjacent property or street rights-of-way.

SECTION 23.28. NON-COMMERCIAL PARKS AND PLAYGROUNDS.

- A. In approving the special land use, the Planning Commission shall determine minimum parcel area, minimum parcel width, minimum street frontage and minimum setbacks for buildings, playgrounds and other elements of the use.

- B. Access driveways shall be a sufficient distance away from intersecting streets so as to avoid adverse traffic conditions.
- C. There shall be adequate and convenient water supply and sanitary sewage disposal for the use.
- D. Those portions of the use which may involve public assembly, or which may have other characteristics which may result in noise or other adverse impacts shall be located a sufficient distance away from other lands, or shall be adequately shielded and buffered, to avoid the transmission of noise or other adverse impacts onto other lands.
- E. Adequate off-street vehicle parking area shall be provided. The minimum provisions for all off-street parking areas shall be determined by the Planning Commission in its approval of the special land use.
- F. Any accessory commercial uses shall be limited to those necessary to serve only the persons making use of the park, playground or similar facility.
- G. All sanitary facilities shall be designed and constructed in compliance with Kent County Health Department regulations.
- H. Adequate trash receptacles shall be provided throughout the site.
- I. Operating hours shall be as determined by the Planning Commission, based on the nature of the use and the potential for the use to result in adverse effects on adjacent lands and uses.

SECTION 23.29. NURSING HOMES; HOMES FOR THE ELDERLY AND RETIRED.

- A. The minimum lot area shall be as determined by the Planning Commission, but in any case, it shall not be less than two acres.
- B. The Planning Commission shall determine minimum lot width, minimum street frontage and the number, location and width of access driveways.
- C. The minimum number of off-street parking spaces shall be as specified in Chapter 27.
- D. No part of any building may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public's interest.

- E. Each building must provide the equivalent of 250 square feet of floor area for each tenant or occupant, exclusive of basement or attic space, whether or not such spaces are in a finished condition.
- F. If the use is required to be State-licensed, any such license shall be maintained in full force and effect and all of its terms and conditions shall be fully complied with; a copy of the license and each instrument of renewal thereof shall be promptly furnished to the Township zoning office.
- G. All refuse collection facilities shall be screened from view by adequate fencing.

SECTION 23.30. OPEN AIR BUSINESS.

- 1. The sale or outdoor display of merchandise shall not be permitted within the required setback areas.
- 2. The Planning Commission may require a fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- 3. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- 4. All lighting shall be shielded from adjacent residential areas.
- 5. For a plant materials nursery the storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- 6. For new and used car sales and rentals, vehicle display or storage shall not be carried out in areas required for visitor, employee or service parking.

SECTION 23.31. OUTDOOR PUBLIC CONCERTS; EVENTS WITHIN PUBLICLY-OWNED OR PRIVATELY-OWNED OUTDOOR RECREATION USES.

- A. All concerts and events shall conform to the Cannon Township Outdoor Assembly Ordinance.
- B. A special use request shall be subject to approval by the Township Board, after recommendation by the Planning Commission. In its approval of the special land use, the Township Board may depart from the Planning Commission recommendation. In any approval of the special land use, the Township Board may include other or additional terms and conditions applicable to the use.

- C. The special use approval shall be reviewed annually; provided the Township Board may, at its discretion, extend the review period to multiple years. The review shall be conducted in the same manner as the original special use approval; provided a public hearing shall not be required. The review shall evaluate compliance with the general special use standards, all applicable requirements specific to the use, prior conditions of approval and any associated impacts such as, but not limited to, traffic congestion, noise, litter and citizen complaints. If the Township Board finds that the use has failed to comply with the applicable standards, requirements and conditions, it may revoke the special use approval.
- D. Once a special use has been approved, the Township Board may delegate authority to approve some or all individual concerts or events, in accordance with the licensing provisions of the Cannon Township Outdoor Assembly Ordinance. If desired, the approval of any concert or event may be conditioned upon the subsequent submission of an additional or revised site plan or other specific information by the applicant at a later time. If additional plans and/or information are required, the special land use shall specify which body, bodies or individual will be responsible for review and approval of that material.
- E. In addition to the information required by the Cannon Township Outdoor Assembly Ordinance, a parking and traffic control plan shall be submitted with each special use application and, if required, shall be provided for individual concerts or events. At a minimum, the parking and traffic control plan shall contain:
1. A drawing of the site and surrounding area that shows:
 - a. All roads abutting the subject site.
 - b. All points of ingress/egress.
 - c. Points of secondary access, if applicable, for emergency vehicles.
 - d. Parking areas and the vehicle parking capacity of each area.
 - e. Traffic flow patterns to and from parking areas.
 2. A narrative and/or graphic that specifies:
 - a. Average daily and peak hour traffic volumes on all roads abutting the subject site for the day(s) on which the concert or event will be held.
 - b. Current daily and peak hour capacity of all abutting roads and level of service.

- c. Expected peak hour(s) for traffic movement into and out of the site.
- d. Projected attendance (daily and peak hour) at the concert or event.
- e. Projected traffic (daily and peak hour) for ingress and egress at each driveway/entry point.
- f. Traffic control devices, temporary signage and dust control measures that will be employed.
- g. Number of personnel to be used to direct and control traffic, provide security and facilitate vehicle parking; and the times when such personnel will be used.
- h. An evacuation plan in the event of an emergency.

SECTION 23.32. OUTDOOR RECREATION USES.

- A. Such uses may include a golf course, country club, ski area and other outdoor recreation use.
- B. The use shall have direct access to a paved public street.
- C. No clubhouse, restaurant or similar building shall be located within 200 feet of the front property line or 400 feet of the side or rear property lines.
- D. Restaurants, including restaurants serving alcoholic beverages, and retail sales and repair of equipment of a type used for activities at the facility may be permitted as additional special land uses, in accordance with the general standards for special land uses.
- E. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and trespassing onto neighboring properties. The Planning Commission may require fencing to prevent trespassing onto neighboring properties.
- F. Lighting shall be no brighter than necessary to provide for safe use of the recreational facility, and shall be directed away from adjoining properties and public rights-of-way. The Planning Commission may, as a condition of special land use approval, require the reduction or extinguishment of lighting during periods when the area is not being used for its intended purpose.

SECTION 23.33. OUTDOOR STORAGE ACCESSORY TO AN INDUSTRIAL USE.

- A. Such outdoor storage shall be permitted only in the I Industrial District.

- B. All materials, motor vehicles, equipment and other goods and items stored outside of an enclosed building shall be effectively screened from view by a fence, wall, landscaping or a combination thereof.
- C. The location of such outdoor storage on the site of the use permitted in the I District shall be as determined by the Planning Commission, including the setbacks thereof from property lines.

SECTION 23.34. RESTAURANTS SERVING ALCOHOLIC BEVERAGES.

- A. The primary business activity of the restaurant or cafe shall be the serving of meals.
- B. The sale and consumption of beer, wine and alcohol shall be only an incidental and subordinate business activity of the restaurant or cafe.
- C. The sale and consumption of alcoholic beverages at the restaurant shall be State-licensed; a copy of the license and any instrument of renewal thereof shall be promptly furnished to the Township zoning office.
- D. If a distinct or separate part of the establishment is designated or used primarily for the sale and consumption of beer, wine and/or intoxicating liquors, that part shall not occupy more than one-third of the total floor area of the establishment accessible to customers.
- E. Outdoor seating may be permitted where it is determined that:
 - 1. The location of the outdoor seating area will be appropriately screened, if necessary.
 - 2. Outdoor seating capacity will be included in the computation of required parking.
 - 3. Hours of operation, noise, and/or lighting will not create nuisance effects upon surrounding properties.

SECTION 23.35. RESTAURANTS WITH DRIVE-THROUGH FACILITIES.

- A. The site shall be designed and constructed to provide sufficient vehicle stacking space in the drive-through lanes so no vehicles will extend into any abutting street. In its consideration of the application for special land use, the Planning Commission may consider the appropriate minimum number of stacking spaces for vehicles utilizing the service ordering station. All vehicle stacking space shall be located so as not to interfere with the circulation of other vehicles on the site and shall not block or interfere with the use of designated parking spaces.

- B. In addition to the minimum number of parking spaces otherwise required, the Planning Commission may require up to three additional parking spaces, placed in close proximity to the exit area of the drive-through portion of the restaurant site, for customers waiting for the delivery of orders.
- C. All site access shall be from a county primary road.
- D. Site access and circulation shall be designed to minimize traffic conflicts, congestion and disruption on adjacent streets and nearby driveways.
- E. Any loud speakers shall not face adjoining residentially zoned or used lands, and shall be modulated so that any generated sound is not audible beyond property boundaries.
- F. All outdoor trash receptacles shall be fully enclosed.
- G. Adequate and regular measures to prevent or control wind-blown trash and litter shall be employed, to avoid or prevent adverse effects on adjacent or nearby lands and streets.
- H. All service areas, including loading and unloading areas and drive-through and driving lanes, shall be set back from property lines for such distance as determined by the Planning Commission.

SECTION 23.36. RESTAURANTS WITH OUTDOOR SEATING.

- A. Outdoor seating and dining shall be accessory to a principal restaurant use.
- B. The Planning Commission shall determine the hours of operation of the outdoor dining area.
- C. The Planning Commission shall determine the maximum seating capacity of the outdoor dining area.
- D. There shall be adequate separation between the outdoor dining area and the adjacent or nearby driving lanes or parking areas, by means of adequate distance, curbing, barriers or other measures.
- E. When the outdoor dining area is not in use during inclement weather months, the chairs, tables and other equipment used in the outdoor dining activities shall be stored indoors.
- F. The Planning Commission may regulate outdoor lighting, outdoor amplification of music and other sound, and other aspects of the use which may result in adverse effects on other lands or nearby streets.

SECTION 23.37. RETAIL STORES - 10,000 SQUARE FEET TO 50,000 SQUARE FEET; 50,000 SQUARE FEET AND GREATER.

- A. Retail stores greater than 10,000 square feet but not greater than 50,000 square feet are an available special land use in the B-1 District.
- B. Retail stores exceeding 50,000 square feet are an available special land use in the B-2 District.
- C. The special land use shall comply with the minimum provisions of the zone district in which it is located, except that in approving the special land use, the Planning Commission may impose stricter minimum provisions, in view of the size and scope of the special land use and its expected impact on other lands and adjacent streets.
- D. Adequate off-street parking shall be provided in accordance with the applicable provisions of Chapter 27, or such parking shall be in accordance with other requirements specified in the special land use.
- E. The use shall be located only on a major public street. There shall be safe and convenient motor vehicle access to the site and exit from the site. The Planning Commission shall determine the location, configuration, and width of access driveways.
- F. In approving the special land use, the Planning Commission shall determine all relevant aspects of the use, including additional building setbacks; separation of vehicle traffic from pedestrian areas; water supply and sanitary sewer service; storm water drainage measures; landscaping; signage; screening of the use from residentially zoned or residentially used lands; and other provisions for the purpose of avoiding or moderating adverse impacts resulting from the use.

SECTION 23.38. SALVAGE YARDS.

- A. All vehicles, parts, material and equipment must be stored within enclosed buildings or within an area completely enclosed by a screening fence at least eight feet in height.
- B. The screening fence must be of such design as to completely obstruct vision. No chain link fence, with or without covering, shall be permitted.
- C. The screening fence shall be set back from all property lines in accordance with the minimum yard requirements of the district.
- D. No materials shall be stacked higher than the screen fence.
- E. All materials shall be stockpiled in neat and orderly rows with adequate aisle space provided between rows to accommodate emergency vehicles and equipment.
- F. No storage area shall be located within 500 feet of a residential district or street.

SECTION 23.39. SAND AND GRAVEL REMOVAL OF LESS THAN 5,000 CUBIC YARDS.

- A. The removal or extraction of mineral resources in quantities less than 5,000 cubic yards, or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water is permitted only with the intent and in such manner as to prepare or render the premises suitable for the primary intended uses of the district in which the premises is located or as envisioned in the Township Master Plan.
- B. Mineral removal or extraction activities and other operations covered by the terms of this section shall be permitted only upon compliance with the following provisions:
 - 1. **Exceptions.** The provisions of this section shall not apply to the following:
 - a. Where the removal or extraction of mineral resources is more than 500 feet from any street or property line, occupies not more than two acres in area, does not constitute a weekly average intensity of use of more than five yards of material per day, and creates no area which fills with water other than a watering pond for farms.
 - b. Where only natural resources processing, storage or refining takes place in the I Industrial District.
 - c. The control and regulation of oil or gas wells.
 - 2. **Procedure for Permit:** No zoning permit shall be issued to the owner of any parcel of land or body of water desiring to proceed with any undertaking set forth in this section until application to the Planning Commission for a special use permit has been approved. The application shall include the following information, in lieu of the site plan requirements of Section 17.02.A.1, and applicable fees:
 - a. A fee of \$5.00 for each acre of land affected or from which natural resources are to be removed.
 - b. A map of the parcel to be so changed depicting all buildings, streets, drainage facilities and natural features within 200 feet thereof, which map shall show contour elevation readings at five foot intervals along the perimeter of the subject property or portion involved.
 - c. A two foot interval contour plan of proposed final elevations, the location of proposed temporary structures, drives, parking areas,

loading equipment, drainage facilities and the extent of the operation during the first year.

- d. A written statement describing the equipment to be used and the process involved, estimating the time such removal will require, describing the proposed use of the premises after such removal, and an agreement to conform to the provisions of this section.

3. **Required Conditions.** The following conditions shall be complied with:

- a. Final grades shall be harmonious with surrounding grades and shall not be in excess of 5 percent unless demonstrably necessary for the future intended use of the land. No topsoil shall be removed from the property unless demonstrably necessary for the proper intended use of the property. All remaining topsoil shall be redistributed properly upon termination of the zoning permit. Except as provided in Section 3.c below, no final grades shall create any area which will fill with water after the removal operation. No removal shall be permitted below the grades of the proposed plan unless a cash bond satisfactory to the Township Board, or at its discretion, a surety bond or letter of credit, is posted with the Township to insure that the final grades of the plan will be met by the expiration date of the permit.
- b. No mechanical processing of natural resources shall be permitted in any residential or business district where such operation would be detrimental to an adjacent use of land. Storm water runoff shall be led to existing drainage systems in a manner approved by the Township and the County Drain Commissioner.
- c. The creation or enlargement of a lake shall only be permitted where the applicant demonstrates from engineering and geological studies that such water will not become polluted or stagnant; submits a plan for future use of the lakeshore and lake; and shows that such lake has been approved by the Department of Natural Resources of the State of Michigan and the Kent County Drain Commissioner.
- d. The alteration, straightening, damming, widening or diminution of a waterway or body of water shall be approved by the said department and the drain commissioner.
- e. No removal, storage area, structure, access drive, or loading area shall be closer than 150 feet to a principal structure on adjoining property. All unpaved areas and roadways shall be regularly maintained and kept in a dust free condition.

- f. Truck routing shall be only on streets established by the Planning Commission under such conditions and securities as may be imposed by the Township or the county to protect or repair the roads and to insure the safety of the public.
- g. All structures and stored material equipment shall be removed from the property within six months of the discontinuance of the use for removal or extraction of natural resources. All land shall be graded to final elevations and reseeded so as to avoid erosion following the expiration of activities.
- h. To the extent required by the Planning Commission, areas of steep grades or other areas of hazard shall be enclosed by a chain link fence at least four feet high or other suitable fence, so as to prevent or inhibit persons who may enter the removal area from being in parts of the removal area where there may be hazards.
- i. The Planning Commission shall examine the proposed plans in relation to the Township Master Plan, the effects of such use or change upon the area involved, the effects of proposed ultimate uses on planned and future streets, lots, grades and waterways proposed.

4. **Determination by Planning Commission.** Following public hearing, the Planning Commission shall determine the proper disposition of the application. If approved, the special use permit shall be for a specified duration, not exceeding three years, and may be renewed in accordance with Section 17.07.L.6. In making its determination, the Planning Commission will consider the following standards, in addition to the general standards of Section 17.03:

- a. The proposed mineral removal is intended to prepare the premises for a permitted primary use within a reasonable period of time.
- b. Not create any very serious adverse consequences or serious environmental impact on adjacent or nearby lands or other lands elsewhere in the Township or the area.
 - i. The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall consider the type of resource involved, the market demand and availability of supply, the presence on the site or in its immediate proximity of any significant natural features that would be affected by the proposed removal operation, and other relevant factors and conditions which determine the relative

benefit to the public from the proposed removal operations and activities.

- ii. The Planning Commission shall issue a permit only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic; decreased air quality caused by dust and odors from the operations and truck traffic; diminution of nearby property values; decrease in residential or other development in the area; loss of property tax revenues and other relevant factors may be considered in determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities.

5. **Authorization.** Upon approval of the special use permit, the Planning Commission shall inform the Township Board of its action, of the amount of bond required, and of special conditions imposed. Upon receipt of the cash bond, or in its discretion, upon approval of a corporate surety bond or letter of credit by the Township Board, the Township Board shall direct the zoning administrator to issue any necessary zoning permit and an occupancy permit for a one year period. All approved plans, sureties, recommendations, reports and special conditions shall be filed by the zoning administrator for future reference.
6. **Renewal of Permit.** A special use permit may be renewed for up to three years at a time or for the duration of an accepted surety bond or letter of credit, whichever is lesser, upon a finding by the Planning Commission that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new removal or operational area is to be considered proceedings for such purpose shall be the same as those for an original application.
7. **Revocation of Permit.** The Planning Commission shall revoke a special use permit where operations do not conform to approved plans or special conditions. All operations shall cease following notification by the zoning administrator of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval.

SECTION 23.40. SAND AND GRAVEL REMOVAL OF 5,000 CUBIC YARDS OR MORE.

A. Objectives and Required Approvals.

1. This special land use is for the purpose of authorizing the removal of sand, gravel and other mineral material equaling or exceeding 5,000 cubic yards from specified lands within the Township, and also for the purpose of authorizing resulting land uses, after the completion of planned mineral removal operations, in accordance with an approved site rehabilitation plan. Under the terms of the special land use, mineral removal is required to be accomplished without serious adverse consequences to other lands and other land uses in the vicinity and elsewhere in the Township.
2. This special land use is subject to recommendation by the Planning Commission and subsequent approval by the Township Board. After its public hearing on the special land use, the Planning Commission shall make a recommendation to the Township Board as to whether the special land use shall or shall not be approved or, if approved, whether such approval shall be subject to specified terms and conditions. Following Planning Commission action, the application, the site plan, the minutes of the Planning Commission public hearing and other relevant information and materials shall be forwarded to the Township Board for consideration and decision on the special land use.

B. Qualifying Conditions. Lands proposed for mineral removal shall be located in the R-R District.

C. Permitted Uses. Land, buildings and structures on the site shall be used only for removal of sand, gravel and other mineral resources in accordance with the terms of this section. Any resulting use, following mineral removal activities and operations shall conform to the future land use map designation of the Township Master Plan.

D. Operational Requirements.

1. Operations and activities for mining, extracting, excavating for, processing, removal and transport of mineral materials shall be located only as follows:
 - a. No activity shall be closer than 500 feet from any dwelling located on lands other than lands included in the special land use, unless a closer distance is authorized by the special land use.
 - b. No activity shall be closer than 500 feet from any residential district or R-PUD district; provided, however, that they may be

located up to 100 feet away from any RR District boundary and 300 feet from any existing dwelling in the RR District.

- c. No activity shall be closer than 200 feet from the right-of-way of Belding Road, Cannonsburg Road or any other county primary road within the Township.
 - d. The special land use may include a modification or waiver of a perimeter setback requirement, if the adjacent property is owned by the owner or operator of the subject lands.
 - e. There shall not be more than one entrance to and exit from the site of removal operations, from and to a public street, unless additional entrances or exits are approved as a part of the special land use. Any entrance and exit shall also be subject to the approval of the Kent County Road Commission. The locations of entrances and exits shall, if reasonably feasible, be placed so that the travel of mineral transport vehicles over primarily residential streets shall be avoided.
 - f. Not more than 21 acres of land shall be authorized for removal operations or activities at any one time. Of this number or some lesser number of acres, not more than one-third shall at any one time be used for site preparation; not more than one-third shall at any one time be used for removal of mineral material; and not more than one-third shall at any one time be used for site reclamation, in accordance with an approved site rehabilitation plan.
2. There shall be an inspection by the Township zoning administrator or designee of each completed phase, so as to verify compliance with the terms of this chapter.
 3. Upon the completion of each phase, the applicant shall notify the Township that the phase is ready for inspection, and the Township shall make the inspection within a reasonable time. Until such inspection is made, and until approval of the completed phase has been given by the Township, the applicant shall not commence work on any subsequent phase.
 4. Any work or other action undertaken by the applicant in or with respect to a subsequent phase, before the Township inspection and approval of the previous phase, shall be a violation of the special land use and a violation of the Zoning Ordinance.

5. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
 - a. Topsoil shall be replaced on the site to a depth of not less than six inches, except where the resulting uses do not involve the growing of vegetation. Slopes shall be graded and stabilized to accommodate the proposed use. The plan shall indicate the sequence and phasing of operations.
 - b. Final grades shall have a slope not exceeding 1:3 at the conclusion of each individual phase of mineral removal.
 - c. Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to avoid adverse effects on adjacent or nearby lands as a result of storm water runoff, erosion or other damage to the lands. The applicant shall apply for any required storm water permit under any Township Storm Water Ordinance provisions, and the site rehabilitation plan shall comply with any Township Storm Water Ordinance provisions.
6. Grasses, shrubs, trees and other vegetation shall be planted on the site to maximize erosion protection, enhance the natural beauty of the site, and screen the view from other lands.
7. Landscaping and, where appropriate, earthen berms shall be used to screen special land use activities from view from other lands and to moderate noise levels from operation of equipment and vehicles.
8. Trees and shrubbery shall be of sufficient height and spacing when to effectively screen the view from adjacent lands and to moderate noise levels from operations. Dead or diseased trees and other vegetation shall be promptly removed and replaced, to assure the continuance and effectiveness of any landscaped screening.
9. The site rehabilitation plan shall not provide for the storage or dumping of stumps, concrete, asphalt, discarded materials or any other materials, objects or debris not associated with the mineral removal operations. Further, no storage or dumping of these materials shall occur at any other time during operations, unless authorized in the special land use permit or the plan.

E. Additional Review Standards.

1. The end uses shall conform to the uses designated by the Township Master Plan. The special land use shall require compliance with the requirements

of the zoning district having the greatest similarity to the Master Plan designation.

2. The Planning Commission, in considering whether any very serious adverse consequences or serious environmental impact would result, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.
3. The special land use shall be approved only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic; decreased air quality caused by dust and odors from the operations and truck traffic; diminution of nearby property values; and decrease in residential or other development in the area.
4. The approval of the special land use shall include provisions requiring compliance with specified conditions relating to mineral removal activities and operations. Such conditions shall include the following:
 - a. Mineral removal operations shall be approved for a duration of not more than three years, unless the Planning Commission recommends and the Township Board determines that there are unusual circumstances which justify a removal period of greater duration.
 - b. Upon or prior to the expiration of the special land use, the Planning Commission may recommend and the Township Board may approve the renewal of the use for a successive period of not more than three years duration, unless the Planning Commission recommends and the Township Board determines that there are unusual circumstances which justify a use renewal period of greater duration.
 - c. In considering whether the special land use shall be renewed, the Planning Commission may, but need not, convene a public hearing. The public notice for any such hearing shall be the same as otherwise required for the original granting of the special land use.
 - d. Mineral removal, processing and transport operations and activities shall not commence earlier than 7:00 a.m. and shall not continue after 6:00 p.m., Monday through Friday only, except that there

may be minor equipment maintenance work at the site on Saturdays from 9:00 a.m. to not later than 3:00 p.m. Minor equipment maintenance shall be limited to maintenance work that does not generate noise which carries beyond the mineral removal lands; and provided that the special land use may include additional limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands.

- e. Processing equipment which emits noise louder than 80 decibels, measured at a distance of 50 feet from said equipment when operating, shall not be located closer than one-quarter mile from the nearest occupied dwelling, unless the special land use authorizes other noise emission requirements. In addition, the special land use may require that particular vehicles and/or processing and removal equipment shall be utilized only at certain locations or within certain areas of the site, so as to avoid adverse impacts on adjacent or nearby lands.
- f. Access to and from a mineral removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site, shall be only by means of those streets designated on the approved mineral removal plan or by other routes, as may be specified as a part of the operating conditions included in the special land use.
- g. During activities and operations for the removal of mineral material, no mineral material or other excavated material, shall be left during weekends or overnight in a condition or manner that constitutes a danger to persons who may enter the removal area.
- h. After operations each day, all banks of excavated material shall be graded to slopes not steeper than one foot of elevation for each two feet of horizontal distance; or a substantial fence, at least four feet in height, shall be erected to fully enclose all the areas of steep slopes, so the slopes cannot be inadvertently approached by persons who may enter the removal area. The special land use may include other measures deemed sufficient to protect persons from harm within the removal area during times when operations are not occurring.
- i. All entrance and exit roads and other routes into or from the site shall be securely gated. Gates shall extend across the entire width of any entrance or exit road or route, and shall be locked securely when operations are not occurring. These gates shall be located to

prevent unauthorized vehicles from entering the mineral removal lands.

- j. Entrance and exit roads shall be configured to provide adequate and safe distances for stacking trucks within the lands, to avoid the parking or backing up onto the adjacent streets of trucks waiting to be loaded, to enter the property, or otherwise. The special land use may require paving of entrance and exit roads within the site, for a distance sufficient for adequate handling of removal vehicles, the reduction in accumulation of dust and dirt, and for other purposes.
 - k. Measures to control dust and dirt arising from mineral removal operations shall be undertaken in accordance with conditions included in the special land use. Dust control measures may include the application of dust inhibiting solvents or similar non-polluting surface treatments, particular road-surfacing measures, or other actions as specified in the special land use.
 - l. Storm water drainage on and from the mineral removal site shall be controlled so that adjacent or nearby lands shall not be adversely affected by surface water drainage, erosion or other similar effects. The mineral removal site shall be contoured and graded to avoid the unintended impoundment of water, except where ponds or other bodies of water are proposed in an approved site rehabilitation plan.
 - m. Unless authorized by the terms of the special land use, no storage of soil from lands outside the mineral removal area may take place on the mineral removal site.
5. The special land use may include such other conditions as necessary to assure compliance with the terms of this section. Conditions may include, though are not limited to, weed control; erosion and sedimentation controls; measures to prevent the tracking of dirt and other debris onto public streets; fencing and other visual screening; groundwater monitoring wells; preservation of trees and other vegetation; and limitations on the loading or storage of fuel for vehicles and equipment.

F. Special Land Use.

- 1. A recommendation on the special land use by the Planning Commission shall be accomplished by means of a resolution adopted by the Commission, which shall include all of the terms and conditions of the recommendation. Likewise, an approval of the special land use by the Township Board shall be accomplished by a resolution adopted by the Board which shall include all of the terms and conditions of the approval.

2. An applicant for the special land use shall submit a performance bond, with an approved surety, in an amount recommended by the Planning Commission and approved by the Township Board. The performance bond shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use, the mineral removal plan and the site rehabilitation plan.
 - a. The performance bond shall not be refunded or reduced until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection and approval by the Township.
 - b. If the performance bond is revoked or if it expires and is not renewed, the Planning Commission and Township Board need not approve the renewal of the special land use, until such bond has been satisfactorily reinstated.
3. The special land use shall not be transferred to a person or party other than the applicant to whom it was issued unless the transfer is first considered and approved by the Planning Commission and the Township Board at public meetings.
4. Mineral removal operations and activities authorized by the terms of the special land use shall be commenced not later than one year after approval of the special land use and shall be diligently pursued thereafter, unless the special land use provides otherwise. In the absence of timely commencement and diligent prosecution of such operations and activities, the special land use shall be of no further force or effect. Mineral removal activities or operations shall not thereafter be commenced unless a new special land use has been obtained pursuant to the procedures set forth in this section.
5. An applicant whose application for the special land use has been denied shall not re-submit an application covering the same lands, or substantially the same lands, within 18 months after the date of denial, except that a new application may be submitted and considered if there are significantly changed conditions which are determined by the Planning Commission and Township Board to be sufficient to justify reconsideration of the application or petition.
6. Upon the effective date of this section, special land uses which have been previously issued under the terms of this Ordinance shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site rehabilitation completed. In the case of special land uses which did not designate the amount of mineral material which may be removed, the uses shall continue in effect for the

remainder of the period of time for which they were issued or last renewed, and also for an additional period not exceeding one year thereafter, at the discretion of the Planning Commission and the Township Board. Mineral removal activities and operations shall not thereafter be conducted on the lands covered by the special land use unless a subsequent special land use has been granted.

- G. This subsection applies only to the renewal of a special land use for extraction of sand, gravel and other minerals from the same location or locations as permitted under an existing special land use. Applications for permission to expand mineral removal operations beyond the location approved under an existing special land use shall comply with the procedure set forth in this section for the granting of a special land use.
1. If renewal of a special land use is desired, an applicant shall apply for renewal at least 120 days before the expiration of the existing special land use.
 2. All of the applicant's rights and privileges arising under the special land use shall terminate at the expiration thereof, if the use has not then been renewed, and in that event all removal operations covered by the expiring special land use shall then cease, except approved emergency operations required to protect the public safety and except as otherwise provided herein.
 3. The termination of rights and privileges under a mineral removal special land use, at the time of expiration of the special land use, shall take place even though an applicant may have applied for renewal thereof and even though proceedings for such renewal may have commenced, unless the Planning Commission and the Township Board in their discretion vote by majority vote of those present to temporarily extend an expiring special land use during the period required for proceedings to consider renewal of the use (however, such vote for temporary extension of the use may be rescinded in the event that the applicant unduly delays such proceedings, whether by action or inaction).
 4. Upon the conclusion of proceedings for renewal of a special land use, if the use is renewed, removal operations may be resumed if and to the extent covered by the special land use as renewed.
 5. An application for renewal of a mineral removal special land use shall consist of the following:
 - a. The zoning administrator's certificate of compliance, as described in subsection d below.

- b. A copy of the original application for the special land use, with addendum updating the information from the original application and supplying any information missing on the original application.
 - c. A revised mineral removal plan, drawn and sealed by a registered civil engineer, showing the areas of the site which are currently under excavation, which are in the process of reclamation, and which have been reclaimed.
 - d. The required application fee and any required deposit of funds into an escrow account for reimbursement of Township expenses in the matter.
 - e. The Township may require additional information if necessary in the consideration of the requested renewal or the Township may waive any of the above-stated application requirements, but the requirement of the certificate of compliance shall not be waived.
6. Neither the Planning Commission nor the Township Board shall consider an application for renewal unless the applicant submits a certificate of compliance signed by the Township zoning administrator, which states that the mineral removal operation, as of the date of signing of the certificate of compliance, is in compliance with the present special land use and all Township ordinances, and that all required mineral removal fees and escrow deposits have been paid.
7. Upon request by an applicant for a certificate of compliance, the Township shall promptly arrange to have the operation reviewed and inspected. If the zoning administrator finds that the operation is in compliance, the zoning administrator shall issue a certificate of compliance. The certificate shall also describe any past violations which have been rectified.
8. If the zoning administrator finds that the operation is not currently in compliance, the zoning administrator shall notify the applicant of the steps necessary to cure such deficiency.
9. The issuance of a certificate of compliance does not require the Planning Commission to recommend or the Township Board to approve a renewal of the special land use.
10. In making decisions regarding renewal, the Planning Commission and the Township Board shall apply the standards for approval applicable to new special land uses under this Ordinance, taking into consideration current conditions in the vicinity, the operational history under the previous special land use, and any complaints or comments about the operation. The Planning Commission may convene a public hearing on the renewal

application. Conditions may be attached to the renewal which are in addition to or different from those contained in the previous permit.

H. Fees.

1. The applicant for the special land use shall pay the established application fee, and shall deposit the required amount into a zoning escrow account, when the application or petition is filed with the Township.
2. The applicant shall also pay to the Township annually a fee (the “surveillance fee”) to defray the Township’s cost of administration, surveillance and enforcement of the special land use, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering and other consultant fees, and other related costs and expenses. The fee shall be \$.03 per ton of mineral material removed during the entire removal operation; provided, however, in that no event shall the fee be less than \$1,000 annually.
3. At any time, if the amount on deposit with the Township from the surveillance fee paid by the applicant is reduced to less than \$1,000 (or to such lesser sum, based on the above-stated amount per cubic yard of mineral material removed, or to the above-stated minimum annual amount), by reason of expenditure by the Township under the terms of this section, then the Township shall notify the applicant in writing, and the applicant shall pay to the Township promptly, but in any event not later than 30 days after such notification, sufficient additional surveillance fee so as to increase the amount of such funds to the amount specified by the Township.
4. In such notification by the Township to the applicant, for additional deposit of surveillance fee, the amount specified by the Township shall not exceed that amount which will cause the balance on hand to be \$1,000, unless the Township reasonably expects to incur costs greater than \$3,000 within a year after such notification for additional surveillance fee, in which case the Township shall specify the amount reasonably expected to be incurred during such ensuing year.
5. Funds received from the application fee shall be deposited in the Township’s general fund, or in such other Township fund as is established for other zoning application fees. Funds received from the surveillance fee shall be accounted for separately on the books of the Township, as to each special land use.
6. The surveillance fee, at the above-stated rate of mineral material removed, shall be paid by the applicant annually. Not later than January 31 of each year, the Township shall notify the applicant in writing to submit copies of

load tickets or other written proof accurately showing the total amount of mineral material removed during the preceding year (or during any such lesser preceding period, in the case of the recent commencement or termination of a special land use). Such notification by the Township shall indicate a period of time for response by the applicant, and the requested information shall be submitted by the applicant to the Township within that time.

7. Based upon the amount of mineral material removed as stated in the written response received from the applicant, the Township shall calculate the amount of surveillance fee due and shall then send to the applicant an invoice in that amount. The applicant shall promptly pay to the Township the amount indicated on the invoice. In the event that the Township desires further or more complete information as to the amount of mineral material removed, the Township shall notify the applicant accordingly, and the applicant shall respond promptly and fully. In its discretion, the Township may make inquiries of mineral haulers or others who may have knowledge concerning the amount of mineral material removed.
8. When the special land use expires, the Township shall also notify the applicant to provide in writing a statement of the amount of mineral material removed, since the last previous such statement, and the Township shall then prepare and forward a final invoice for payment of the surveillance fee based upon the above-stated per-ton rate, and the applicant shall promptly pay the amount indicated on the invoice.
9. If an expired or soon-to-expire special land use is renewed, the Township may retain any surveillance fee amounts then on hand, and apply them to defray the costs of review of the application for renewal and for applicable costs subsequently incurred following renewal of the special land use. As in the case of annual surveillance fee payments, the applicant shall furnish to the Township any requested load tickets or other written proof with respect to the amount of mineral material removed during the last removal period before expiration of the special land use.
10. After expiration of a special land use without renewal, the Township shall refund, without interest, any unused surveillance fee amounts that have been received from the applicant.
11. In its discretion, the Township may request from the applicant, and the applicant shall promptly provide, load tickets or other written proof of mineral material removed, at times other than the annual surveillance fee payment period.

12. As to each special land use, the Township shall maintain a record of surveillance fee payments made by the applicant and expenditures made by the Township with respect to the operation.
13. Surveillance fee payments made by the applicant shall not limit the applicant's liability for civil infraction penalties, damages, or other sanctions for violation of a special land use, Township ordinances or other laws or regulations.

I. Enforcement.

1. Enforcement of the terms of the special land use may be directed against the applicant and all operators acting or purporting to act under such special land use, or any of them. Full and timely compliance with all of the terms of this chapter and all of the terms of the applicable special land use is a condition for the continued effectiveness of the special land use or any renewal thereof.
2. In the enforcement of the provisions of this section and those of any mineral removal special land use, the Township may avail itself of all procedures and remedies described in Chapter 32 of this Ordinance and all other remedies provided by law.
3. The Township zoning administrator or other designated Township representative shall act as the agent of the Township Board in the administration, supervision and enforcement of the special land use.
4. The Township zoning administrator or other designated Township representative shall be entitled to access to the applicant's mineral removal lands during reasonable business hours, for the purpose of verifying compliance with the special land use requirements.
5. The zoning administrator is authorized to demand compliance with the terms of this section and the special land use. In the absence of such compliance, the zoning administrator may issue an order directing the applicant and any operator to cease immediately all mineral removal work on or from the premises and all other operations relating thereto.
6. Upon the issuance of a stop work order, the applicant and any mineral removal operator shall have no further right or privilege to continue or to conduct any mineral removal operations, except permitted emergency operations required to protect the public safety and except any authorized limited operations which may be authorized by any such order.

SECTION 23.41. SEXUALLY ORIENTED BUSINESS. A sexually oriented business may be approved by the Planning Commission as a special land use in the B-2 District, upon compliance with the following requirements:

- A. It is not the intent of this special land use to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

In addition to the provisions of this section, the special land use shall also be subject to review and approval under Chapter 22, Site Plan Review.

- B. A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- C. A sexually oriented business shall not be located or operated within 800 feet of another sexually oriented business, a church or other place of worship, a park, playground, school or licensed day-care facility, a dwelling or dwelling unit, or an agricultural or residential zoning district. For purposes of determining the above-stated distance, measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other of the above-stated land uses or zone districts.
- D. Entrances to the sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:

1. "Persons under the age of 18 are not permitted to enter the premises."
 2. "No alcoholic beverages of any type are permitted within the premises."
- E. Alcoholic beverages of any type shall not be sold, consumed, or permitted on the premise of any sexually oriented business.
- F. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
- G. Hours of operation shall be limited to 10:00 A.M. to 10:00 P.M., Mondays through Saturdays.
- H. All signs shall be in accordance with Chapter 25; provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any specified anatomical areas or specified sexual activities.
- I. All parking shall be in accordance with Chapter 27; provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
- J. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
1. Be handicap accessible to the extent required by the Americans with Disabilities Act.
 2. Be unobstructed by any door, lock or other entrance and exit control device.
 3. Have at least one side totally open to a public; lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 4. Be illuminated by a light bulb of wattage not less than 25 watts.
 5. Have no holes or openings, other than doorways, in any side or rear walls.
- K. In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:
1. A floor plan of the premises showing the following:

- a. Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - b. Location of all overhead lighting fixtures.
 - c. Identification of any portion of the premises in which patrons will not be permitted.
 - d. The location of any stage.
 - e. Identification of the use of each room or other area of the premises.
- L. A straight-line drawing depicting the property lines of the site of the sexually oriented business and the property lines of any other sexually oriented business, church or other house of worship, park, playground, school, licensed daycare facility, dwelling or dwelling unit or agricultural or residential zoning district, within 800 feet of the nearest property line of the site on which the business will be located.
- M. The special land use shall not be approved if the Planning Commission determines that one or more of the following is true:
- 1. An applicant is under 18 years of age.
 - 2. An applicant has failed to provide information required by the zoning ordinance or has knowingly answered a question or request for information falsely.
 - 3. 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.
 - 4. 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.
 - 5. The applicant is not in good standing or authorized to do business in Michigan.
 - 6. The application fee has not been paid.
 - 7. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.

8. The applicant or owner shall permit all representatives of the Township, the County and the State of Michigan to inspect the premises for the purpose of insuring compliance with this Ordinance, any County ordinance and applicable state law.
- N. The following interior structural requirements shall be complied with:
1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment.
 2. A manager's station shall not exceed 32 square feet of floor area.
 3. No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
- O. The following requirements as to registration of managers, entertainers and employees shall be complied with:
1. No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
 2. All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
 3. The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

SECTION 23.42. STONE YARD OR MONUMENT WORKS.

- A. The special land use shall not be located within 1,000 feet of any residential use.

- B. The applicant shall submit a detailed site plan identifying any outdoor storage areas, outdoor display areas or other areas in which stone, brick or other such material may be cut, shaped or produced.
- C. Any outdoor storage area shall be completely enclosed by a fence or wall of sufficient height to enclose and obscure the view of all materials stored. The fence or wall shall be of uniform appearance and it shall be continuously maintained in good condition.
- D. The minimum lot area, minimum lot width, minimum street frontage and details of the means of access as to the use shall be as determined by the Planning Commission.
- E. The cutting or breaking of stone or other activity generating substantial noise shall take place only at such time of day or in such location as not to have a serious adverse effect upon adjacent or nearby lands. Other aspects of the use shall be so arranged or accomplished as to avoid serious adverse effects on other lands or adjacent streets.

SECTION 23.43. STORAGE IN AGRICULTURAL BUILDINGS.

- A. The temporary or seasonal storage of recreational vehicles or other motor vehicles in agricultural buildings may be permitted as stated in this section.
- B. Only buildings existing on January 1, 1994 and originally used for agricultural purposes may qualify for storage use. Buildings constructed after January 1, 1994 shall not be used for this purpose.
- C. The storage use shall be operated, as an accessory use within the RR District, solely by the owner or owners of the land where the building is located.
- D. All storage shall take place only within a fully enclosed building.
- E. Storage shall be permitted on a seasonal basis only, except that antique motor vehicles may be stored year-round.
- F. No repairs, maintenance or other work shall be permitted on any stored vehicles or equipment, except the property owner may repair or maintain his or her own equipment, to the extent permitted in the zone district.
- G. Any buildings used for such storage shall be located at least 15 feet away from any property line.
- H. There shall be adequate off-street parking available for motor vehicles, in connection with the transporting of the stored items to and from the property.

- I. Any application for the special land use shall include information on whether gasoline or other fuel will be kept in the tanks of any stored vehicles or equipment and, if so, the application shall state the method to be used to safeguard the building from fire. A copy of the application shall be forwarded to the Township fire chief for review and comment.
- J. The special land use, if approved, shall be granted for two years. Not sooner than six months prior to the expiration of the special land use permit, the owner may request, in writing, a renewal, for a period of up to an additional two years. Successive renewals may be applied for in the same manner. Requests for renewal shall be submitted to, reviewed and decided by the zoning administrator, without public hearing or other proceedings by the Planning Commission. In considering the renewal request, the zoning administrator shall determine whether the conditions of this section and Section 23.04 have been satisfied. In the discretion of the zoning administrator, any request for renewal may be referred for a decision by the Planning Commission, but without the need for public hearing.
- K. Nothing in this section shall be deemed to prohibit storage by the property owner of his or her own equipment and/or vehicles under the terms of the zone district or other provisions whereby such storage is permitted.

SECTION 23.44. TRUCK TERMINAL.

- A. Access driveways shall be of sufficient width so as to accommodate the transportation vehicles that will utilize the site.
- B. Access driveways shall be so located and spaced that the trucks and other vehicles using the site may readily enter and exit the site without adverse traffic impacts or hazardous conditions.
- C. Any trucks and trailers to be parked overnight on the site shall be set back from the front lot line at least 100 feet.
- D. The principal building and any accessory buildings and structures shall be located at least 200 feet away from any residential use or residential district.
- E. There shall be sufficient off-street parking area so as to accommodate the trucks and other transportation vehicles utilizing the site.
- F. The off-street parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding or adverse impacts upon other lands or the public streets.
- G. Buffering, greenbelts or other protective measures may be required, so as to avoid serious adverse effects upon other lands.

- H. Any vehicles or equipment stored outside of an enclosed building shall not be located within any required yard.
- I. No outside storage shall be permitted. However, licensed inoperable vehicles may be stored out of doors within an area and at a location approved by the Planning Commission and, if required, within a fully enclosing fence.

SECTION 23.45. VETERINARY CLINIC.

- A. The Planning Commission shall determine the minimum lot area, minimum lot width and minimum street frontage for the use.
- B. All buildings and structures shall comply with the minimum setback requirements of the zone district in which the use is located, or they shall have such further setback as may be required by the Planning Commission in its approval of the special land use.
- C. Any outdoor animal holding area shall be enclosed by a wall or a fence of a height sufficient to contain animals within the holding area.
- D. All kennels, pens and other areas for the confinement of animals shall be located at least 200 feet from a front property line and at least 50 feet away from a side or rear property line.
- E. In approving the special land use, the Planning Commission may include terms and conditions for the purpose of avoiding or moderating any adverse effects of the use on adjacent or nearby lands.

SECTION 23.46. WAREHOUSE BUILDINGS.

- A. The Planning Commission shall determine the minimum lot area, minimum lot width, minimum street frontage and minimum required principal building setbacks for the special land use.
- B. Outside storage shall not be permitted.
- C. No toxic, hazardous, flammable or explosive materials shall be stored in a warehouse building or otherwise be permitted on the site.
- D. The site shall provide such length for driveways so that there shall be sufficient stacking capacity for motor vehicles making deliveries to the site or removing stored goods or materials from the site.
- E. Screening and buffering of the use from other lands may be required.
- F. This special land use does not include mini-warehouses or self-storage warehouse facilities, both of which are addressed elsewhere in this chapter.

SECTION 23.47. WIND ENERGY CONVERSION SYSTEMS (WECS).

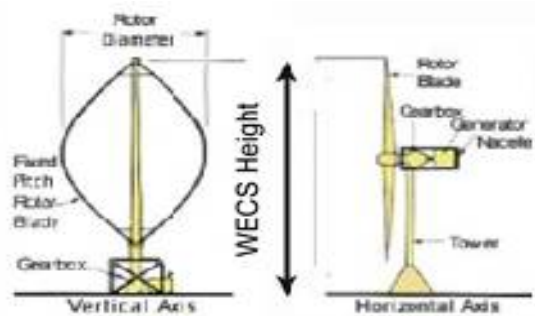
A. This special land use authorizes wind energy conversion systems (WECS) that exceed 60 feet in height. A WECS that is 60 feet or less in height is regulated under Section 3.30.

B. Definitions.

1. **Wind Energy Conversion System (WECS).** Shall mean a combination of:

- a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
- b. 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; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, housed in a nacelle; and
- d. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.
- e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

2. **WECS Height.** The distance between the ground (at normal grade) and the highest point of a WECS, as measured from the ground (at normal grade) to the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).



3. **On-site Service WECS.** A single WECS placed upon a lot or parcel with the intent to service the energy needs of only the structures and uses on the same lot or parcel.

C. On-site Service WECS General Requirements:

1. An on-site service WECS is permitted in the RR Rural Residential/Agriculture District, the B-1 Neighborhood Business District, the B-2 General Business District and the I Industrial District, in accordance with the requirements of this section.
2. The minimum requirements for the special land use shall be those stated in Section 3.30, but as to any such provisions that are specified more strictly in this section, then such provisions in this section shall apply and control.
3. The wind rating of the WECS turbine shall not be greater than 50 kwh, except that a greater rating may be permitted by the Planning Commission.
4. The WECS shall provide energy only to the property where the tower is located and must be owned by the owner of the property upon which the WECS is placed.
5. No sound attributed to the WECS in excess of 55 dB(A) shall be discernible at the property line.
6. There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the nacelle.
7. The WECS shall be painted in a neutral color, such as gray or light blue, to blend into the background.
8. Each WECS shall also comply with all applicable federal, State of Michigan, and county requirements, in addition to Township ordinances.
9. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned.
10. A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.

D. Ground-Mounted On-Site Service WECS.

1. The minimum lot area for a parcel of land on which a WECS exceeding a height of 60 feet is located shall be five acres if located in the RR, B-1 or B-2 Districts.
2. A WECS in the I District shall be located on a parcel of land of at least one acre.

3. The diameter of the rotor may not be greater than 50 feet, or may be such greater diameter as may be permitted by the Planning Commission.
4. The WECS height shall not exceed 130 feet, or shall not exceed such greater height as may be permitted by the Planning Commission.
5. The minimum rotor blade tip clearance from grade shall be 20 feet, or it shall be such greater clearance as may be required by the Planning Commission.
6. The tower used to support a WECS shall be adequately anchored, as certified by an engineer.
7. The setback for placement of a WECS shall be at least equal to 1.5 times the WECS height. No part of a single WECS (including guy wire anchors) shall be located within or above any required setback.

E. Building Mounted On-Site Service WECS.

1. The minimum lot area shall be one acre.
2. The diameter of the rotor shall not exceed 20 feet.
3. The WECS height shall not exceed the maximum height for principal buildings in the district, plus 25 feet.
4. The WECS shall be set back from adjoining property lines a distance equal to 1.5 times the height of the WECS. The setback shall be measured from the property line to the closest extension of the rotor when horizontal and perpendicular to the property line.

F. Discretionary Conditions. The Planning Commission may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS authorized by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

1. The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof. Fencing may be required by the Planning Commission to secure the site and tower.
2. The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.
3. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
4. A requirement for a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all

required conditions of the special land use, including but not limited to the timely and complete removal of a WECS, regulated under the terms of this section, when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

SECTION 23.48. WIRELESS COMMUNICATION FACILITIES.

A. **Purpose and Intent.** The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the Township. It is the Township’s intent to reasonably regulate the location and design of these facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the Township.

Given the increase in the number of wireless communication facilities requested as a result of new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on attached wireless communication facilities and wireless communication support structures. Colocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

In recognition of the Township’s concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

B. **Zoning Districts and Limitations for Wireless Communication Facilities.** Wireless communication facilities may be located within the Township in accordance with the Table set forth below; provided the location is consistent with the master plan prepared for wireless communication facilities in the Township.

Type/Location of Wireless Communication Facility	Districts Permitted
1. Attached to existing structures:	
Attached to an existing conforming structure that will not be materially altered or changed in appearance	All districts
Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts
Colocation upon an attached wireless communication facility previously approved for such colocation	All districts

2. New facility	
Monopole	RR, B-1, B-2, I Districts
Lattice tower where it can be demonstrated that a monopole is not feasible.	Industrial district

C. **Application Requirements.** The following information shall be provided with the application, in addition to other submittal requirements for site plan, as required in Chapter 22.

1. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. “fall zone”), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
2. A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township’s administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.
3. The security shall, at the election of the Planning Commission, be in the form of: (1) cash; (2) security bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.
4. A map that illustrates existing and known proposed wireless communication facilities within the Township and adjacent communities, which are relevant in terms of potential colocation or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update, as needed. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of

governmental policy. Any request for confidentiality must be prominently stated in the application for the special land use.

5. For all new facilities, in recognition of the Township's policy to promote colocation, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for colocation.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

D. Review Standards Applicable to All Facilities. All wireless communication facilities shall be constructed and maintained in accordance with the following standards:

1. Facilities shall be located and designed to be harmonious with the surrounding areas through the use of color, materials, screening, landscaping, and architectural treatment. The Planning Commission may require unique design of the structure to diminish the visual impact, minimize adverse effects on nearby properties and land uses, or to create an architectural feature that will contribute to or enhance community character.
2. All new and modified wireless communication facilities shall be designed and constructed to accommodate colocation of both antenna and equipment structures by five or more wireless communication providers. A written agreement in a format approved by the Township attorney shall be provided to that effect.
3. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates substantially equivalent services are not feasible through colocation on an existing structure elsewhere in the Township or surrounding communities.
4. The total height of the facility, including tower, antenna, or any other portion of the tower shall not exceed 199 feet, unless required by state or federal law or otherwise necessary for public safety.
5. Landscaping, consisting of evergreen trees at least six feet in height and 15 feet on center, shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
6. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the industrial

district and is not visible from a public right-of-way or non-industrial zoning district.

7. Accessory buildings shall be a maximum of 14 feet height and shall be set back in accordance with the requirements for principal buildings in that zoning district.
8. A six foot high fence shall be provided for protection of the support structure and to provide security from children and other persons who may otherwise access facilities.
9. All towers, antenna, construction, installation, operation, and maintenance shall comply with all applicable federal, state, and local regulations. If, upon inspection, the Township determines that a tower fails to comply with any regulation, the zoning administrator shall provide written notice to the owner of the tower who shall have 90 days to comply with the applicable regulation. Failure to comply within this period shall constitute grounds for requiring removal of the antenna or tower at the owner's expense.
10. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna, including additional height to accommodate future colocation, shall be the minimum height necessary for reasonable communication by the applicant.
11. All antennas and towers adjacent to a lot or parcel improved with a dwelling and/or adjacent to a residential district shall maintain a separation distance equal to the height of the tower, including antenna, or 200 feet, whichever is greater. The tower separation distance shall be measured by drawing a straight line between the base of the proposed tower and the lot line of the adjacent residential lot or zoning district. For purposes of determining the required setback distances, the dimensions of the entire lot or parcel shall control, even if the tower is located within a leased portion of a larger lot or parcel.
12. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent throughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
13. Where a wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and

maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.

14. An antenna or tower shall not be illuminated and shall not display strobe lights, unless specifically required by the Federal Aviation Administration or other federal or state authority. Any such required aviation hazard lighting shall be detailed on the plans. Lighting of buildings or structures shall be fully shielded to prevent glare or light emissions toward adjacent property
15. As a condition of every approval, the applicant shall agree to remove all or part of any facility when the facility has been abandoned or unused for a period of 180 consecutive days, unless an extension of time is granted by the zoning administrator. An extension of not more than six months may be granted if the zoning administrator determines that the owner or former operator is taking active steps to place the facility back in operation or accomplish its removal. The zoning administrator shall be notified by the owner or applicant of any changes in the status of the facility, including a cessation of use.

E. **Discretionary Conditions.** The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any wireless communication facility. Other terms and conditions may address matters such as:

1. Prohibiting the construction, use, or occupancy of specified dwellings, buildings or structures within a defined isolation distance from the antenna or tower.
2. Preserving existing trees or vegetation not required to be removed to accommodate installation of the tower antenna.
3. Restoring trees or vegetation removed or destroyed during the construction or installation of a wireless communication facility.
4. Requiring reasonable modification or accommodations on existing buildings to ensure the safety, structural integrity, and appearance of the existing building will not be compromised by the addition of the wireless communication facility on the existing structure.

F. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for its removal. Documentation (such as signed lease, deed, or land contract restrictions) shall be provided to the Township which

demonstrates that the applicant is required to remove the tower and associated facilities upon cessation of its operations.

G. Colocation.

1. It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the Township and to encourage the use of existing structures for attached wireless communication facilities. If a provider fails or refuses to permit colocation on a facility owned or controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Colocation shall be required unless an applicant demonstrates that colocation is not feasible.
2. Colocation shall be deemed “feasible” for the purpose of this subsection where all of the following are met:
 - a. The wireless communication provider or property owner where colocation is proposed will accept market rent or other market compensation for colocation and the wireless communication provider seeking the facility will pay such rates.
 - b. The structure on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. The colocation being considered is technically reasonable, e.g. the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

H. Modification of Standards and Requirements. The Planning Commission may permit a modification of the standards of this section where it is determined that the modification would be consistent with the intent and purpose of this section, and where it is determined that the modification will not have a serious, adverse effect upon neighboring properties or otherwise impair the health, safety, and welfare of Township residents.

I. Amateur Radio Communications. The provisions of this subsection shall apply to towers and antennas owned and operated by a federally licensed amateur radio operator and used solely for amateur radio communication purposes, but shall not be applied so as to preclude the construction and operation of an antenna or tower for amateur radio communication purposes. If the provisions of this section prohibit the construction of a particular amateur radio communications antenna or tower, the Township shall nevertheless reasonably accommodate the proposed operator’s amateur radio communications by considering other feasible designs,

locations, methods of accessing repeater systems or the use of existing structures as an alternative to the operator's desired amateur radio communications antenna or tower. In any event, the Township's regulations with respect to amateur radio communications shall be only the minimum practicable provisions to accomplish the Township's legitimate governmental purposes.

CHAPTER 24

CONDOMINIUMS AND SITE CONDOMINIUMS

SECTION 24.01. DESCRIPTION AND PURPOSE.

- A. Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.
- B. This chapter covers both site condominiums and condominiums, the latter being sometimes referred to as conventional condominiums. Accordingly, the provisions of this chapter for submission of condominium plans and the procedures for consideration and approval of condominium plans apply equally to conventional condominium developments as well as to site condominium developments. For convenience, conventional condominiums are referred to in this chapter as condominiums. In some instances, once a particular section or other provision indicates that it applies to both condominiums and site condominiums, certain of the following text may, for convenience, refer to both types as condominiums.

SECTION 24.02. DEFINITIONS. For purposes of this chapter, the following words and phrases are defined as follows:

- A. “Building envelope” means a designated area of land within which a building which is a condominium or which contains two or more condominium units may be constructed and used, and which complies with the minimum lot area and the minimum lot width requirements of the zone district in which the building is located. The building envelope shall be drawn at such distances from the building that the minimum required building setbacks of the zone district will be complied with. A building envelope applies only to a condominium, not a site condominium.
- B. “Condominium unit” means a condominium established in compliance with the Michigan Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of this Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if for residential use, or shall be deemed to be a building or portion thereof, if for an approved nonresidential use.

1. In the case of an attached condominium, the applicable minimum requirements of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; accordingly, the building envelope surrounding the attached condominium unit shall be established and described so as to comply with the minimum lot area, minimum lot width, minimum required building setbacks and maximum building density requirements of the zone district in which the attached condominium is located.
 2. In the case of a detached condominium, the applicable provisions of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; accordingly, the building envelope surrounding the building comprising the detached condominium shall be established and described so as to comply with the minimum lot area, minimum lot width, minimum required building setbacks and maximum building density requirements of the zone district in which the building comprising the detached condominium is located.
- C. “Condominium plan” and “site condominium plan” mean the plans, drawings and information prepared for a condominium or site condominium, respectively, as required by the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended, and as required by this chapter for review by the Planning Commission and the Township Board, and subject to their approval under the terms of this chapter.
- D. “Site 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 surface or subsurface vacant air space, 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. For purposes of determining compliance with the applicable requirements of this Ordinance (including, without limitation, minimum lot area, minimum lot width, minimum required building setbacks and maximum building density requirements) and with other applicable ordinances, a site condominium unit shall be regarded as the equivalent of a lot or parcel of land.
- E. Except as otherwise provided, other words or phrases in this chapter shall have the meanings as defined in the Condominium Act.

SECTION 24.03. CONDOMINIUM AND SITE CONDOMINIUM APPROVAL REQUIRED.

- A. No improvements for a condominium or a site condominium may be commenced until approval has been given in accordance with this chapter.

- B. Condominiums and site condominiums shall comply with the Condominium Act, in addition to compliance with this chapter and other applicable provisions of this Ordinance.
- C. If condominium approval or site condominium approval is requested in connection with an application for approval of a planned unit development, then the condominium or site condominium may be reviewed in accordance with the applicable planned unit development procedures.

SECTION 24.04. APPLICATION FOR CONDOMINIUM OR SITE CONDOMINIUM APPROVAL. An application for condominium or site condominium approval shall include the following information:

- A. A condominium plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:
 - B. The dimensions of each site condominium unit; the dimensions of the building envelope for each building that is a detached condominium or that contains attached condominium units.
 - C. Approval or tentative approval of the proposed design and location of the entrance to the condominium or site condominium from the County Road Commission or Michigan Department of Transportation, as applicable.
 - D. The use and occupancy restrictions and maintenance provisions for all general and limited common elements, and the locations thereof, that will be included in the master deed.
 - E. A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted for installation, repair, and maintenance of all drainage facilities.
 - F. A utility plan showing the location of all water supply mains and sanitary sewer mains, if any, and easements for the installation, repair and maintenance of utilities.
 - G. A narrative describing the overall objectives of the proposed site condominium.
 - H. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
 - I. A street construction, paving and maintenance plan for all streets within the condominium or site condominium.
 - J. A description and summary of each phase of the condominium or site condominium development, if phasing is proposed.

- K. Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium or site condominium.

SECTION 24.05. PROCEDURES FOR REVIEW OF PRELIMINARY CONDOMINIUM OR SITE CONDOMINIUM PLANS.

- A. The application and the required number of copies of the preliminary plan of the condominium or site condominium together with the required application fee and zoning escrow deposit, shall be submitted to the zoning administrator.
- B. Upon the administrator's determination that the preliminary plan is complete, the application and the plan shall be forwarded for consideration by the Planning Commission.
- C. After reviewing the preliminary condominium or site condominium plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and stating its recommendations thereon, and any conditions imposed.
- D. The Planning Commission shall recommend to the Township Board whether the condominium or site condominium shall be approved, denied, or approved with conditions.

SECTION 24.06. PROCEDURES FOR REVIEW OF FINAL CONDOMINIUM OR SITE CONDOMINIUM PLANS.

- A. After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the zoning administrator the required number of copies of a final site condominium plan which complies with the requirements of this chapter and the recommendations of the Planning Commission.
- B. The final condominium or site condominium plan shall incorporate the terms and conditions, if any, approved by the Planning Commission in its review of the preliminary plan; provided, however, that if any of the Planning Commission's terms and conditions are not included in the final plan, the applicant shall specify in writing which of them have not been included, and the reasons for the exclusion(s).
- C. The final condominium or site condominium plan, together with any written statement by the applicant as to the non-inclusion of Planning Commission terms and conditions, shall be forwarded by the zoning administrator to the Township Board.
- D. After receiving the final condominium or site condominium plan, the recommendations of the Planning Commission and any written statements by the applicant, the Township Board shall review, and shall by resolution approve, deny

or approve with conditions the final plan in accordance with the standards in Section 24.7.

- E. The resolution of the Township Board approving, denying or approving with conditions the final condominium or site condominium plan may include conditions required to assure compliance with the requirements of this chapter, other applicable provisions of this Ordinance and the Condominium Act.
- F. All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a condominium or site condominium shall be incorporated in the recorded Master Deed, or shall otherwise be reflected in the final condominium or site condominium plan, when recorded as a part of the Master Deed.

SECTION 24.07. STANDARDS FOR APPROVAL OF CONDOMINIUMS AND SITE CONDOMINIUMS. A condominium or site condominium shall comply with all of the following requirements:

- A. The plan shall comply with the applicable requirements of this chapter.
- B. The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, and other aspects of the proposed condominium or site condominium, shall comply with the Condominium Act and other applicable laws, ordinances and regulations.
- C. Each site condominium unit and each building envelope adjacent to a building that is a detached condominium or that contains attached condominium units shall comply with all applicable provisions of the zone district in which the condominium or site condominium is located, including minimum lot area; minimum lot width; minimum required front, side and rear yards; maximum building height; and other applicable land use requirements in this Ordinance.
- D. If a condominium or site condominium is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the County Road Commission.
- E. Private streets may be permitted to provide access to and throughout a condominium or site condominium:
 - 1. All private streets shall comply with Chapter 28 of this Ordinance.
 - 2. Provisions in the master deed and condominium bylaws shall obligate the developer and/or condominium association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe and convenient for travel at all times.

- F. The condominium or site condominium shall be served by approved private water supply wells, septic tanks and drain fields or a private community sanitary sewer system and/or community water supply system, if public water supply and public sanitary sewer facilities are not available; if such public facilities are available, they shall be connected to serve the condominium or site condominium.
- G. Street lights may be required in any condominium or site condominium and if so, they shall be designed, installed and operated in accordance with the Township Outdoor Lighting Ordinance, Ordinance No. 99-06.
- H. Sidewalks may be required to be installed in condominiums and site condominiums, in accordance with standards and specifications specified in the resolution of approval of the condominium or site condominium.

SECTION 24.08. CONSTRUCTION IN COMPLIANCE WITH APPROVED PLAN. No buildings or structures in a condominium or site condominium shall be built nor shall any other site improvements be made except in compliance with the final condominium or final site condominium plan as approved by the Township Board, including all conditions of approval.

SECTION 24.09. COMPLETION OF IMPROVEMENTS.

- A. No building permit or occupancy permit for a condominium or site condominium unit in an approved condominium development shall be issued until construction of all required improvements has been completed and approved by the Township, or unless acceptable security for the completion of such improvements has been provided, to the satisfaction of the Township.
- B. Upon completion of all required improvements, a complete as-built plan for all required improvements in the development shall be promptly submitted to the Township, to the attention of the zoning administrator.

SECTION 24.10. EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS. Approval of a final condominium or final site condominium plan shall not constitute approval of expandable or convertible portions thereof unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures and requirements of this chapter.

SECTION 24.11. REVISIONS OF APPROVED FINAL CONDOMINIUM OR FINAL SITE CONDOMINIUM PLAN.

- A. Changes to an approved condominium or site condominium for which a plan has been approved are subject to this section.
- B. Any change which constitutes an exempt change as described below shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be submitted to the Township zoning administrator;

provided, however, that the zoning administrator shall determine whether the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:

1. A change in the name of the condominium or site condominium; a change in the name of a street within the condominium or site condominium; or a change in the name of the developer.
 2. Any other change in the condominium or site condominium which, as determined by the zoning administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other physical aspect of the land, buildings or structures in or proposed for the condominium or site condominium.
- C. Any change which constitutes a minor change shall be reviewed and approved by the zoning administrator, but in the discretion of the administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means only the following minor changes in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof):
1. A decrease in the number of condominium or site condominium units;
 2. A reduction of less than 10 percent in the area of the building envelope for any building that is a detached condominium or that contains attached condominium units, provided that the reduction does not result in the building envelope comprising less than the required minimum lot area, having less than the required minimum lot width or having building setbacks less than the minimum required building setbacks specified for the zone district in which the condominium is located.
 3. A reduction of less than 10 percent in the area of a site condominium unit, provided that the reduction does not result in the site condominium unit having less than the required minimum lot area, having less than the minimum lot width or having building setbacks less than the minimum required building setbacks specified for the zone district in which the site condominium is located.
 4. A reduction of less than 10 percent in the total combined area of the general common elements of the condominium or site condominium, but any such reduction shall not result in noncompliance with any other applicable requirement, including any requirement for minimum open space areas.
 5. A reduction of less than 10 percent in the total combined area of the limited common elements of the condominium or site condominium.

6. Any other minor change in the site configuration, design, layout, topography or other aspect of the condominium or site condominium which, as determined by the zoning administrator, does not constitute a major change, and which would not be material or significant in relation to the entire condominium or site condominium.
- D. Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominiums and site condominiums. Major change means a major change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including, but not limited to, any change that could result in:
1. An increase in the number of condominium or site condominium units.
 2. Any other change in the site configuration, design, layout, topography, or other aspect of the condominium or site condominium, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, or the horizontal or vertical boundaries of a condominium or site condominium unit, and which is determined by the zoning administrator to constitute a major change in the condominium or site condominium.

SECTION 24.12. INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED. All provisions of an approved final condominium or site condominium plan shall be incorporated by reference in the master deed for the condominium or site condominium. The master deed shall be reviewed by the Township attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the condominium or site condominium. A copy of the master deed as recorded with the county register of deeds shall be submitted to the Township, to the attention of the zoning administrator, promptly after recording.

CHAPTER 25

SIGNS IN ALL DISTRICTS

SECTION 25.01. DESCRIPTION AND PURPOSE. This chapter regulates the size, number, location and manner of display of signs in the Township, to achieve the following purposes, among others:

- A. To protect and further the health, safety and welfare of the Township 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 promote reasonable uniformity in size, number or placement of signs within districts.
- D. To conserve and enhance community character.
- 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 desires of businesses and other land uses to communicate by means of signs.

SECTION 25.02. DEFINITIONS. The following words and phrases in this chapter are defined as follows:

- A. **Address Sign.** A sign that identifies the street address of the property on which it is placed.
- B. **Awning Sign.** A sign which is painted on, printed on, or attached flat against the surface of an awning.
- C. **Balloon Sign.** A sign composed of a non-porous bag of material filled with air or gas.
- D. **Banner Sign.** A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- E. **Billboard.** A sign which advertises an establishment, product, service or activity not available on the lot on which the sign is located.
- F. **Business Center Sign.** A sign identifying a multiple-building business or commercial development or multiple-building office development, consisting of

either (1) two or more buildings on a parcel of land, or (2) two or more businesses located in one building or otherwise structurally connected to form a continuous building or group of buildings, or otherwise having the appearance of a single, contiguous business or office location.

- G. **Changeable Message Sign.** A portion of a sign on which copy may be frequently changed either manually or electronically, including a sign with a fixed or changing display-message composed of a series of lights that may be changed through electronic means.
- H. **Commercial Special Sales Event Sign.** A temporary sign calling attention to a special sale, sales promotion or other special commercial or business event.
- I. **Community Special Event Sign.** A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit, charitable, philanthropic, religious or benevolent organizations.
- J. **Construction Sign.** A sign which identifies the owners, lenders, contractors, architects, and engineers of a project under construction.
- K. **Development Sign.** A sign in the M-PUD District, which may be located on each street frontage of the PUD, identifying the name of the PUD and which may include such other words and images permitted in the PUD approval.
- L. **Directional Sign.** A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including commercial signs.
- M. **Electronic Message Board.** A sign consisting of an electronic light display designed to allow periodically changing messages.
- N. **Essential Services Sign.** A sign installed and maintained by a public utility, municipal corporation, cable television company or telecommunications company, for the purpose of identifying systems, installations, equipment and other components necessary for the furnishing of public utility and similar services for the public health, safety or benefit, but not including a ground sign or a wall sign identifying an office building or administrative building.
- O. **Farm Identification Sign.** A sign which identifies the name of the farm, or the family or person operating the farm.
- P. **Feather Sign.** A freestanding sign, typically consisting of a single pole or shaft, usually of plastic or metal, stuck in the ground or otherwise fastened at the base, with an attached pennant along or at the top of the shaft, consisting of fabric or

some other flexible material that is usually vertically elongated, and may be in the shape of a feather, tear drop or some other configuration.

- Q. **Flag Sign.** A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.
- R. **Garage, Estate or Yard Sale Sign.** A temporary sign erected to advertise the sale of personal property belonging to the resident of the property where the sale is held, including rummage sales or similar casual sales of personal property held on residential premises only.
- S. **Governmental Sign.** A sign erected by a local government, county, or the state or the federal government.
- T. **Ground Sign.** A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign.
- U. **Historic Landmark Sign.** A sign identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies and other similar signs, tablets or markers pertaining to historic sites, structures or events.
- V. **Multi-Vision Sign.** A sign that has an image or images on a sign-display face that presents or is capable of presenting sequentially two or more separate images, in whole or in part, by means of components or devices such as rotating cylinders or slats that turn to change a sign image.
- W. **Nameplate.** A non-illuminated, on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants, for residential purposes only.
- X. **Off-premises sign.** A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to billboards).
- Y. **Pedestrian Sign.** A portable sign held or worn by a person standing, walking or otherwise located out of doors on either public or private property, for the purpose of displaying the sign to passing motorists, pedestrians or other persons on the property where the person is located or on a nearby public street or sidewalk or other lands, and for the further purpose of directing attention to a business, product, service, event or other item or matter referred to on the pedestrian sign.
- Z. **Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs or “Gas Main” signs.

- AA. **Pole Sign.** A sign, not attached to a building or wall, supported on poles or similar supports.
- BB. **Political Sign.** A temporary sign relating to an election called by a governmental body.
- CC. **Real Estate Sign.** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- DD. **Roof Sign.** A sign erected above the roof line of a building. The roof line of a building is defined as the top of a roof or parapet wall, whichever is higher, but not including any cupola, chimney, spire or other minor projection.
- EE. **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.
- FF. **Snipe Sign.** A sign that is attached to a utility pole, tree, fence, or similar object that is located on public or private property.
- GG. **Subdivision Sign.** A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development, industrial park, or shopping center.
- HH. **Temporary Sign.** A sign that is not permanent or affixed to a building or structure, is intended to be placed or installed for only a limited period of time, and may be intended to be moved from one location to another such as an “A” frame sign or a sign with attached wheels or similar mechanism.
- II. **Vehicle Sign.** A sign affixed, painted or drawn on a vehicle or trailer, the primary purpose of which is to advertise or identify an establishment, product, service or activity, rather than merely to identify the vehicle or trailer while it is being used for transport, delivery or similar purpose, but excluding a sign on a licensed vehicle or trailer being parked overnight or otherwise being parked for a time of short duration and associated with the use of the vehicle or trailer for travel, transport, delivery or the like.
- JJ. **Wall Sign.** A sign painted or attached directly on or parallel to the exterior wall of a building, and which extends no greater than 12 inches from the exterior face of the wall to which it is attached or which is painted, and does not project beyond either side of the wall to which it attaches or above the roof line of the building to which it is attached.
- KK. **Window Sign.** A sign which is applied or attached to the inside of any building window and visible from the exterior.

SECTION 25.03. REQUIREMENTS APPLICABLE TO ALL SIGNS. The following requirements are applicable to signs in all zoning districts:

A. Sign Structure and Placement.

1. Signs shall be constructed to withstand all reasonably expected wind and vibration forces.
2. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
3. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance.
4. Signs shall not be placed in, upon or over any public right-of-way, public alley, or other public place, except as may be otherwise permitted by the County Road Commission or Michigan Department of Transportation.
5. A wall sign shall not extend in any direction past the face of the wall to which it is affixed.
6. A sign or its supporting structure or any part thereof shall not extend beyond a lot line of the property on which it is located.
7. A light pole, power pole or other supporting member shall not be used for the placement of any sign, except as may be permitted by this chapter.
8. A sign shall not contain any moving or animated parts nor have the appearance of having any moving or animated parts, except for time and temperature signs and barber pole signs.
9. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for community special event signs and other off-premises signs permitted by this chapter.
10. No vehicle which has the intended function of serving as a sign shall be parked in any area abutting a street, unless no other location is available. Indications that a vehicle is intended to serve such function include mounting a sign on a vehicle which is not regularly or customarily used in the conduct of the business, mounting a sign on an inoperable vehicle, lack of use of the vehicle outside the property, signs which extend beyond the cargo area or cab of the vehicle, and similar indications.

B. Illumination and Non-Stationary Features.

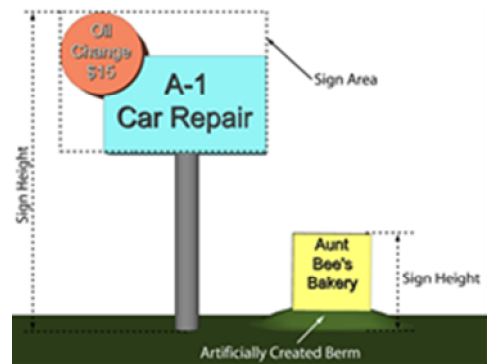
1. All illuminated signs shall be illuminated only by means of external, shielded light fixtures, except that (1) signs in the B-1, B-2, C-PUD, M-PUD and I Districts; and (2) signs for non-residential principal uses in the RR, R-1, R-2, R-3 and MHC Districts may be internally illuminated.
2. External light fixtures shall be placed to avoid any glare when viewed from off the site. The source of the light shall not exceed a total of 150 watts or its equivalent lumens level and the light source shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby property.
3. No sign shall have blinking, flashing, moving, oscillating, scrolling or fluttering lights, nor shall any device be utilized which has a changing light intensity (except as specifically required for changes in outdoor light levels), brightness of color, or give an appearance of the same; provided, however, that variable time and temperature signs may be permitted if the image-change is instantaneous.
4. The direct or reflected light from a light element shall not be visible from vehicles on adjacent streets and parking lots.

C. Maintenance of Signs.

1. Signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather. Exposed surfaces shall be clean and painted, if paint is required.
2. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
3. Defective or damaged signs or parts of signs shall be replaced. The building inspector shall have the right to order the repair or removal of any sign which is unsafe, as defined by the State Construction Code or its successor code.

D. Measurement of Sign Area.

1. 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.

2. 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.
3. 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; provided, however, that artificially constructed berms or other alterations of grade, shall not be considered in determining grade.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall applicable to each tenant and computing the allowable sign area for that portion of the total wall.

SECTION 25.04. SIGNS EXEMPT FROM TOWNSHIP PERMIT. The signs listed in Table 25.04 shall not require a sign permit, but are subject to all other applicable general provisions of this chapter, and to the applicable dimensional, locational and other provisions for each sign type.

Table 25.04 Exempt Signs (but subject to applicable general and specific sign regulations).	
Type of Sign	
1.	Address signs not more than two square feet in area
2.	Construction signs
3.	Directional signs (on-premises only)
4.	Essential services signs
5.	Farm identification signs
6.	Flags of any country, state, local government or public or private school
7.	Garage sale, estate sale or yard sale sign, residential only
8.	Governmental signs
9.	Temporary help wanted signs, not larger than six square feet; if a ground sign, not higher than six feet
10.	Historic landmark signs not more than six square feet in area nor more than five feet in height
11.	Nameplate signs not more than six square feet in area and up to six feet high
12.	Placards
13.	Political signs
14.	Real estate sale signs
15.	Window signs, on the inside of a window only; the total area of all signs within a window shall not obscure more than 25% of the window area

SECTION 25.05. PROHIBITED SIGNS. The following types of signs are prohibited in all districts:

Table 25.05 Signs Prohibited in all Districts	
Type of Sign	Regulation or Exception
A sign not expressly permitted by the terms of this Ordinance	
Strings of light bulbs, pennants, streamers, ribbons, flags, sequins, discs, banners or similar devices or materials used for commercial purposes	Except flags or banners of a non-commercial nature and except customary and temporary holiday decorations
Balloon signs	
Any sign located in a public or private street right-of-way or other property; any sign in a clear-vision corner	
Roof sign	
Snipe sign	
Any sign which has flashing, moving, oscillating or blinking lights	Except time and temperature signs and barber-pole signs
Pole signs	
Billboards	Except an existing billboard installed prior to the effective date of Section 25.20.D and which fully complied with the sign regulations then in effect may continue as a lawful nonconforming use, subject to Section 25.10.D and Chapter 30
Multi-vision signs	
Off-premises signs	Except community special event signs, and permitted lawful existing billboards
Feather signs	
Pedestrian signs	
Vehicle signs	Except registered vehicles or trailers lawfully parked and regularly used for vehicular travel purposes in the normal day-to-day operations of a bona fide business located on the same premises to which the vehicle sign relates
Any sign which is structurally or electrically unsafe	
Lights and lighting devices that do not include letters, images or other elements of a sign, but which are installed and operated as a means of	

making more noticeable a building, structure or land use, including lighted neon tubes and similar illuminated features not included in a sign	
Any sign structure or sign frame that no longer supports or contains a sign	

SECTION 25.06. SIGNS PERMITTED IN ALL DISTRICTS EXCEPT THE MHC DISTRICT. The signs listed in Table 25.06 are permitted in all districts except the MHC District, subject to the requirements stated in Table 25.06 and other applicable provisions.

Table 25.06 Signs Permitted in all Districts, except the MHC District	
Directional Sign, On-Premises Only	
Maximum Size	Two square feet
Maximum Height	Three feet
Location	At least five feet away from all property lines and not within any street right-of-way
Other	Sign is limited to traffic control functions; it may have no advertising copy, but may include a business name and/or logo
Construction Sign	
Maximum Number	One per development or project; if for a building, only one is permitted
Maximum Size	32 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Other	Must be removed within two days after completion of development or project; if for a building, must be removed within 4 days after issuance of occupancy permit
Real Estate Sign	
Maximum Number, On-Premises	One per property; on-premises only
Maximum Size	Up to six square feet for residential property; up to 32 square feet for non-residential property, subdivision or condominium developments
Maximum Height	Six feet for residential property
On-Premises Location	At least 10 feet away from all property lines
Other	May not be illuminated. Must be removed within 10 days after closing of sale or lease of property; subdivision and condominium development signs must be removed not later than 10 days after closing of sale, or occupancy or construction of at least 75% of the lots, parcels or units

Placard	
Maximum Number	Signs placed along lot lines must be at least 50 feet apart
Maximum Size	Two square feet
Location	May be placed along property lines
Other	Provisions do not apply to Miss-Dig signs to mark utility locations, but signs must be removed within three days after the end of the project that required marking of utilities
Temporary Signs	
Permitted Type of Temporary Sign	Community special event sign
Maximum Number	Not more than one for each special event
Maximum Size	24 square feet
Maximum Height	Six feet
Location	May be on-premises only; at least 10 feet away from all property lines
Other	May be displayed up to 10 days before event; must be removed within two days after event

SECTION 25.07. SIGNS PERMITTED IN THE RR, R-1, R-2, R-3, LR, AND R-PUD DISTRICTS. The signs listed in Table 25.07 are permitted in the RR, R-1, R-2, R-3, LR, and R-PUD Districts, subject to the requirements stated in Table 25.07 and other applicable provisions.

Table 25.07 Signs Permitted in the RR, R-1, R-2, R-3, LR, and R-PUD Districts.	
Ground Sign for Permitted Non-Residential Principal Uses	
Maximum Number	One for each street frontage
Maximum Size	50 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Other	May be illuminated as permitted in Section 30.03.B
Wall Sign for Permitted Non-Residential Principal Uses	
Maximum Number	One for each street frontage
Maximum Size	5% of the wall area to which it is affixed, but not exceeding 50 square feet
Location	To be affixed flat against a building wall; may not extend past the edge of the wall to which it is affixed, nor extend above the roof line of a building.
Garage Sale, Estate Sale and Yard Sale Sign	
Maximum Number	Three, only one of which may be on-premises and no more than two of which may be off-premises
Maximum Size	Six square feet
Maximum Height	Five feet
Location	At least 10 feet away from all property lines, whether on-premises or

	off-premises
Other	May be erected no earlier than three days before the sale; must be removed within two days after the sale
Farm Identification Sign in RR District Only	
Maximum Number	Not more than one for each farm; shall be a bona fide farm only
Maximum Size	32 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Nameplate Sign; Address Sign	
Maximum Number	One of each per property
Maximum Size	One square foot
Location	May be a wall sign only, affixed flat against a building wall
Other	May not be illuminated
Subdivision Sign	
Maximum Number	One for each street frontage
Maximum Size	50 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Other	May not be illuminated, unless permitted in approval of subdivision
Electronic Changeable Message Sign for Non-Residential Principal Uses	
Maximum Number	One for each lot or parcel, but must be included within a permitted wall sign or a permitted ground sign
Maximum Size	Not greater than 50% of the area of the sign in which it is included; it shall be counted as a part of the sign area of that sign
Maximum Height	Must be contained within permitted sign area
Location	Must be included within a permitted ground sign or a permitted wall sign, but it may not be located within 100 feet of a side lot line
Other	<p>a. Message changes, except for time and temperature, may occur not more frequently than once every 10 minutes. The change between messages must be instantaneous. Rolling, scrolling, zooming, fading, unveiling and other methods of transition between messages are not permitted.</p> <p>b. The electronic display, background, color tones, lettering, logos, pictures, illustrations, symbols and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity (except as specifically required for changes in outdoor light levels), or otherwise change in outward appearance, except when the message or display is changed to another message or display. The color white shall not be used as the background color on any part of the electronic display portion of the sign.</p> <p>c. The background of the electronic display portion of a sign located within 200 feet of a dwelling or dwelling unit shall be a</p>

	<p>dark color, and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. The color white shall not be displayed in the background portion of the sign.</p> <p>d. The sign must be equipped with a default mechanism that will stop messaging or freeze the image in one position when an electronic malfunction occurs.</p> <p>e. The sign shall not include any form or appearance of pyrotechnics display.</p> <p>f. The sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in outdoor light levels.</p> <p>g. The sign shall not be illuminated during the hours from 11:00 p.m. to 6:00 a.m.</p>
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Other Permitted Signs in R-PUD Approval

Other signs may be permitted by the Planning Commission and Township Board in the approval of an R-PUD, either in lieu of or in addition to the above-stated signs. All such signs shall be included in the R-PUD signage plan, as submitted by the applicant or as it may be otherwise approved in the R-PUD ordinance. In approval of all signs in an R-PUD, the Planning Commission and Township Board may determine all aspects of signage, including illumination, sign appearance, construction and the like.

In their approval of additional, modified or reduced signs or signage, the Planning Commission and Township Board shall apply the review and approval standards specified in Chapter 15 of this Ordinance.

SECTION 25.08. SIGNS PERMITTED IN THE B-1, B-2 AND I DISTRICTS.

The signs listed in Table 25.08 are permitted in the B-1, B-2 and I Districts, subject to the requirements stated in Table 25.08 and other applicable provisions.

Table 25.08 Signs Permitted in the B-1, B-2 and I Districts.	
Ground Sign	
Maximum Number	One per individual property, or one per business center as defined herein, except if an individual property or a business center has two or more street frontages, then there may be one ground sign for each street frontage
Maximum Size	50 square feet for an individual property; 50 square feet for a business center as defined herein
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Wall Sign	

Maximum Number	One for the front wall of each establishment in an individual building; or for the front wall of each establishment in a business center as defined herein.
Maximum Size	10% of the front wall area of an individual establishment, to which it is affixed, not exceeding 32 square feet.
Location	To be affixed flat against the front wall of an establishment in an individual building or on the front wall of an establishment in a business center as defined herein; the sign may not extend past the edge of the wall to which it is affixed, nor extend above the roof line of the building.
Alternative for Single Wall Sign for an Individual Building or Business Center	In the place of wall signs for individual businesses in a building or in a business center, there may be one wall sign for an individual building or for a business center; in such a case, the wall sign shall not exceed 15% of the wall area to which it is affixed, up to a total of 50 square feet. The sign may not extend past the edge of the wall to which it is affixed, nor extend above the roof line of the building or the business center.
Subdivision Sign	
Maximum Number	One for each street frontage
Maximum Size	50 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines
Electronic Changeable Message Sign	
Maximum Number	One for each lot or parcel, but must be included within a permitted wall sign or a permitted ground sign
Maximum Size	Not greater than 50% of the area of the sign in which it is included; it shall be counted as a part of the sign area of that sign
Maximum Height	Must be contained within permitted sign area
Location	Must be included within a permitted ground sign or a permitted wall sign, but it may not be located within 100 feet of a residential district on the same side of the street
Other	<p>a. Message changes, except for time and temperature, may occur not more frequently than once every ten minutes. The change between messages must be instantaneous. Rolling, scrolling, zooming, fading, unveiling and other methods of transition between messages are not permitted.</p> <p>b. The electronic display, background, color tones, lettering, logos, pictures, illustrations, symbols and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity (except as specifically required for changes in outdoor light levels), or otherwise change in outward appearance, except when the message or display is changed to another message or display. The color white shall not be used as the background color on any part of the electronic display</p>

	<p>portion of the sign.</p> <p>c. The background of the electronic display portion of a sign located within 200 feet of a dwelling or dwelling unit shall be a dark color, and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit. The color white shall not be displayed in the background portion of the sign.</p> <p>d. The sign must be equipped with a default mechanism that will stop messaging or freeze the image in one position when an electronic malfunction occurs.</p> <p>e. The sign shall not include any form or appearance of pyrotechnics display.</p> <p>f. The sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in outdoor light levels.</p> <p>g. The sign shall not be illuminated during the hours from 11:00 p.m. to 6:00 a.m. or during the period of time that the establishment is not open for business, whichever is greater.</p>
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Temporary Signs	
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Permitted type of temporary sign	Commercial special sales event sign (ground sign only)	
	Maximum Number	Not more than one for each street frontage of an individual business building; not more than one for each street frontage of a business center as defined herein
	Maximum Size	24 square feet
	Maximum Height	Six feet
	Location	May be on-premises only; at least 10 feet away from all property lines
	Other	May be displayed up to 10 days before special sales event; must be removed within two days after special sales event; may not be displayed for more than four special sales events in any calendar year, whether for an individual business or whether for a special sales event within a business center as defined herein

Existing Lawful Billboards	
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Maximum Number	One per property
Maximum Size	50 square feet
Location	Permitted only in the B-1 and B-2 Districts; the parcel on which the billboard is located must be adjacent to a State highway and must comply with the minimum lot width requirements of the zone district in which it is located
Maximum Height	35 feet

Other	The billboard shall constitute the principal use of the parcel of land on which it is located. No other principal use shall be established on the same parcel of land as the billboard. The parcel on which the billboard is placed shall comply with the minimum lot area requirements of the zone district in which the billboard is located. Digital, electronic or mechanical billboards are not permitted, in whole or in part.
Further Limitation	Only lawful billboards fully installed at the effective date of this chapter are permitted. All such lawful billboards, as of the effective date of this chapter, are lawful nonconforming uses, subject to Section 25.10 of this chapter and Chapter 30.

SECTION 25.09. SIGNS PERMITTED IN THE MIXED USE PLANNED UNIT DEVELOPMENT (M-PUD) DISTRICT. The signs listed in Table 25.09 are permitted in the M-PUD District, subject to the requirements stated in Table 25.09 and other applicable provisions.

Table 25.09 Signs Permitted in the M-PUD District	
Development Sign	
Maximum Number	One for each street frontage of the PUD property.
Maximum Size	50 square feet.
Maximum Height	Six feet
Location	At least 10 feet away from all property lines.
Other	May be illuminated and may include an electronic changeable message in accordance with Table 25.08 (or as it may be modified in M-PUD approval) as permitted in M-PUD approval; the above limitations on size, height and location of development signs may be modified in M-PUD approval.
Wall Sign	
Maximum Number	One for each street frontage of an individual non-residential building; or one for each street frontage of a business center as defined herein.
Maximum Size	15% of the wall area to which it is affixed, not exceeding 50 square feet.
Location	To be affixed flat against a building wall, as to either the wall area of an individual building or the wall area of a business center as defined herein; may not extend past the edge of the wall to which it is affixed, nor extend above the roof line of the building.
Other	The above limitations on number and size of wall signs may be modified in M-PUD approval; one or more awning signs, in lieu of or in addition to wall signs, may be permitted in M-PUD approval.
Residential Area Sign	
Maximum Number	One for each street frontage of a residential area in an M-PUD District
Maximum Size	32 square feet
Maximum Height	Six feet
Location	At least 10 feet away from all property lines

Other	The above limitations on number, size, height and location of such signs may be modified in M-PUD approval
Other Permitted Signs in M-PUD Approval	
<p>Other signs may be permitted by the Planning Commission and Township Board in the approval of an M-PUD, either in lieu of or in addition to the above-stated signs. Such other signs may include, among others, wall signs to identify live/work units; projecting signs; identification signs for particular uses or amenities, such as parks or recreation areas; identification signs for separate portions of an M-PUD, such as a residential portion; and other signs pertaining to other particular or specialized uses within an M-PUD.</p>	
<p>All such signs shall be included in the M-PUD signage plan, as submitted by the applicant or as it may be otherwise approved in the M-PUD ordinance. In approval of all signs in an M-PUD, the Planning Commission and Township Board may determine all aspects of signage, including illumination, sign appearance and construction and the like.</p>	
<p>In their approval of additional, modified or reduced signs or signage, the Planning Commission and Township Board shall apply the review and approval standards specified in Chapter 16 of this Ordinance.</p>	

SECTION 25.10. NON-CONFORMING SIGNS, INCLUDING NON-CONFORMING BILLBOARDS.

- A. **Intent.** It is the intent of this chapter to encourage the eventual elimination of signs that as a result of the adoption of this chapter become non-conforming; to administer this chapter to realize the eventual removal of non-conforming signs; and to adopt regulations on the limited alteration or provisional relocation of certain non-conforming signs.

- B. **Lawful Existing Signs.** A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this chapter or other relevant provisions of this Ordinance shall be deemed a lawful non-conforming sign and may be permitted to remain if the sign is properly maintained, except as otherwise stated in this section.

- C. **Continuance of Non-conforming Signs, Except Non-conforming Billboards.** This subsection C regulates non-conforming signs other than non-conforming billboards.
 - 1. **Expansion.** A non-conforming sign shall not be enlarged or expanded in area, increased in height or changed to another non-conforming sign, in whole or in part.

 - 2. **Removal or Relocation.** A non-conforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.

3. **Alterations, Reconstruction of Sign Structures.** A non-conforming sign shall not be structurally altered, rebuilt or reconstructed, in whole or in part; nor shall it be altered or revised (nor shall any pole or other sign support be replaced, in whole or in part) so as to change the shape, size, type, placement or design of the structural elements of the sign, or in order to add illumination, either by the addition of additional light sources or by an increase in the intensity of existing illumination.
4. **Ordinary Maintenance.** A non-conforming sign shall not be altered or revised; provided, however, that the following actions with respect to a non-conforming sign shall be permitted: normal and usual maintenance (which shall not include the replacement of any pole or other sign support, in whole or in part); the changing of the sign surface area to a lesser or equal area; the replacement of landscaping below the base of the sign; or the changing of the sign's background, letters, figures, graphics or other characters, but such changes shall not include the changing of a static display face of a sign to an electronic changeable message, digital or tri-vision display face, in whole or in part.
5. **Damage from Casualty.** A non-conforming sign shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign, within any 12-month period, would cost more than 60 percent of the cost of an identical new sign. In evaluating evidence presented as to the cost of an identical new sign, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
6. **Signs Accessory to Nonconforming Use.** A sign that is lawfully accessory to a lawful nonconforming use may be erected in accordance with the sign regulations for the district in which the property is located.
7. **Removal of Signs no Longer Used.** Any sign which for a period of one year or more no longer advertises a bona fide business actually conducted or a product actually available for sale shall be removed by the owner of the building, structure or property upon which the sign is located, within 30 days after the mailing or delivery of a written notice by the Township to do so.

D. **Continuance of Non-conforming Billboards.** This subsection D regulates only non-conforming billboards. Non-conforming signs that are not billboards are regulated by subsection C above.

1. **Expansion.** A non-conforming billboard shall not be enlarged or expanded in area or increased in height, in whole or in part.

2. **Replacement.** A non-conforming billboard shall not be changed to another non-conforming billboard or another non-conforming sign, except as permitted under subsection E.
 3. **Removal or Relocation.** A non-conforming billboard shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, on the same parcel of land, except as permitted under subsection E. A non-conforming billboard may not be relocated, re-erected or re-installed on a different parcel of land.
 4. **Damage from Casualty.** A non-conforming billboard shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the billboard, within any 12-month period, would cost more than 60 percent of the cost of an identical new billboard. In evaluating evidence presented as to the cost of an identical new billboard, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
 5. **Ordinary Maintenance.** A non-conforming billboard shall not be altered or revised, except as permitted under subsection E; provided, however, that the following actions with respect to a non-conforming billboard shall be permitted: normal and usual maintenance; the changing of the billboard surface-area to a lesser or equal area; the replacement of landscaping below the base of the billboard; or the alteration of the billboard's background, letters, figures, graphics or other characters, but such changes shall not include the changing of a static display face of a sign to an electronic changeable message, digital or tri-vision display face, in whole or in part.
- E. **Special Exception Use to Permit Limited Changes to Non-conforming Billboards.** Notwithstanding the provisions of subsection D, a non-conforming billboard may be (1) changed to another non-conforming billboard or another non-conforming sign, or (2) altered or revised, but only in accordance with this subsection E.
1. **Planning Commission Approval.** The Planning Commission may approve, as a special exception use, the following actions with respect to a non-conforming billboard (but any such approval shall not include approval of changing a static display face of a billboard to an electronic changeable message, digital or tri-vision display face, in whole or in part):
 - a. The conversion of a non-conforming billboard to another non-conforming billboard or another non-conforming sign.
 - b. The alteration or revision of the non-conforming billboard.

2. **Application Procedure.** An applicant shall apply for the special exception use on a form provided by the Township, shall pay the application fee and shall pay any required zoning escrow deposit. With the application, the applicant shall submit an accurate site plan and other written material describing in detail the proposed action(s) with respect to the non-conforming billboard.
 - a. The site plan shall comply with the site plan content requirements of Section 22.06 of this Ordinance, except that it need not include items or information deemed by the zoning administrator to be not necessary for consideration of the application.
 - b. The applicant shall include such other information with respect to the requested use as the zoning administrator or the Planning Commission may determine necessary or useful in considering the application.
3. **Review of Application Completeness.** The Township zoning administrator shall determine whether the application and the other materials are complete. After such determination, the application, the site plan and other materials submitted by the applicant shall be forwarded to the Planning Commission.
4. **Planning Commission Consideration.** The Planning Commission shall consider the application for the special exception use at a public meeting. A public hearing shall not be required.
5. **Types of Billboard Alteration Planning Commission May Approve.** The special exception use may authorize the following:
 - a. The change of a non-conforming billboard to another non-conforming billboard if the resulting billboard would have less sign surface area, or would be of lesser height, than the existing non-conforming billboard.
 - b. The alteration or revision of a non-conforming billboard if the altered or revised billboard would be less distracting to motor vehicle drivers or would otherwise have fewer adverse effects than those of the existing non-conforming billboard, by reason of reduced sign area, reduced sign height, revised configuration, less illumination or other alteration beneficial to the public interest.
6. **Terms and Conditions.** The special exception use may include terms, conditions and limitations.

7. **Standards for Review.** In determining whether to approve a requested special exception use, the Planning Commission shall consider the following:
 - a. Whether the non-conforming billboard as changed, altered or revised would result in a billboard that would be less distracting to motor vehicle drivers, by reason of reduced size, reduced height, different configuration, less illumination, or by reason of other improvements in the public interest.
 - b. Whether the changed, relocated, altered or revised non-conforming billboard would eliminate, reduce or mitigate a vehicle traffic hazard resulting from the existing non-conforming billboard or other adverse effect resulting from the existing billboard.
 - c. Whether the resulting non-conforming billboard would otherwise advance the goals and purposes of the zoning ordinance.
8. **Zoning Board of Appeals Jurisdiction.** The Zoning Board of Appeals shall not have jurisdiction to vary, modify, reverse or otherwise consider the approval or disapproval of the special exception use.

SECTION 25.11. SIGN PERMITS AND APPLICATIONS.

A. Permits Required.

1. It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate any sign unless a permit shall have been first obtained from the zoning administrator; provided, a permit shall not be required with respect to those signs that are specifically excluded from permitting requirements of this chapter.
2. A sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
3. For purposes of this section, the alteration of a sign shall mean any change in an existing sign, including changing the sign copy to identify, advertise or promote a different land use. The alteration of a sign shall not, however, include normal maintenance or minor repair of a sign, nor apply to the change of a sign message on reader boards.

B. Permit Applications. Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information, and shall be accompanied by the required application fee:

1. Name, address and phone number of applicant.

2. Location of the building, structure, or lot on which the sign is to be attached or erected.
3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
4. Position of the sign in relation to buildings, structures, signs, property lines, and rights-of-way, existing or proposed, located within 300 feet of the proposed sign.
5. Zoning district in which the sign is to be located.
6. Two copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including maximum and minimum sign heights, face outline and total sign area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
7. Name and address of the sign installer/erector.
8. Such other information as the Township may require to show full compliance with this chapter and other applicable Township ordinances, county ordinances and state laws.

C. Sign Maintenance or Change of Message.

1. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message designed for occasional message change without change of sign structure.
2. The electrification of a sign, the alteration of the type of illumination, the alteration of the structural components of the sign face and other alterations as determined by the zoning administrator shall not qualify as ordinary sign servicing or maintenance, and accordingly shall require a permit under the terms of this section. The change of a static display face of a sign to a changeable, electronic or other type of display face, in whole or in part, shall require a permit under the terms of this section.

D. Electrification of Signs. All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code and the Township's outdoor lighting requirements. The Township approval of the electrical service for a sign shall be noted on or be attached to the sign permit.

- E. **Issuance of Sign Permit.** The 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 be under construction within six months 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.

CHAPTER 26

LANDSCAPING AND BUFFERING

SECTION 26.01. DESCRIPTION AND PURPOSE.

- A. Landscaping is an important element of the use, development and preservation of land, and a significant factor in conserving the value of land, buildings and structures in the Township. The principal purpose of this chapter is to promote the public health, safety and general welfare by establishing minimum standards for the design, installation and maintenance of landscaping to in order to achieve a variety of beneficial purposes.
- B. The design, installation and maintenance of landscaping in accordance with this chapter is intended to achieve, in appropriate locations, the following purposes, among others: improve and enhance the character of the site; screen or filter views, where necessary; unify the various parts of the site; blend inharmonious land uses; buffer incompatible uses; remove air pollutants; control glare and reflection; slow the effects of erosive winds or water and promote storm water retention, thereby helping to prevent flooding; assist in directing safe and efficient traffic flow at driveways and within parking lots; insure adequate sight distance; reduce the impacts of glare from headlights; distinguish and separate vehicular and pedestrian circulation paths; and retain the rural and suburban character of the Township.
- C. In specified instances, the Planning Commission is granted discretion in applying the standards and requirements of this chapter, in order to encourage and permit innovative and creative landscape design, consistent with the purposes of this chapter. Applicants are encouraged to provide landscaping in addition to the minimum required, so as to improve the function, appearance and value of properties within the Township.

SECTION 26.02. APPLICABILITY OF LANDSCAPING PROVISIONS.

- A. The standards and requirements specified in this chapter shall apply to any land use for which site plan review is required under the terms of this Ordinance. Accordingly, the provisions of this chapter shall not apply to land uses exempt from site plan review as stated in Section 22.03 of this Ordinance.
- B. The requirements of this chapter shall be complied with to the extent reasonably possible, as determined by the Planning Commission. In its review of a site plan, or other plan of land use requiring a site plan in accordance with Chapter 22 of this Ordinance, the Planning Commission shall have the authority to decrease or otherwise modify the applicable landscaping and screening requirements, in consideration of the following criteria:
 - 1. The amount of space on the site available for landscaping.

2. Existing landscaping on the site and adjacent properties.
 3. The type of use on the site and the size of the development.
 4. Existing and proposed adjacent land uses.
 5. The effect which the required landscaping would have on the operation of the existing or proposed land use.
 6. The topographic features of the site which may create conditions such that strict application of the provisions of this chapter will result in less effective landscaping and screening than proposed alternative landscape designs which utilize existing topographic features.
- C. If an applicant requests any modifications from the landscaping and screening provisions of this chapter, the applicant shall provide the Planning Commission with a written statement of justification, identifying the site conditions that are stated to warrant the requested modifications, and specifying how the modifications would nevertheless carry out the basic intent and purposes of this chapter.

SECTION 26.03. LANDSCAPE PLAN REQUIRED.

- A. A landscape plan shall be submitted as part of the application for site plan review, as to all land uses requiring site plan review. The landscape plan may be incorporated within a site plan being submitted for site plan review or for other land use approvals, or it may be a separate plan, but it shall have sufficient detail and clarity so as to enable the Planning Commission fully to evaluate all aspects of the proposed landscaping and to determine whether the plan complies with the provisions of this chapter.
- B. The landscape plan, whether submitted as a separate plan or as part of an overall site plan, shall include, but is not necessarily limited to, the following:
1. Existing vegetation on the site and a clear indication of which existing plants, if any, will be retained.
 2. Existing and proposed contours of the site, shown at reasonable intervals.
 3. Typical straight cross-section, including the slope, height and width of berms.
 4. The location, spacing, size and description of each plant type proposed to be used in all landscaped areas.
 5. A list of all plants, showing the required and proposed quantities thereof.

6. Topographic features of the site which will be utilized as a part of the landscaping of the site.
 7. Methods and details for protecting during construction activity any existing trees and other existing vegetation that are to be retained on the site.
 8. Description of a proposed landscape maintenance program, including a statement that all diseased, damaged or dead plant materials shall be promptly replaced.
- C. A landscape plan shall be subject to the approval of the Planning Commission. The Commission shall review the plan in its review of a site plan, a planned unit development, or in connection with its consideration of other land uses for which a landscape plan is required. The Planning Commission may approve the landscape plan, reject the plan or approve the plan with terms and conditions and/or with modifications authorized by the terms of this chapter.

SECTION 26.04. GENERAL LANDSCAPING STANDARDS. All required landscaping, buffers, landscaped screens, and greenbelts shall comply with the following standards:

A. Minimum Standards for Plant Material.

1. All plant materials shall be hardy to Kent County and be free of disease and insects.
2. No substitution of plant species or sizes shall be allowed unless approved by the Zoning Administrator in writing.
3. All plant material shall be installed in such a manner so as not to alter drainage patterns on the site or adjacent properties, or obstruct vision for safety of ingress or egress.
4. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
5. All required landscaping shall be planted prior to the issuance of a certificate of occupancy (with allowance for delay resulting from inclement weather), or within such greater period of time as may be permitted in writing by the zoning administrator.
6. All landscaping shall be hardy and shall be maintained thereafter in a neat, healthy and orderly manner following accepted horticultural practices. Withered, dying and/or dead plants shall be replaced within a reasonable period of time, but not longer than one growing season.

7. Mulch or similar material, by itself, does not constitute landscaping.
8. Minimum plant sizes at time of planting shall conform to the following requirements:

TREE TYPE	MINIMUM SIZE*
Deciduous Canopy Tree	2 ½ inch caliper
Deciduous Ornamental Tree	2 inch caliper
Evergreen Tree	7 feet in height
Deciduous Shrub	2 feet in height
Upright Evergreen Shrub	2 feet in height
Spreading Evergreen Shrub	24 inches spread

*Larger or varied shrub and tree sizes may be required by the Planning Commission to maintain a natural appearance especially for large areas that are planted with vegetation such as berms, buffers, greenbelts and landscaped screens.

9. In order for plants to achieve the required horizontal and vertical landscaping and/or screening effects within a reasonable period of time after initial installation, all trees, shrubs and other plants shall be well maintained and regularly watered to assure their continued viability.
10. The overall landscape plan shall not contain more than 25 percent of any one plant species.
11. The use of cobble stones, mulch, crushed stones, pavers, or other non-living material as a ground cover in planting beds shall be minimized. Non-living materials may be used to accent or protect living plant material, but shall not dominate the landscape design.
12. Trees and shrubs in required greenbelts and buffer zones shall be arranged in informal groupings and irregularly spaced to simulate a natural setting, unless site specific conditions are such that a more formal arrangement is appropriate, as determined by the Planning Commission.
13. Plants that are placed in two or more rows shall be staggered.
14. Trees and shrubs shall not be placed closer than four feet to a fence, wall, or property line.
15. Landscaping shall be provided adjacent to buildings in order to provide shade, minimize energy demand, and/or to enhance the general appearance of the building and site.

16. For the purpose of applying the landscape requirements of this chapter, a corner lot shall be considered as having a front yard along each intersecting street, and accordingly, the required front yard landscaping shall be provided for both street frontages.
17. Plant materials shall be planted and maintained so as not to create any site obstruction near street intersections.
18. Applicants shall give consideration to utilizing plant materials to assist in storm water management on the site, including the establishing of rain gardens and other effective bioretention measures.
19. If required by the Planning Commission, prior to final site plan approval, the applicant shall provide to the Township a financial guarantee in the form of a letter of credit or other permitted form of guarantee, in a sufficient amount to insure the installation and continued maintenance, for a period of two years, of all required landscaping. The financial guarantee may be included with any other such financial guarantee required by the Township with respect to the land use being approved.

B. Preservation of Existing Trees and Other Landscape Elements.

1. A landscape plan shall provide for the preservation of existing trees of reasonable quality whenever such preservation is feasible, particularly in proposed greenbelts or along a public roadway. Relocation of existing trees within the site may also be permitted.
2. The Planning Commission shall credit healthy, existing vegetation that has a high probability of surviving after development, toward meeting applicable landscape requirements, to the extent that such existing vegetation supports the intent and complies with the standards of this chapter.
3. If trees or other vegetation which are designated for preservation and for which landscaping credit has been given, should die, then the applicant shall replace the tree or other vegetation with a tree or other vegetation of the same or equivalent species which will in approximately the same time attain the same height, spread and growth of the tree or other vegetation being replaced.
4. Existing trees and other vegetation that are to be preserved shall be labeled “to remain,” or with some comparable legend, on the landscape plan. During construction, protective measures shall be taken so as to protect all plants that are to be preserved, including the installation of temporary fencing or other barriers.

C. Minimum Standards for Berms.

1. Wherever a berm is used to meet the requirements of this chapter, it shall have a minimum height of three feet and a maximum height of five feet above grade, and the crest shall gently curve with a level crown that is at least two feet wide.
2. Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall be avoided.
3. Berms shall be planted so that they have a natural and informal appearance; provided, however, the Planning Commission may require a more formal design if the Commission determines that site conditions or other landscaping factors warrant.
4. If appropriate, as determined by the Planning Commission, required plant material shall be placed on the top and side slope facing the exterior property line.
5. If possible, berms shall be constructed so as to maintain side slopes that do not exceed a ratio of one foot vertical rise to three feet horizontal distance. If topography or other site conditions prevent this ratio, retaining walls or terracing may be permitted. If a berm is constructed using retaining walls or terraces, the earthen slope shall face the exterior of the site.
6. Areas of a berm not containing shrubs, trees, and/or perennial flowers shall be planted with grass or other living ground cover and maintained in a healthy condition.
7. Berms shall not be designed, constructed or maintained so as to alter drainage patterns such as to have an adverse effect on adjacent properties.

D. Minimum Standards for Screen Walls and Fences.

1. All required plant material shall be on the exterior side of a screen wall or fence.
2. If a wall or fence is to be constructed with openings, the openings shall not exceed 20 percent of the wall or fence surface. In any case, such openings shall not have the effect of substantially reducing the required obscuring effect of the wall or fence.
3. When a screen wall or fence has both a finished face and an unfinished face, the finished face shall be installed so that it is directed toward the exterior side of the development site, or the side which will be most visible to the general public, as determined by the Planning Commission.

4. Screen walls and fences shall be designed, constructed and maintained so as not to alter drainage patterns such as to result in adverse effects on the site or on adjacent properties.

SECTION 26.05. BUFFER ZONES.

A. Required Locations.

1. A buffer zone shall be required along the boundary between adjoining parcels of land in differing zoning districts as indicated in the following Required Buffers table:

Zone District	Required Buffers*				
	R-3	R-4	B-1	B-2	I
RR	C	C	B	B	
R-1	C	C	B	B	A
R-2	C	C	B	B	A
R-3			B	B	A
R-4			B	B	A
LR			B	B	A
B-1					C
B-2					C
I					

*In the above table, the zone district of the subject property is the zone district listed in the left-hand column below Zone District; the relevant zone district that is the district adjacent to the subject parcel of land located in the zone district listed in the left-hand column is the district respectively indicated in the five zone district columns under the title Required Buffers. The letter abbreviations shown in the five columns under Required Buffers are those specified in the table in subsection B of this section.

Where properties in two different zoning districts abut one another, a buffer of the type specified shall be located on the more intensive of the two districts.

2. Buffer zone requirements shall not apply where adjacent zoning districts are separated by a public street. In such case, the greenbelt requirements of this chapter shall apply.
3. A buffer zone shall be required, even if the abutting parcel is unimproved land.

4. When any developed property is changed to a more intense land use, or a special land use or other use as to which site plan review is required, a buffer zone shall be provided in compliance with this section.

B. Minimum Standards for Buffer Zones.

1. Buffer zones specified in this section shall comply with the following requirements:

Requirements	Buffer Zone		
	A	B	C
Minimum Width	50 feet	30 feet	20 feet
Canopy Trees	3*	3*	2*
Ornamental Trees	4*	2*	2*
Evergreen Trees	5*	3*	2*
Shrubs	10*	6*	4*

*Number of specified trees or shrubs required to be planted and maintained for each 100 linear feet of required buffer zone, as measured along the relevant property line.

2. If a berm, screen wall, or fence is used for all or part of the buffer zone, required plant material quantities may be reduced by 25 percent along that portion of the buffer zone. The berm, wall or fence shall comply with minimum standards contained in this chapter.
3. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover.
4. Landscape materials shall conform to all applicable standards in Section 26.04.A.
5. Storm water detention/retention areas shall be permitted within buffer zones; provided, that they shall not have the effect of reducing the required screening effect of the buffer zone, nor impair the effective growth or survival of trees, plants and other vegetation in the buffer zone.

SECTION 26.06. GREENBELTS.

A. Required Locations.

1. Greenbelts shall be required in the following circumstances, except as may be provided elsewhere in this chapter:
 - a. Within any required yard abutting a street, except for single family and two family dwellings on individual lots.

- b. Along the street side of any parking lot in the B-1, B-2, and I Districts.
 - c. Around any nonresidential parking lot abutting, facing, or within 100 feet of a residential district.
 2. Except for necessary driveways, frontage roads, service drives, or walkways, a required greenbelt within a yard abutting a street shall extend the full width of the lot.

B. Minimum Standards for Greenbelts.

1. A required greenbelt shall be landscaped in accordance with the following:
 - a. One canopy tree and two evergreen trees, plus one additional canopy and evergreen tree for each 50 feet of road frontage.
 - b. One understory tree plus one additional understory tree for each 50 feet in length of road frontage.
 - c. Shrubs at a rate of one for each required tree.
2. The minimum width of a required greenbelt shall correspond to the building or parking setback requirements (whichever is less) prescribed for the district, but shall not be less than ten feet.
3. In the case of any parking area subject to the requirements of this chapter, which abuts or faces a public right-of-way, the required greenbelt separating the parking area from the public road right-of-way shall be planted with a three-foot-high continuous landscaped screen, to be maintained, comprised of trees, other plant material, berms, or any combination of these elements in addition to the minimum greenbelt landscape requirements.
4. Greenbelt landscaping shall be located so it does not obstruct the vision of drivers entering or leaving a site.
5. If berms are incorporated into the greenbelt, the required quantities of plant material may be reduced by 25 percent.
6. Storm water detention/retention areas shall be permitted within required greenbelts, but they shall not have the effect of reducing the sufficient screening of the greenbelt, nor impair reasonable growth and survival of trees, plants and other vegetation in the greenbelt.

SECTION 26.07. LANDSCAPED SCREENING.

A. Required Locations.

1. Screening shall be required in the following circumstances, except as may be provided elsewhere in this chapter.
 - a. Around all trash dumpsters in all districts.
 - b. Around designated outdoor storage areas in any business or industrial district.
 - c. Around any loading/unloading area.
2. Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six feet in height.
3. Screening specified by this section shall be planted and maintained, even if adjacent parcels are unimproved.
4. If any developed parcel is changed to a more intense land use, a special land use or other land use for which site plan approval is required, screening shall be provided in accordance with this section.

B. Minimum Standards for Screening.

1. Unless otherwise permitted in accordance with this section, a required screen shall be comprised of a solid, sight-obscuring fence or wall complying with the following specifications:
 - a. Six feet high.
 - b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use; provided, however, this standard shall not apply to a screen around loading/unloading areas.
 - c. Constructed of masonry, treated wood, or other material approved by the Planning Commission if determined to be durable, weather resistant, rust proof, and easily maintained. Chain link and barbed wire fences are not permitted.
2. If approved by the Planning Commission, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall upon a determination that the alternate materials will provide the same degree, or better, of opacity and screening required by this section.

SECTION 26.08. PARKING AREA LANDSCAPING. All motor vehicle parking areas containing more than ten parking spaces shall be landscaped according to the following minimum requirements.

- A. One tree for every ten parking spaces shall be planted within the parking area. Such trees shall be canopy species such as red maple, locust, sycamore, oak, male gingko, linden and comparable species. While drought tolerant native species are preferred, other species of canopy trees may be planted within parking areas if approved by the Planning Commission.
- B. Parking lots shall contain curbed landscape islands. Each island shall be a minimum of ten feet wide, although islands may be combined to ensure a better environment for tree and plant growth. Each island shall be planted with a minimum of two trees to provide shade and to break up the visual monotony of large paved parking lots. Trees shall be planted at least three feet from the edge of the island to avoid contact with vehicles.
- C. Landscaping in parking areas shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- D. All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
- E. If any parking area subject to the requirements of this section abuts or faces a public road right-of-way, the required greenbelt separating the parking area from the public road right-of-way shall contain a three-foot-high continuous obscuring screen, comprised of plant material, berms, or any combination of these elements in addition to the minimum greenbelt landscape requirements.
- F. Landscaping required for a buffer zone which abuts the parking area and front yard landscaping which abuts a parking area may in total apply toward not more than 50 percent of the required parking area landscaping.

SECTION 26.09. LANDSCAPING AS PART OF STORM WATER MANAGEMENT.

- A. The Township encourages the use of innovative landscaping measures as elements of an approved storm water drainage system. Such measures may include a combination of permeable soils, grading and the planting of perennials, grasses and similar plants whereby rainwater in such locations will be readily absorbed into the ground, rather than flowing off the site or into improved areas. Such measures, regularly maintained, will improve the attractiveness of a site as well as contributing to effective control of storm water.
- B. As a means of encouraging the installation and continued maintenance of such innovative landscaping measures in a storm water drainage system in a

development subject to Township approval, the Township and the applicant may enter into a development agreement whereby the Township, if otherwise authorized, would agree to modify or waive specified minimum land use requirements, and the applicant would correspondingly agree to design, install and maintain such innovative landscaping measures as described in subsection A as part of an approved storm water drainage system.

1. If the development is a planned unit development (PUD), the provisions of such an agreement may instead be adopted in the PUD ordinance, or may be included by reference therein.
2. In approving a residential planned unit development (R-PUD) or a mixed-use planned unit development (M-PUD) under Chapters 15 and 16, respectively, for example, the Township may modify minimum provisions of the existing zoning district, or other applicable provisions, to the extent that they would otherwise apply in the PUD, as provided in Sections 14.02.E and 14.06.

Such minimum provisions of or pertaining to an existing zoning district which the Township is authorized to modify in the approval of an R-PUD or an M-PUD are minimum lot area, minimum lot width, minimum required building setbacks, maximum lot coverage, minimum street frontage, minimum building floor area, maximum number of dwelling units per multiple-family dwelling, off-street parking, private roads, accessory buildings, landscaping, outdoor lighting and signage.

CHAPTER 27

OFF-STREET PARKING AND LOADING

SECTION 27.01. DESCRIPTION AND PURPOSE.

- A. The purpose of this chapter is to regulate the parking, loading and access of motor vehicles in all zoning districts. Such regulations are intended to assure that adequate motor vehicle off-street parking and access to off-street parking areas are provided at safe and convenient locations, and to assure that off-street parking areas are designed, constructed and used in a manner consistent with safe and convenient motor vehicle access, circulation and parking.
- B. In support of these purposes, this chapter includes provisions on the location of off-street parking areas and the design and construction thereof; minimum standards for the size of parking spaces, aisles and driveways; required minimum numbers of off-street parking spaces for various permitted land uses; provisions for the design, location and size of off-street areas for the loading of motor vehicles; and other provisions intended to promote the public health, safety and convenience in the use of the streets and vehicle parking areas within the Township.

SECTION 27.02. APPLICABILITY OF THIS CHAPTER.

- A. Off-street parking areas and spaces and off-street loading areas and spaces shall be provided in all zoning districts as required by the terms of this chapter.
- B. Required off-street parking areas and spaces and required off-street loading areas and spaces shall be established and available for use at the time any principal building or principal structure is erected, enlarged, or increased in size or capacity, or at the time land uses are established, in accordance with the terms of this chapter.
- C. No parking area or space or loading area or space which exists at the time of adoption of this chapter shall thereafter be eliminated or reduced in any manner so as not to be in compliance with the requirements of this chapter.

SECTION 27.03. LOCATION OF OFF-STREET PARKING AREAS.

- A. For all residential land uses, the required off-street parking spaces shall be located on the same lot or parcel as the dwelling or dwelling units served.
- B. For all other land uses, the required parking spaces shall be located on the same lot or parcel, or on lots or parcels under the same ownership that are within 300 feet of the building the parking spaces are intended to serve, as measured from the nearest building entrance to the nearest point of the off-street parking area.

- C. If, for a non-residential land use, additional off-street parking is located on lots or parcels under different ownership from that of the lot or parcel being served by the parking spaces, and within 300 feet of the building they serve (as measured as stated in subsection B), such additional parking shall be subject to a signed and recordable agreement, stating the terms for the parking arrangement, signed by all parties in interest, such agreement being subject to Township approval under the terms of this chapter.
- D. No parking area serving a land use in a commercial or industrial district shall be located in a residential district.

SECTION 27.04. GENERAL OFF-STREET PARKING REQUIREMENTS.

- A. **Access to Parking Spaces.** Each off-street parking space shall open directly onto a clearly defined aisle or driveway of sufficient width and design to provide safe and efficient access to or from a public street, private street or other approved motor vehicle route in a manner that will accommodate such access from or into the motor vehicle traffic in the street or other route of access. Access routes for off-street parking for nonresidential land uses shall not be located on land that is zoned or used for residential purposes.
- B. **Timing of Parking Area Construction.** Off-street parking areas shall be fully constructed prior to issuance of a certificate of occupancy, unless a later time for completion of construction is permitted by the Planning Commission in its approval of a site plan or in other zoning approval; provided, however, that if a use is eligible for issuance of a certificate of occupancy, but inclement weather has prevented the completion of an off-street parking area, the certificate may nevertheless be issued, but upon the condition that the off-street parking area shall be completed as soon as weather permits; but further provided that if parking area construction is permitted to be deferred to a future time, the applicant shall provide the Township an executed performance bond or irrevocable letter of credit, in an amount determined by the Township, and conditioned upon the timely and complete construction of the required parking area.
- C. **Parking Area Landscaping.** Off-street parking areas shall be landscaped in accordance with Section 26.08 of this ordinance.
- D. **Maximum Amount of Parking Area.** In order to minimize excess areas of pavement, which result in adverse aesthetic impacts, excessive heat and glare, and contribute to high rates of storm water runoff, off-street parking areas exceeding the minimum parking space requirements by more than 20 percent shall be subject to specific approval by the Planning Commission in site plan review or in other zoning approval. In considering a proposed excessive parking area, the Planning Commission shall evaluate whether the additional parking spaces are necessary to accommodate typical parking space demand of the use being served, based on information or evidence submitted by the applicant.

E. **Reduction in Minimum Amount of Parking Area.** In order to avoid an excessive amount of impervious parking area surface, the Planning Commission in its approval of a site plan or in other zoning approval may approve an off-street parking area which provides fewer than the minimum number of parking spaces otherwise required by this chapter if the applicant demonstrates to the satisfaction of the Planning Commission that such reduced number of parking spaces will nevertheless satisfy the current and reasonably foreseeable parking space requirements of the building or use, based on the following factors:

1. The nature, size, density, location and design of the proposed use or development, including the design of the off-street parking area and drives for vehicle circulation;
2. The characteristics of the use or development which will affect the need for off-street parking spaces, including such factors as non-conflicting peak hours of operation and the sharing of parking spaces by differing uses;
3. Other factors related to the reasonably-anticipated need for off-street parking spaces by the use or development.

F. **Shared or Joint Parking Areas.**

1. If there is a mix of land uses in the same building or on the same lot or parcel, and some or all of the uses have differing peak periods of parking area use, shared parking agreements that may have the effect of reducing the total amount of needed parking spaces on a site may be permitted by the Planning Commission in its approval of a site plan or in other zoning approval. Such a shared parking agreement shall pertain only to specifically-stated land uses, and shall not include any off-street parking area required for residential uses.
2. If there is a mix of land uses in the same building or on the same lot or parcel, and such uses do not have differing peak periods of parking area use, then the total requirement for off-street parking shall be the sum of the requirements for the individual land uses computed separately.
3. If in submitting a site plan or other required land use plan, an applicant submits a signed agreement between the owners of adjacent or nearby properties, providing for the joint or collective use of off-street parking areas for buildings and uses on two or more adjacent or nearby properties, the Planning Commission in its approval of a site plan or in other zoning approval may authorize such a parking arrangement. The agreement shall provide for sufficient parking spaces equal to 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 the following requirements are complied with:

- a. The land uses proposed to have combined parking requirements shall have hours of operation which do not coincide.
- b. The Planning Commission may require that sufficient area shall be available to provide the required parking spaces for all land uses computed separately, in the event that the agreement is abrogated or otherwise becomes ineffective.

G. **Deferred Parking Construction.** In the approval of a site plan or in other zoning approval, the Planning Commission may permit a deferral in the construction of some number of the otherwise required number of parking spaces, based on consideration of the factors identified in subsection 27.04.E. In such a case, the following shall apply:

- 1. The applicant shall demonstrate to the Planning Commission's satisfaction that sufficient parking spaces will be available on other available vacant and undeveloped land to meet the parking demands of the land use or uses involved.
- 2. Areas proposed for such deferred parking shall be shown on the site plan or other required land use plan, and shall be of sufficient size for construction of the number of required parking spaces for the use or uses involved.
- 3. Any such vacant and undeveloped land shall not be included in the calculation of any required open space area.
- 4. If required by the Planning Commission, such vacant land for future parking area shall be permanently reserved for such purpose by means of recorded restrictive covenant, in form and content satisfactory to the Township.
 - a. In its approval of a site plan or other land use plan, the Planning Commission may require that vacant land reserved for future parking area shall be landscaped with grass or other plantings. The Commission may also specify the conditions under which the vacant land shall be converted to off-street parking area.
 - b. The Planning Commission may require the construction of off-street parking area within such reserved vacant land if a change of use occurs for the building or use for which the deferred parking was approved, or in circumstances in which the new or revised land use requires a greater number of parking spaces under the terms of this chapter.

H. **Temporary Parking.** The Zoning Administrator may authorize the temporary use of a required parking area for a special event that would occur infrequently

and which would result in a temporary reduction in the availability of required parking spaces and/or driving aisles for the established land uses on the property. Such special events may include outdoor vehicle sales, festivals, carnivals, church/school car washes or garage sales. Any such approval by the zoning administrator shall require a prior demonstration by the applicant of the following:

1. That the loss of the required parking spaces may be offset by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not necessary.
 2. That permission has been granted by nearby property owners or operators to use their parking facilities.
 3. That the duration of the special event is so short or of such a nature as to not create any parking problems for the normal operation of the existing on-site use.
 4. That temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles. The zoning administrator may require a site plan to demonstrate this or other aspects of the proposed temporary parking.
 5. That the proposed special event satisfies all other applicable Township regulations.
- I. **Storage and Repair.** The use of semi-trailers or other vehicles or containers for storage purposes within a parking area is prohibited. The display of vehicles in a required off-street parking lot solely for the purpose of making them available for sale is prohibited except in approved vehicle sales lots.
- J. **Parking Requirements for Uses Not Listed.** The minimum parking space requirements for all land uses shall be as listed in Section 27.07. For land uses not specifically listed in that section, the minimum parking space requirement shall be determined as follows.
1. The zoning administrator may determine the parking space requirement by applying the parking space requirement for a listed land use that is similar in its parking requirement to the land use in question.
 2. If the proposed land use is not similar to any uses listed in Section 27.07, the zoning administrator shall determine the minimum parking space requirement by referring to generally accepted minimum parking space standards specified in generally accepted land use planning manuals, specialized parking publications or by utilizing the applicable parking space requirement established by another local government.

K. Standards of Parking Space Calculations.

1. If a parking space requirement is stated in terms of number of employees, the required number of parking spaces shall be calculated based upon the maximum number of employees likely to be on the premises during the largest working shift.
2. If a parking space requirement is stated in terms of numbers of seats, but the land use in question involves benches, pews, or some other type of seating, then each 24 inches of such seating shall be counted as one seat.
3. If the unit of measurement determining the number of required parking spaces or loading spaces results in a fractional space, that fraction shall be counted as a full parking space.

SECTION 27.05. DESIGN AND CONSTRUCTION REQUIREMENTS. The following design and construction requirements shall apply in all land uses except single-family detached dwellings and two-family dwellings:

A. Parking Area Surface and Drainage.

1. All parking spaces, driving aisles and other portions of parking areas shall be surfaced with asphalt, bituminous, portland cement binder pavement or similar surface to provide a durable and dustless surface, except as permitted in subparagraph 2 of this subsection A. All surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.
2. The Planning Commission may approve alternate parking lot surfaces in limited areas for overflow parking, employee parking or in other circumstances. Such alternate surfaces may include gravel, crushed stone, or products installed in the ground which will support a parked vehicle but will permit grass to grow within the supporting spaces.

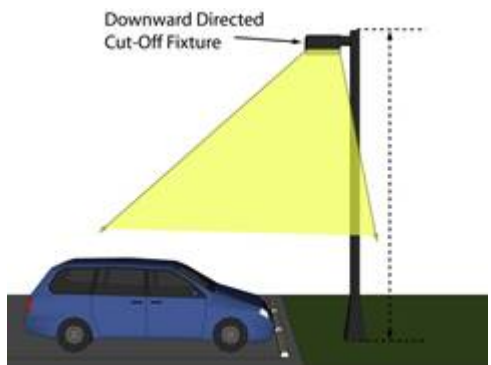
B. Striping. All parking spaces shall be striped with paint or other material approved by the zoning administrator. Striping shall be maintained at all times. For parking lots approved without a paintable surface, the method of marking parking spaces shall be determined by the zoning administrator.

C. Parking Area Lighting.

1. The Planning Commission, in its approval of a site plan or other land use plan, may require that off-street parking areas be illuminated.
2. Light fixtures used to illuminate off-street parking areas shall be designed and installed to deflect light away from adjoining or nearby residential properties and streets.

- 3. Lighting poles and fixtures in parking lots, adjacent to any residential district or residential land use, shall not exceed 20 feet in height.
- 4. Light poles and fixtures in parking lots not adjacent to a residential district or residential land use shall not exceed 25 feet in height, or shall not exceed such greater height as may be permitted by the Planning Commission in site plan review and approval or in other zoning approval. Outdoor light fixtures mounted on a building on a parcel of land not adjacent to a residentially zoned or residentially used parcel shall not have a height greater than 35 feet from the ground, as measured at the base of the building.
- 5. All exterior lighting and light fixtures shall comply with the requirements of the Township Lighting Ordinance. Light fixtures shall be designed and installed to achieve total luminary cutoff, as depicted in the nearby diagram.

- 6. The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer or other professional, graphically illustrating the design and installation of lighting.



- a. The lighting plan, to be included as a part of a required site plan or other required land use plan, shall show all light fixture types and locations.
- b. The photometric plan shall show horizontal luminance levels in a point-by-point format with contour lines. The photometric plan shall be provided for an empty and a full parking lot. Canopy lighting shall be included in luminance levels.
- c. The lighting plan shall include lighting equipment specifications and illumination data sheets.
- d. The lighting plan shall include other information required to convey the effects of the lighting design and operation.

D. Parking Lot Setbacks.

- 1. Unless otherwise provided in this Ordinance, all off-street parking areas, including parking aisles, except those serving dwellings with fewer than four 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.

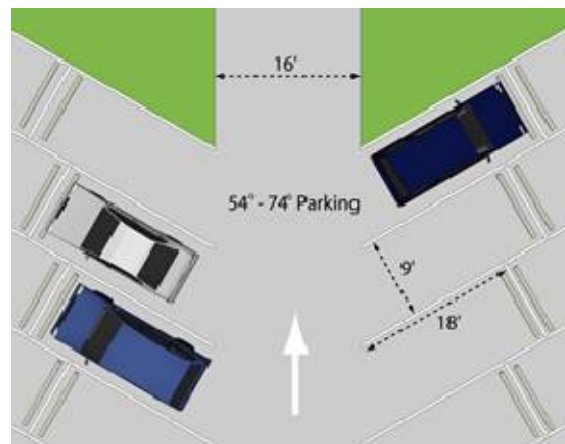
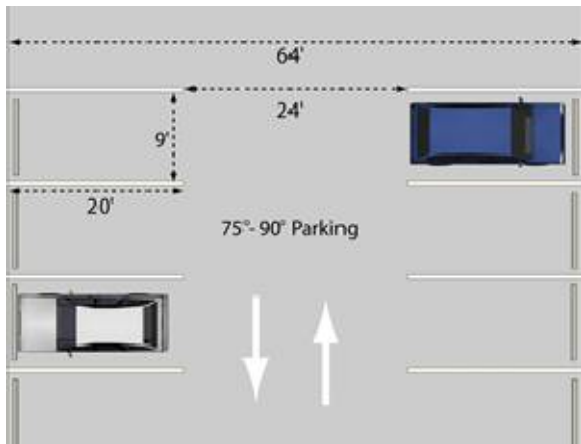
2. The Planning Commission may permit parking areas to encroach within the 15-foot front setback if substantial additional screening or landscaping acceptable to the Planning Commission is provided. In all cases, the required setback area shall be landscaped, except for necessary drives, walkways, signs, utility or light poles, or similar structures.
- E. **Driving Lanes.** Parking areas shall be designed to delineate maneuvering aisles and driving lanes and entrances to parking areas, and to provide sufficient sight distance at the end of parking space rows where the rows intersect maneuvering aisles or driving lanes. Such requirements can be achieved through the use of traffic islands, striped pavement or other approved methods
 - F. Parking lots shall be designed to limit the number of points at which pedestrians must cross in front of vehicles. Vehicle access in front of building entrances and exits shall be minimized. Landscaped or otherwise delineated pedestrian walkways to and from parking areas may be required in order to enhance pedestrian safety.
 - G. **Safety Devices.** If required in site plan approval or other zoning approval, a parking lot shall be provided with wheel or bumper guards, or other appropriate means, so that no part of a parked vehicle shall extend beyond the parking area into a sidewalk, street right-of-way, landscaped area or adjacent property.
 - H. **Interference with Traffic.** A parking area or loading area, other than those serving dwellings with four or fewer dwelling units, shall not be designed or used such that vehicles may back directly into a public street, private road or other route of public access.
 - I. **Snow Storage in Parking Areas.**
 1. Parking areas containing more than ten spaces shall provide on-site snow storage areas equivalent to ten square feet of storage area for each 100 square feet of parking lot surface area.
 2. Snow storage areas shall be designated on a site plan or other required land use plan.
 3. Snow storage areas shall not interfere with clear visibility of traffic on internal roads or drives or adjacent streets.
 4. Snow storage areas shall not interfere with emergency vehicle access to any part of the development site.
 5. Snow storage areas shall not be located in such close proximity to landscaped areas that damage to the plantings therein may result.

J. **Parking Area Placement.** Parking areas shall be located at the sides or rear of buildings, whenever reasonably possible.

SECTION 27.06. SIZE OF PARKING AREA SPACES AND AISLES. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

MINIMUM STANDARDS FOR SIZE OF PARKING AISLES AND DRIVEWAYS

Parking Pattern	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Rows of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	<u>20</u> feet	<u>52</u> feet	<u>64</u> feet



SECTION 27.07. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS. Each use shall provide parking spaces in conformance with the following schedule of requirements:

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
RESIDENTIAL	
Single-family and two family	2 per dwelling unit
Multiple family	2 per dwelling unit

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
Efficiencies	1 per dwelling unit
Elderly housing or retirement communities	Independent living units: 1 per unit
	“Interim” or “intermediate care” retirement communities: one per each room or two beds, whichever is less, plus one per employee
INSTITUTIONAL/PUBLIC ASSEMBLY	
Churches, temples, mosques, synagogues, or similar types of facilities	1 per 3 seats in the main worship room
Hospitals	1 per 2 beds plus 1 per 200 square feet of useable floor area of hospital related office, research and administrative space
Outpatient-care stations	2 per exam room, station, operating room, laboratory, or recovery room
Child care centers, day care, group homes, nursing homes and other care facilities	1 per 8 clients plus 1 per employee, with a minimum of 3 spaces provided
Elementary, junior high, and middle schools	2 per classroom, plus amount required for auditorium or gymnasium seating
High schools	8 per classroom, or amount required for auditorium, stadium, or gymnasium seating, whichever is greater
Private club and lodges	1 per 2.5 persons allowed within the maximum occupancy load
Auditoriums, stadiums, and sports arenas	1 per 3 seats

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
Conference centers, exhibit halls, banquet halls, ballrooms, civic clubs, or similar places of assembly without fire codes	1 per 4 persons allowed within the maximum occupancy load, or 1 per 3 fixed seats whether public or private, whichever is greater
Libraries, museums, and non-commercial art galleries	1 per 400 square feet of gross floor area
OFFICES	
Medical/dental clinics or offices	4 per 1,000 square feet of gross floor area
General office buildings	1 per 300 square feet of gross floor area
Banks, credit unions, or savings and loans without drive through facilities	1 per 200 square feet of useable floor area
Banks, credit unions, or savings and loans with drive through facilities	1 per 200 square feet of useable floor area plus 2 per non-drive through ATM, plus 4 stacking spaces per drive-up window or drive through ATM
RECREATION/ENTERTAINMENT	
Arcades	1 per 70 square feet of gross floor area, with a minimum of 6 required
Batting cage facilities	3 per cage
Bowling centers	5 per bowling lane
Golf driving ranges	1.5 per tee
Golf courses, miniature	1.5 per hole
Golf courses, par-three	3 per hole
Golf courses	5 per hole

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
Health fitness centers	5 per 1,000 square feet of gross floor area
Movie theaters	1 per 4 seats, plus 4 per screen
Racquetball and tennis centers	1 per 1,000 square feet of gross floor area or 6 per court, whichever is greater
Public recreation centers	5 per 1,000 square feet of gross floor area
Roller/ice skating rink	6 per 1,000 square feet of gross floor area
INDUSTRIAL USES	
Manufacturing, light industrial, and research establishments	1.5 per 1,000 square feet of gross floor area
Wholesale, warehouses, or distribution facilities, and trucking terminals	1 per 1,500 square feet of gross floor area
RETAIL AND SERVICE USES	
Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet	5 per 1,000 square feet of usable floor area
Retail centers containing between 400,000 and 600,000 square feet	4.5 per 1,000 square feet of usable floor area
Retail centers containing greater than 600,000 square feet	4 per 1,000 square feet of usable floor area
Other retail uses not otherwise specified herein	1 per 200 square feet of usable floor area
Supermarkets and grocery stores	1 per 200 square feet of useable floor area

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
Personal service establishments, not otherwise provided herein	1 per each 50 square feet of usable floor area
Appliance stores	4 per 1,000 square feet of gross floor area, with a minimum of 6 required
Automobile service stations	3 per service bay plus 1 per 200 square feet of useable floor area for retail areas. Service bays and areas either side of a gas pump shall count as parking spaces.
Automobile wash establishments (automatic)	1 per 200 square feet of useable floor area in employee work areas, plus 15 stacking spaces per wash bay entrance, plus 2 drying spaces per exit
Automobile wash establishments (self-service)	1 per 200 square feet of useable floor area in employee work areas, plus 3 stacking spaces per wash bay entrance
Barber shops, beauty salons	2 per operator chair/station plus 1 per 200 square feet of useable floor area in employee work areas
Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area	1 per 200 square feet of usable floor area
Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area	5.5 per 1,000 square feet of usable floor area
Convenience stores	4 per 1,000 square feet of gross floor area, with a minimum of 6 required
Dry cleaners	2 per 1,000 square feet of gross floor area, with a minimum of 4 required

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED PER UNIT OF MEASURE
Funeral homes and mortuaries	1 per 50 square feet of parlor and chapel areas
Furniture, carpet, and home furnishing stores	1 per 800 square feet of usable floor area
Hotel, motel, or other commercial lodging establishment	1 per guest room, plus 1 per 2 employees
Laundromats	1 per 3 washing machines
Mini-storage houses/warehouses	1 per storage unit, plus requirements for rental office, if any
Motor vehicle dealerships	1 per 5,000 square feet of outdoor sales area, plus 1 per sales desk/office, plus 3 per service bay, with a minimum of 6 required
Quick oil change establishments	3 per service bay
Recreational vehicle and boat dealerships	1 per 800 square feet of gross floor area, plus 2 per service bay, with a minimum of 6 required
Restaurants, without drive-thru facilities	1 space per 100 square feet of usable floor area or 1 space per 2 persons allowed within the maximum occupancy load, whichever is greater
Restaurants, with drive-thru facilities	15 per 1,000 square feet of usable floor area, plus 3 drive-thru waiting spaces, plus drive-thru ten stacking spaces
Video rental stores	1 per 150 square feet of usable floor area
Service companies doing repair, electrical, and plumbing work	2 per 1,000 square feet of gross floor area, with a minimum of 5 required
Outdoor sales areas	1 per 1,000 square feet of outdoor sales area

SECTION 27.08. BARRIER FREE PARKING SPACES. Barrier free parking spaces, including applicable curbs, ramps, and signs, shall be as required by the Township construction code and applicable federal and state laws concerning barrier free parking spaces.

SECTION 27.09. OFF-STREET LOADING REQUIREMENTS.

A. Off-street loading spaces shall be at least 12 feet wide, 40 feet long, and have an overhead clearance of at least 15 feet.

B. The number of required off-street loading spaces shall be provided as follows:

GROSS FLOOR AREA (SQ. FT.)	LOADING AND UNLOADING SPACES REQUIRED
0--1,400	None
1,401--20,000	1 space
20,001--100,000	1 space plus 1 for each 20,000 sq. ft. UFA over 20,001 sq. ft. UFA
100,001 and over	5 spaces plus 1 for each 40,000 sq. ft. UFA over 100,001 sq. ft. UFA

C. Required loading spaces shall not be included in the count of off-street parking spaces.

D. Loading spaces shall not use any portion of any public right-of-way.

E. Maneuvering space for trucks using the loading spaces shall be provided on-premises, and shall not necessitate the use of public right-of-way.

F. Loading spaces shall not be located within the front yard of a building, including each of the front yards on each street side of a corner lot.

G. Loading spaces shall not be located adjacent to or face a residential district, unless permitted by the Planning Commission in its approval of a site plan or other land use plan.

H. The design, location, and screening of off-street loading areas shall ensure that adequate protection is afforded adjacent properties, including residential districts and residential uses, and that required screening is provided in accordance with Chapter 26.

CHAPTER 28

PRIVATE ROADS AND DRIVEWAYS

SECTION 28.01. DESCRIPTION AND PURPOSE.

- A. It is in the interest of the public health, safety and welfare that the Township regulate the design, construction, maintenance, improvement, extension and use of private roads and driveways.
- B. Such regulation will help to assure that private roads and driveways are designed with sufficient width, surface and grade to ensure safe passage and maneuverability of private vehicles and fire department, law enforcement, ambulance and other safety and rescue vehicles; that private roads and driveways are constructed of suitable materials to minimize maintenance, to minimize soil erosion and avoid or prevent damage to lakes, streams, wetlands and the natural environment of the Township; to establish procedures and minimum provisions for the approval of private streets and driveways.

SECTION 28.02. DEFINITIONS; EXEMPTION.

- A. A private road is a non-public road that provides the means of vehicular access to three or more lots or other parcels of land, or three or more buildings, dwellings, dwelling units or structures, or a combination thereof.
- B. A driveway is an improved or unimproved route of vehicular access serving one lot or other parcel of land, or one principal building, dwelling, dwelling unit or structure, or any combination thereof.
- C. A shared driveway is an improved or unimproved route of vehicular access from a public or private street to two lots or two other parcels of land or two principal buildings, dwellings, dwelling units or any combination thereof.
- D. The private road requirements of this chapter shall not apply to internal roads or access routes that serve only one lot or parcel of land which has direct public or private street frontage and is under the control of one person or entity, and which is developed for uses subject to site plan review under the terms of this ordinance. Such internal roads or access routes shall not provide the principal means of access to any abutting lot or other parcel of land. Such roads or access routes satisfying the conditions of this subparagraph and which are exempted from the private road requirements of this chapter include those serving multi-family dwelling developments, nursing homes, manufactured housing communities and commercial developments.

SECTION 28.03. PERMITS REQUIRED.

- A. The design, construction and use of a private road, including the extension, improvement or relocation of an existing private road, is subject to the issuance of a private road permit under the terms of this chapter.
- B. The design, construction and use of a driveway of 75 feet or more in length or a shared driveway of 75 feet or more in length, including the extension, improvement or relocation of a driveway or a shared driveway, is subject to the issuance of a driveway or shared driveway permit by the zoning administrator, upon verification of compliance with the driveway or shared driveway requirements of Section 28.11.

SECTION 28.04. PRIVATE ROAD APPLICATION. An applicant for approval of a proposed private road shall submit to the zoning administrator a complete private road application, on a form provided by the Township, and which shall include at least the following::

- A. The names and addresses of the owners and other parties having an interest in the private road, the property within which it is to be constructed, and the lots and parcels to be served by the private road.
- B. The legal descriptions, addresses if known and the permanent parcel numbers of all lots and parcels to be served by the private road.
- C. A site plan, drawn to a scale not less than 1"=200', prepared by a registered engineer or registered land surveyor, showing at least the following:
 - 1. The location, route, elevations, design and dimensions of the private road and the private road easement, in compliance with the requirements of this chapter.
 - 2. The location, route, elevations, design and dimensions of the private road extension, together with the same information as to the existing private road, if the application is for an extension of an existing private road.
 - 3. The lots or other parcels of land to be served by the private road and by any future extensions of the private road, including all dimensions thereof.
 - 4. The location(s) at which the private road is proposed to intersect with a public street or another private road.
 - 5. The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located inside the private road easement or within 20 feet of the easement.
 - 6. The location of any lakes, streams and drains within the proposed private road easement or within 100 feet of the easement.

7. The locations of all principal buildings and principal structures currently located on the lots or other parcels of land to be served by the private road.
 8. A detailed cross-section of the private road, in compliance with the private road construction requirements of this chapter.
- D. The recordable instrument establishing and describing the easement for the proposed private road, in compliance with the terms of this chapter.
 - E. The recordable private road maintenance agreement or comparable restrictive covenant in compliance with the terms of this chapter.
 - F. A soil erosion and sedimentation control permit, as issued by the county road commission or other agency having jurisdiction, if applicable.
 - G. A permit or written preliminary approval issued by the county road commission and/or, if applicable, the Michigan Department of Transportation, approving the location of the private road intersection with the public street.
 - H. The application fee and the required amount of a zoning escrow deposit.
 - I. The name and address of the applicant's private road contractor and a written summary of the contractor's experience in road construction.
 - J. All other matters and information required by the terms of this chapter and other applicable provisions of this ordinance.

SECTION 28.05. PRIVATE ROAD REVIEW AND APPROVAL PROCEDURES.

- A. An application for a private road shall be subject to the review and approval of the zoning administrator, except that an application for a private road which is part of a planned unit development, condominium or site condominium, or platted subdivision shall be subject to the review and approval of the Planning Commission and Township Board, in accordance with the procedures and requirements of this Ordinance or other applicable ordinances for the approval of such developments or land divisions.
- B. The zoning administrator shall review the application and other materials to verify compliance with the requirements of this chapter.
- C. The zoning administrator, if necessary in concert with the Township engineer, shall assist the applicant in the placement of the private road in order to minimize tree removal and alteration of the natural terrain; to avoid wetlands or areas of poor drainage as well as steep slopes; and to ensure private road and parcel design in accordance with the character of the land and the design requirements of this chapter.

- D. If the zoning administrator determines that the application and other required submittals comply with the requirements of this chapter, the administrator shall approve the application and issue a preliminary private road permit. The permit shall consist of a stamp noting the administrator's approval and containing the administrator's signature and the date of approval. The permit shall authorize construction of the private road in accordance with the requirements of this chapter.
- E. If the zoning administrator denies the application, the reasons for denial shall be provided to the applicant, in writing. The applicant may appeal the administrator's denial to the Planning Commission. The appeal shall be heard by the Planning Commission at a public meeting, after written notice to the applicant. After hearing the appeal, the Planning Commission shall affirm the denial, shall reverse the denial or shall affirm the denial with conditions.
- F. The preliminary private road permit shall be valid for a period of one year from the date of approval. If the applicant has not requested inspection of the constructed private road within such one year period, the permit shall expire, and the applicant shall apply for a new permit before construction commences or resumes.
- G. During the construction of the private road, the zoning administrator or the Township engineer shall conduct periodic inspections, to verify that construction is occurring in accordance with the requirements of this chapter.
- H. Upon completion of construction of the private road, the applicant shall notify the zoning administrator, who shall then inspect the private road, or such inspection shall be carried out by the Township engineer. If the administrator then approves the private road, the administrator shall issue a final private road permit, which shall authorize the use of the private road; after issuance of the permit, building permits for buildings to be served by the private road may be issued if applicable building code requirements have been satisfied.

If the private road is not approved as constructed, the zoning administrator shall prepare and provide to the applicant a written statement of the deficiencies in the private road and the reasons for denial of the permit. Thereafter, a final private road permit shall not be issued until the deficiencies have been corrected and a final inspection has been conducted.

If a final private road permit is denied, the applicant may appeal the denial to the Planning Commission. The Commission shall consider the denial at a public meeting, after written notice to the applicant, and the Commission shall then affirm the denial, reverse the denial or affirm the denial with conditions.

- 1. Prior to final inspection of a private road, the applicant shall provide the zoning administrator with a set of as-built drawings of the private road, in paper and electronic format, bearing a statement from the registered

engineer or registered land surveyor who prepared the private road site plan, to the effect that the private road has been completed in accordance with the requirements of this chapter.

2. Prior to the issuance of a final private road permit, the applicant shall remove from the private road easement and properly dispose of all debris resulting from the construction of the private road.

SECTION 28.06. MINIMUM REQUIREMENTS FOR PRIVATE ROADS. A preliminary or final private road permit shall not be issued unless the private road complies with the requirements of this section.

- A. The private road shall be located within an easement at least 66 feet wide which shall also contain all utilities.
- B. The area within the easement in which the private road is to be located shall have a minimum cleared width of 28 feet which shall be maintained at all times. All branches extending over the traveled surface of the road shall be trimmed and maintained to a height of 14 feet above the ground.
- C. The traveled surface of the private road shall be at least 22 feet wide, except that if the private road is to include valley gutters or curbing, the valley gutters or curbing shall be constructed at the outside edges of the private road, resulting in the private road having a minimum required traveled surface of 26 feet.
- D. The traveled surface of private roads shall be as follows:
 1. A private road serving at least three but not more than ten residential lots, dwellings or dwelling units:
 - a. A minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of six inches of MDOT 22A compacted gravel.
 - b. The traveled surface shall be at least 22 feet wide.
 - c. The surface of the private road may be gravel; if paved, the private road surface shall comply with the paving requirement stated in Section 28.06.D.2, with respect to the paving of a private road serving more than ten lots.
 - d. Provisions shall be made for adequate drainage of the road surface and adjacent lands satisfactory to the zoning administrator.
 2. A private road serving more than ten residential lots, dwellings or dwelling units:
 - a. A minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of six inches of MDOT 22A compacted gravel.

- b. The traveled surface of the private road shall be at least 22 feet wide.
 - c. The traveled surface shall be paved with at least three inches of bituminous aggregate, consisting of one and one-half inches each of bituminous aggregate meeting MDOT specification 3C for the leveling course and MDOT specification 4C for the surface course.
 - d. Provisions shall be made for adequate drainage of the road surface and adjacent lands satisfactory to the zoning administrator.
3. A private road, serving a commercial or industrial use or a development which includes commercial or industrial uses:
- a. The traveled surface of the private road shall have a minimum sub-base of 12 inches of MDOT Class II sand and a minimum base of eight inches of MDOT 22A compacted gravel.
 - b. The traveled surface shall be at least 22 feet wide.
 - c. The traveled surface shall be paved with a minimum of three and one-half inches of bituminous aggregate, consisting of one and one-half inches of bituminous aggregate meeting MDOT specification 3C for the leveling course, and two inches of bituminous aggregate meeting MDOT specification 4C for the surface course.
 - d. The private road shall be provided with concrete curbs and gutters, or with such other type of outside edging of the private road as may be approved by the Planning Commission in site plan review and approval or in other zoning approval. If the private road is provided with concrete curbs and gutters, the measurement of the minimum required traveled private road surface shall not include the concrete curbs and gutters.
- E. The private road surface shall have a minimum slope of two percent from the center line of the private road to the outside edge of the road shoulder.
- F. To the extent practical, a private road shall be designed with a longitudinal road grade not exceeding six percent. A longitudinal road grade up to a 10 percent grade may be permitted, if the zoning administrator and the Township engineer determine that the increased grade would not adversely affect public safety.
- G. The intersection of a private road with a public street or another private road shall be located such that clear vision, safe turning and travel in all directions is assured, as determined by the county road commission and/or the zoning administrator or, if applicable, the Michigan Department of Transportation.

- H. The minimum distance between intersections of public streets and/or private roads shall be at least 200 feet, as measured between the nearest right-of-way and/or easement lines.
- I. A private road which terminates at a dead end shall have a means for vehicle turn-around approved by the Township engineer. The turn-around area may be in the form of a cul-de-sac, with a minimum radius of 40 feet designed in accordance with the county road commission's requirements for a residential cul-de-sac or other applicable type of cul-de-sac. If an island is provided within the turn-around area, a larger radius may be required.
- J. The area adjacent to a private street cul-de-sac shall be cleared up to a distance of ten feet from the edge of the traveled surface. Other turn-around designs may be approved by the Township fire chief. A temporary turnaround may be approved when a private road is extended to a property boundary for future access to adjacent lands.
- K. A private road or interconnected private road system shall not serve more than 50 residential lots, or 50 dwellings or dwelling units, unless a second means of access is provided for all of the lands served by the private road or private road system. No cul-de-sac or dead-end road shall exceed a length of 2,000 feet, measured from the nearest edge of the intersecting road or street pavement to the end of the cul-de-sac or turn-around area.
- L. The method and construction technique to be used in crossing any natural stream, drainage course, or similar feature shall satisfy the requirements of the Zoning Administrator, Township engineer, Township fire department, and any other agency having jurisdiction, as applicable. To the extent possible, the crossing shall be located at the narrowest point and where the impact will be the least disruptive to the natural surroundings.
- M. The edge of the private road shall be no closer than 25 feet to the edge of a stream, drainage course or body of water, except where a crossing occurs. All required measures shall be used to prevent soil from entering the stream, drainage course or body of water both during and after construction, in accordance with applicable Township ordinance requirements or the requirements of the Township engineer.
- N. A private road shall be given a name, and street signs shall be installed in accordance with the requirements of the county road commission. A street address shall be conspicuously posted at a location visible from the private road.
- O. A stop sign shall be installed at each intersection of the private road with a public street and the intersection of the private road with another private road, as directed by the zoning administrator or the county road commission, as applicable.

- P. A private road shall not be constructed through or on a slope of 10 percent or greater; provided, however, that the zoning administrator, in consultation with the Township engineer, may permit such construction if all of the following requirements are complied with:
1. The slope is not a significant natural feature of the overall site.
 2. The private road right-of-way, in whole or in part, shall not be located on a slope which is steeper than one foot of elevation for each three feet of lineal distance.
 3. Clearing and grading for the construction of the private road shall occur only within the private road right-of-way.
 4. The private road shall not be designed, located or constructed, in whole or in part, whereby travel thereon may be hazardous or otherwise potentially unsafe, by reason of excessive slopes, especially in cold-weather conditions, or as a result of other adverse land conditions or road location.
- Q. A private road shall be improved, maintained, repaired, and snowplowed to ensure that the private road is safe for travel at all times and fully accessible for emergency vehicles.

SECTION 28.07. PLANNED UNIT DEVELOPMENTS. If the private road is part of a planned unit development (PUD) or a special land use, the private road standards contained herein may be modified by the Planning Commission and approved by the Township Board, if the modifications are necessary to achieve the intent and purposes of the PUD regulations or the special land use provisions.

SECTION 28.08. PRIVATE ROAD MAINTENANCE AGREEMENT.

- A. The applicant shall obtain and provide the zoning administrator with a signed, recordable private road maintenance agreement, restrictive covenant or similar recordable legal instrument satisfactory to the Township, between the owner(s) of the private road and all other parties having an interest therein.
- B. The private road maintenance agreement shall include at least the following:
1. Provisions that assure the private road will be maintained, repaired, and snow plowed for the full length and width of the roadway, in accordance with the requirements of this chapter and in a manner to assure the private road is safe for travel at all times.
 2. Provisions that assure the cost of maintenance will be paid for in an equitable manner, among all parties in interest or in other equitable manner.

3. A legal description of the private road easement and a legal description of the individual properties to be accessed by the private road as of the date of recording.
4. Provisions whereby the parties signing the agreement, including all owners of the private road easement, shall indemnify the Township and hold it harmless from any and all claims for personal injury and/or property damage arising out of or in any way relating to the failure to properly construct, maintain, repair and replace the private road.
5. If the private road is included in a planned unit development, a condominium or a site condominium, the required contents of a private road maintenance agreement may instead be included in the applicable instruments whereby the planned unit development, the condominium or the site condominium is established and approved. If the private road is included in a platted subdivision, the required contents of the maintenance agreement may be included in restrictive covenants recorded with respect to the platted subdivision, subject to the approval of the zoning administrator.

SECTION 28.09. PERMITS FOR BUILDINGS ON PRIVATE ROADS. A building permit shall not be issued for any principal building, dwelling or principal structure located on a lot or other parcel of land, the access to which is by means of a private road until the zoning administrator has issued a final private road permit, except as follows:

- A. Upon written request of the applicant, and if the private road construction has progressed sufficiently in the opinion of the zoning administrator to provide safe access to the lots or other parcels for which building permits are desired, the zoning administrator may accept (1) a cash deposit under the terms of an acceptable escrow agreement or (2) a satisfactory letter of credit from the applicant for the private road or the applicant for the building permit. The letter of credit or the amount of the cash deposit under the escrow agreement shall be in such amount as determined by the zoning administrator as sufficient to ensure the completion of construction of the private road in accordance with the requirements of this chapter within one year from the issuance of the building permit. Other terms and conditions of the cash deposit escrow agreement or the letter of credit shall be subject to zoning administrator approval.
- B. A certificate of occupancy shall not be issued for any principal building, dwelling or other principal structure located on a lot or other parcel, access to which is by means of the private road until the zoning administrator has issued the final private road permit.

SECTION 28.10. EXISTING PRIVATE ROADS. Changes in existing private roads, including extensions thereof, construction of new buildings, division of lots and other changes shall be permitted only as follows:

- A. **Existing Lots.** Notwithstanding other provisions of this Ordinance, a principal or accessory building or structure may be erected upon an existing lot or parcel which is accessed from an existing private road if:
1. The land upon which the building is to be erected constitutes a lot of record as of April 10, 2000.
 2. The private road providing access to the lot is graded and maintained, has a sufficient surface, and affords a means for crossing streams or similar features, so that the route from the public road to the lot is passable by emergency vehicles on a year-round basis. This is an additional regulation upon use of existing nonconforming lots of record.
- B. **New Lots.** Notwithstanding the other provisions of this Ordinance, if a building or structure is proposed to be erected upon a lot which does not constitute an existing lot of record as of April 10, 2000, and an existing private road is used to provide access to such lot, then a building or structure and permitted accessory buildings and structures may be erected if the private road is brought into compliance with the standards in the chapter for new private roads, based upon the total number of lots to be provided access by the private road, with the following exceptions:
1. Any improvement of the existing private road shall be required only along the direct travel route from the public road to the driveway of the lot on which the building is to be located.
 2. Review and approval shall be by the Zoning Administrator, who may, in the exercise of reasonable discretion, waive application requirements that are not necessary to review compliance with this Ordinance.
 3. If the legal rights of third parties prevent compliance with the minimum standards for right-of-way width for new private roads, then the minimum required right-of-way width may be reduced to the minimum extent necessary, but to not less than 30 feet.
 4. Requirements for minimum distance between intersections of public and private road rights-of-way, required setbacks from streams, drainage courses, or other bodies of water, and limitations on construction in areas of slopes greater than 20 percent shall not apply; provided, however, that portions of a private road within 25 feet of a watercourse need not be paved, widened, or otherwise improved if the zoning administrator determines that improvements to such section of the road, or construction to make such improvements, would be detrimental to the watercourse.
 5. The requirement for a road maintenance agreement shall be waived if the owners of the properties abutting the road refuse to agree upon a road maintenance agreement. In that case, the property owner shall execute

and the Township shall record against the property for which the new building is proposed a restrictive covenant that the owner of the property shall ensure that the private road shall be maintained, repaired, and snowplowed so as to ensure that it is safe for travel at all times and provides sufficient access to emergency vehicles, along the direct travel route from the public street to the driveway of the lot on which the building is to be located. Such covenant will not relieve other parties who utilize the private road from the responsibilities under subsection A of this section, nor shall it modify rights and obligations for maintenance of the road among private parties which exist by law or agreement.

- C. **Extensions Limited.** A private road which does not comply with the requirements of this chapter shall not be extended in length, nor shall any new private road be constructed which intersects with such noncompliant private road, unless the entire length of the private road is brought into compliance with the requirements of this chapter for new private roads, based upon the total number of lots or other parcels to be provided access by the private road, with the following exceptions:
1. Physical improvement of the private road shall not be required for dead-end and/or cul-de-sac branches of a private road system which are not located on any route from the public street to the private road extension.
 2. The exceptions stated in subsections B.3, 4, and 5 above shall apply only with respect to the existing portion of the private road.

SECTION 28.11. DRIVEWAYS AND SHARED DRIVEWAYS.

- A. This section applies only to driveways and shared driveways as defined in this Ordinance.
- B. A building permit shall not be issued for a dwelling, other principal building or other principal structure which is to be served by a driveway or shared driveway unless the proposed driveway complies with the requirements of this section. A driveway or shared driveway subject to this section shall comply with all of the following minimum requirements:
1. **Minimum Construction Requirements.**
 - a. A driveway shall provide access to only one lot or one principal building, dwelling, dwelling unit or any combination thereof. A shared driveway shall provide access to two lots, parcels, buildings, dwellings or dwelling units or any combination thereof.
 - b. A shared driveway shall be located within a recorded easement not less than 33 feet wide.

- c. The area in which the driveway or shared driveway is to be located shall have a minimum cleared width of 20 feet.
- d. Tree branches or other vegetation extending over any part of the minimum cleared width of a driveway or shared driveway shall be trimmed to a height of at least 14 feet above the ground.
- e. The traveled surface of a driveway shall be at least 12 feet wide; the traveled surface of a shared driveway shall be at least 16 feet wide.
- f. The traveled surface of a driveway or shared driveway shall have a sub-base of stable soil and a minimum top surface of six inches of MDOT 22A compacted gravel.
- g. The driving surface of the driveway or shared driveway shall be crowned to facilitate drainage.
- h. The inside radius of any driveway or shared driveway curve shall be a minimum of 50 feet.
- i. The longitudinal slope of a driveway that is 75 feet or more in length or a shared driveway that is 75 feet or more in length shall not exceed 10 percent, unless a steeper driveway is approved by the zoning administrator and the Township engineer.
- j. The traveled surface, cleared width, and cleared area above the driveway or shared driveway shall be adequately maintained by the property owner, or by those persons with a legal right to use the driveway to ensure safe passage of private and emergency vehicles.
- k. If a driveway or shared driveway crosses any natural stream or drainage course, adequate provisions shall be taken to maintain the surface water flow to the satisfaction of the zoning administrator and any other agency having jurisdiction.
 - i. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support fire department equipment.
 - ii. Measures shall be taken to prevent soil from entering the stream or drainage course during and after construction, in accordance with the Township storm water ordinance or as required by the Township engineer.
- l. A driveway or shared driveway shall be no closer than 25 feet from a stream, drainage course or other body of water, except where the

driveway or shared driveway crosses the natural stream, drainage course or other body of water.

- m. The street address of the lot or parcel served by the driveway, and the street addresses of the lots or parcels served by the shared driveway, shall be posted in a conspicuous place on the respective properties so that the address or addresses are visible from the intersecting public street or private road.
2. The application for a building permit for a building, dwelling or structure which is to be served by a driveway or shared driveway shall include a driveway permit issued by the county road commission, if applicable.
3. A shared driveway which intersects a public road shall not be located closer than 125 feet, centerline to centerline, from another shared driveway, or public street or private road intersection. The zoning administrator may reduce the separation distance upon a finding that existing conditions, such as lot widths, locations of other shared driveways or roads, topography, or other natural constraints make compliance impractical.
4. If there is an existing easement for a shared driveway that is intended to provide access to a lot of record, a building permit shall not be issued for a principal building on the lot, unless the easement and the shared driveway comply with the requirements of this section.
5. A shared driveway existing as of April 10, 2000, which thereafter becomes a private road by approved extension or other approved means, the existing portion of the shared driveway shall be treated as an existing private road under Section 28.10 of this chapter.
6. A certificate of occupancy shall not be issued for any principal building, dwelling, dwelling unit or other principal structure located on property, the access to which is gained by a driveway or shared driveway, until the driveway or shared driveway has been completed as required by this chapter, except that if, at the time a certificate of occupancy may otherwise be issued, inclement weather conditions prevent the completion of the driveway or shared driveway, the certificate may nevertheless be issued, if the building official determines that safe and convenient access to the dwelling is assured, but in such a case, the driveway or shared driveway shall be fully completed in accordance with this chapter as soon as weather conditions permit.
7. The design, construction and use of a driveway of 75 feet or more in length or a shared driveway of 75 feet or more in length, including the extension, improvement or relocation of a driveway or a shared driveway, is subject to the issuance of a driveway or shared driveway permit by the

zoning administrator, upon verification of compliance with the driveway or shared driveway requirements of this Section.

CHAPTER 29

OPEN SPACE PRESERVATION DEVELOPMENTS

SECTION 29.01. PURPOSE AND INTENT. 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 development must adopt provisions in their zoning ordinances known as “open space preservation” provisions. Therefore, in accordance with the requirements of Act 177, the provisions of this chapter are intended to permit land, satisfying specified criteria, to be developed, at the option of the landowner, with the same number of dwellings otherwise permitted under existing ordinances, laws and rules on the entire land area; but on a portion of the land, not exceeding 50 percent, while preserving the remaining land, at least 50 percent, as permanent open space.

- A. **Qualifying Conditions.** Land may be developed under the provisions of this subsection, at the option of the landowner, if all of the following conditions are satisfied:
1. The land shall be zoned RR Rural Residential/Agricultural or R-1 Low Density Residential;
 2. The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system;
 3. The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension; and
 4. The open space preservation option provided shall not have previously been exercised with respect to the same land.
- B. **Permitted Uses.** Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this chapter.
- C. **Application and Review Procedure.**
1. The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this chapter shall be those stated in Chapter 22, governing site plans, except as otherwise provided in this subsection. If the open space preservation option is proposed as a platted subdivision, condominium or site condominium development, the applicant shall also submit all information required by this Ordinance, the

Township Subdivision Ordinance or other Township ordinances for such type of land division or development.

2. In addition to the application materials required by Chapter 22, an application for the development of land under the provisions of this subsection shall also include the following:
 - a. A parallel plan 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 was not exercised. The parallel 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"=100', and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this chapter.
 - ii. Location of streets and driveways.
 - 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 storm water retention or detention basins, community sewage treatment systems and community water supply facilities necessary to serve a development under the parallel plan and which would not be located within any public road right-of-way or private road easement, or on buildable lots.
 - v. The parallel plan shall illustrate all unbuildable land, which shall include lakes, streams, detention ponds and other wetlands, public utility easements, floodplains, slopes of 20 percent or greater and other similar features which limit or prevent construction of buildings or roads.
 - b. A copy of the conservation easement, plat dedication, restrictive covenant, 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 chapter in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this chapter. The legal instrument shall:

- i. Indicate the proposed permitted use(s) of the undeveloped open space.
 - ii. 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, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
 - iii. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
 - iv. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
- c. A site plan for a proposed development using the open space preservation option shall include the following information, in addition to that required by Chapter 22 for preliminary site plans:
- i. Date, north arrow and scale which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the parallel plan.
 - ii. The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
 - iii. The site plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
 - iv. The site 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 dwelling lots on the site plan shall not exceed the number of lots on the parallel plan, as approved by the Planning Commission.

3. **Determination of Number of Lots by Planning Commission.** If the Planning Commission determines the number of dwellings illustrated on the parallel plan exceeds the number that could feasibly be developed on the land under the existing zoning classification without the open space preservation option, the applicant shall submit a revised site plan for the open space preservation option reflecting the permitted number of dwellings, as determined by the Planning Commission.
4. **Standards for Approval.** If a site plan satisfies all requirements of Chapter 22, all requirements of this section, and all conditions of approval imposed by the Planning Commission, the Planning Commission shall approve the site plan. If the open space preservation option is proposed as a platted subdivision, condominium or site condominium development, the applicant shall also demonstrate compliance with all applicable requirements of this Ordinance, the Township Subdivision Ordinance or other applicable Township ordinances.

D. Open Space Development Requirements.

1. **Minimum Open Space.** At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this subsection 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 Planning Commission. The following areas shall not constitute open space:
 - a. The area within all public street rights-of-way.
 - b. The area within all private street easements.
 - c. Any easement for overhead utility lines, unless adjacent to open space.
 - d. The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
 - e. Off-street parking and/or loading areas.
 - f. Golf courses, swimming pools, and clubhouses.
 - g. Detention and retention ponds.
 - h. Community drain fields.

- i. Fifty percent of the area of lakes, streams, detention ponds, wetlands, public utility easements, floodplains, slopes of 20 percent or greater, and other similar features which limit or prevent construction of buildings or roads.
2. **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this chapter:
- a. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses, such as hiking or picnicking, and may include: a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which the Planning Commission determines is substantially similar to these uses.
 - b. The open space shall be available for all residents of the development, subject to reasonable rules and regulations, and shall be located to provide reasonable access to all residents. Safe and convenient pedestrian access points from the interior of the development shall be provided. The open space may, but is not required to be, dedicated for public use.
 - c. 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. Access to and the use of any body of water shall be subject to Section 3.25 of this Ordinance.
 - d. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land. If these types of land features are not present on the land, then the open space shall be centrally located, along the road frontage.
 - e. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 100 feet, not including public right-of-way, and shall be left in its natural condition or be landscaped to help reduce the view of homes from the adjacent roadway and to preserve the rural character.
 - f. To the extent feasible, open space shall be linked with adjacent open spaces, public parks, bicycle paths and pedestrian paths.
 - g. If any portion of the land proposed for development under the open space preservation option is designated in the Township Master Plan to contain a segment of the Township non-motorized trail, a

sufficient area of the open space shall be located to accommodate the trail.

3. **Structures Within Open Space.** Designated open space areas shall not contain structures, except as may be specifically authorized by the Planning Commission upon determining that the structure is accessory to the function of the open space. Examples of structures that may be authorized include park or playground equipment, gazebos, or agricultural structures.
4. **Compliance with Zoning District.** Development under the open space preservation option shall comply with all applicable requirements of this Ordinance and the zoning district in which the land is located, except setback and area requirements which may be modified to achieve the purpose of preserving open space.
5. **Uniform Lot Size.** All residential lots in the developed portion of the site shall be as uniform in area as reasonably practicable, unless otherwise approved by the Planning Commission.
6. **Building Envelopes.** The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located, maximize the available open space, preserve existing natural features, and retain the rural character of the Township to the extent possible.
7. **Required Frontage.** Each lot shall have a minimum of 30 feet of frontage measured at the road right-of-way or easement line.
8. **Lot Width.** Each lot shall have a minimum width equal to at least one-half the width required for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
9. **Maximum Number of Lots.** The development shall contain no more than the number of lots established by the parallel plan and approved by the Planning Commission. This number shall be further reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subparagraph 11 below.
10. **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures, such as a clubhouse and accessory building or related amenities, shall be subject to all requirements of this subsection applicable to lots containing dwellings and all other applicable requirements of this Ordinance and other Township ordinances. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure to reasonably accommodate it.

11. **Reduction in Lots for Non-Dwelling Structures.** If structures other than dwellings, as described in paragraph 10 above, are constructed on a lot and are not located within a designated open space area, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
 - a. The area of a lot or lots occupied by non-dwelling structures shall be calculated and then divided by the average area of the residential lots proposed within the development. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - b. The number calculated under subparagraph a shall be subtracted from the number of residential lots that could otherwise be permitted in the development based on the approved parallel plan. The resulting number shall establish the maximum number of residential lots permitted within the open space preservation development.
12. **Perimeter Lots.** Notwithstanding any other provision of this subsection, the Planning Commission may require that lots around the perimeter of the open space preservation development be designed to be compatible in size and setbacks with lots on adjacent properties.
13. **Sidewalks.** The Planning Commission may require sidewalks in accordance with the Township's Subdivision Ordinance, condominium and site condominium regulations and other applicable Township ordinances whereby sidewalks are required.
14. **Grading.** Grading within the development shall comply with the following requirements:
 - a. 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. Retaining walls may be required.
 - b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
 - c. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the subject land and nearby land and waterways; and to minimize the overall

environmental impact on the property due to loss of vegetation, slopes, natural features, wildlife habitat, and views.

15. **Private Road.** Private roads within the development shall conform to the private road requirements of this Ordinance.
 16. **Other Laws and Ordinances.** The development of land under this subsection is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by a public sanitary sewer system.
- E. **Amendments to an Approved Plan.** Changes to an approved site plan for an open space preservation development shall be processed in accordance with the provisions of Section 22.12.
 - F. **Performance Guarantees.** The Planning Commission, in accordance with Section 31.07, may require reasonable performance guarantees or other assurance deemed satisfactory in the circumstances and authorized by law.
 - G. **Time Limits.** Actual construction of the approved development shall have commenced and proceeded meaningfully toward completion within one year of the date of site plan approval by the Planning Commission. If meaningful construction has not commenced during that period, the provisions of Section 22.11 shall apply.

CHAPTER 30

NONCONFORMING LOTS, BUILDINGS AND USES

SECTION 30.01. DESCRIPTION AND PURPOSE. The purpose of this chapter is to provide regulations governing lots and other parcels of land, buildings, structures and the uses thereof, which were lawful prior to the enactment of this Ordinance, or relevant amendment thereto, but which are prohibited or are more strictly regulated or restricted under the provisions of this Ordinance.

The provisions of this chapter are intended to permit such lawfully nonconforming lots and parcels of land, buildings, structures and uses to continue, though not to encourage their nonconforming status on a long term basis. Because the continued existence of such nonconforming lots, buildings, structures and uses prevents the full realization of the goals and purposes of this Ordinance, a significant purpose of this chapter is to promote the reduction or elimination of such nonconformities.

The provisions of this chapter are intended to accomplish the following:

- A. To permit lawful nonconforming buildings, structures and uses to remain until they are discontinued or removed.
- B. To permit lawfully nonconforming lots and other parcels of land to be improved by the construction and use of buildings and structures only as permitted by the terms of this chapter.
- C. To promote the termination and removal of any land use, building or structure in violation of this Ordinance that was established prior to the effective date hereof or prior to the effective date of any relevant amendment hereto.
- D. To encourage the combining of contiguous nonconforming lots and other parcels of land, so as to create lots and other parcels of land which comply with current minimum provisions as to area, width and other aspects thereof.
- E. To encourage the improvement of buildings and structures so as to comply with current minimum provisions of this Ordinance.

SECTION 30.02. LAWFULLY NONCONFORMING LOTS AND OTHER PARCELS OF LAND.

- A. A parcel of land that is platted or is otherwise of public record at the time of the adoption of this Ordinance, or the adoption of any relevant amendment herein, and that does not comply with the minimum lot area requirement and/or the minimum lot width requirement, or other minimum requirement for such parcel of land, for the zone district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if at least 90% of each required minimum front, rear and side yard building setback is complied with.

- B. Adjacent parcels of land in common ownership that are platted or are otherwise of public record at the time of adoption of this Ordinance, or the adoption of any relevant amendment herein, and that do not satisfy the minimum lot area requirement and/or the minimum lot width requirement, or other minimum requirements for a lot or other parcel in the zone district, then all of such lots or other parcels shall be combined for zoning purposes into one conforming lot or parcel, or a parcel which at least complies with 90% of each required minimum front, rear and side yard building setback.
- C. Each individual lot which has been combined for zoning purposes under subsection B shall cease to be considered a separate lot of record, and shall be a buildable lot together with the lot or lots with which it has been combined.
- D. Lots combined for zoning purposes under subsection B shall not thereafter be split, redivided, or otherwise reduced in area unless all of the resulting lots comply with all minimum lot requirements for a buildable lot in the district in which the land is located, or unless a lot is divided and also lawfully combined with an adjacent lot or lots; provided, however, in the case of a platted lot being divided and also lawfully combined with an adjacent lot or lots, such division shall be subject to the approval of the Township Board under the terms of the Township Land Division Ordinance.
- E. For purposes of this section, an existing parcel of land of record means a lot or parcel that is described in a deed or other conveyancing instrument recorded in the office of the register of deeds prior to the effective date of this Ordinance or any relevant amendment thereof, or any recorded land contract, recorded memorandum of land contract or other recorded instrument, including a platted subdivision and a condominium and site condominium master deed, which has the effect of conveying the land or an interest therein. A recorded survey or the establishment of a separate tax identification number for a parcel of land shall not, by itself, have the effect of establishing the parcel of land as an existing lot or parcel of record.

SECTION 30.03. LAWFULLY NONCONFORMING BUILDINGS AND STRUCTURES. Building and structures which are existing and lawful on the effective date of this Ordinance or any relevant amendment herein may be continued even though such buildings and structures do not comply with the provisions of this Ordinance or any relevant amendment herein, subject, however, to the following limitations:

- A. A nonconforming building or structure devoted to a conforming use shall not be enlarged or altered in any manner or to any extent which increases the nonconformity of the building or structure.
- B. A nonconforming building or structure may be enlarged or altered if such enlargement or alteration complies with this Ordinance and does not increase the nonconformity of the building or structure.

- C. If a nonconforming building or structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently reestablished or increased.
- D. Repairs, maintenance and improvements of a nonconforming building or structure are permitted, but shall not include an addition to a building or structure that would increase its nonconformity; provided, however, that such maintenance, repairs and improvements shall not be permitted if the cost thereof would exceed 50% of the fair market value of the building or structure prior to the maintenance, repairs or improvements. In determining the fair market value for purposes of this subsection, the Township may calculate the same by doubling the current state equalized valuation, less the estimated value of the land.
- E. A lawfully nonconforming building or structure may be strengthened or restored to a safe condition, in whole or in part, if the building has been declared to be unsafe by the Township building official or by other official having jurisdiction; provided, however, that the cost of any such strengthening or restoration shall not exceed 50% of the fair market value of the building or structure prior to such strengthening or restoration, less the estimated value of the land; such fair market value shall be determined in accordance with subsection D of this section.
- F. A lawfully nonconforming building or structure may be altered, restored or otherwise improved if such activity will cause the building or structure to be more conforming to the provisions of this Ordinance.
- G. In the event that any lawfully nonconforming building or structure is damaged by wind, fire, or other casualty to such extent that the cost of reconstruction or restoration is equal to or less than 50 percent of the fair market value of such building or structure prior to the occurrence of the casualty, then such reconstruction or restoration shall be permitted.
 - 1. In the event that any nonconforming building or structure is damaged by fire, wind, act of God or other casualty, and the cost of rebuilding or restoration exceeds 50 percent of the fair market value of the building or structure before rebuilding or restoration, then such rebuilding or restoration shall be permitted only when approved as a special land use by the Planning Commission in accordance with Chapter 23 of this Ordinance; provided however, that in addition to the other standards for considering special land uses, the Planning Commission shall consider:
 - a. Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
 - b. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable zoning district.

SECTION 30.04. LAWFULLY NONCONFORMING USES OF BUILDINGS AND STRUCTURES. The lawful use of any building or structure existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued, even though the use of such building or structure does not comply with the provisions of this Ordinance or any relevant amendment therein, subject, however, to the following limitations:

- A. Any lawfully nonconforming use may be expanded or extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment therein, but no such nonconforming use shall be expanded or extended to occupy any portion of the land outside the building.
- B. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except by reason of changing the use of the building or structure to a use that is permitted in the zoning district in which the building or structure is located.
- C. On any building or structure that is devoted in whole or in part to a nonconforming use, work may be done on ordinary repairs or on repair or replacement of fixtures, wiring, heating, plumbing, or other building systems, provided that the building or structure is not thereby enlarged, extended, or structurally altered.
- D. No provision in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof devoted to a nonconforming use that is declared to be unsafe by any Township official having jurisdiction over the safety or condition of any building or structure.
- E. If a nonconforming use of any building or structure is terminated and replaced by a permitted use, the nonconforming use shall not be later reestablished.
- F. If a nonconforming use of a building or structure, or a nonconforming building or structure and land in combination, is discontinued or abandoned for at least 12 consecutive months, the building or structure or the building or structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the building or structure or building or structure and land in combination are located.
 - 1. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected.

- b. The property, buildings, and grounds, have fallen into disrepair.
- c. Signs or other indications of the existence of the nonconforming use have been removed.
- d. Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed.
- e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

SECTION 30.05. OTHER REQUIREMENTS.

- A. The nonconforming use of a lot or other parcel, or a building or structure, may not be changed to another nonconforming use, either in whole or in part.
- B. Any building or structure shall be considered existing and lawful and for purposes of this chapter to have been in use for the purpose for which constructed if, on the effective date of this Ordinance, or any relevant amendment herein, a building permit has been obtained therefor, if required, and construction is thereafter pursued diligently to conclusion.
- C. If lawfully nonconforming use status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the lawful nonconforming status of the land.
- D. The provisions of this chapter shall apply to land, buildings, structures, and the use thereof, which become nonconforming as a result of any amendments in any of the zone district provisions or the other provisions of this Ordinance.

CHAPTER 31

ZONING BOARD OF APPEALS

SECTION 31.01. CREATION OF ZONING BOARD OF APPEALS. The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

SECTION 31.02. MEMBERSHIP. The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

- A. One member of the Board of Appeals shall be a member of the Township Planning Commission.
- B. One member of the Board of Appeals may be a member of the Township Board.
- C. The members of the Board of Appeals other than those stated in A and B shall be electors of the Township residing within its zoning jurisdiction.
- D. There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 31.13.
- E. An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

SECTION 31.03. TERMS OF OFFICE. A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

- A. The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.
- B. A member of the Board of Appeals may be reappointed.
- C. A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

SECTION 31.04. JURISDICTION.

- A. The Board of Appeals shall act upon all questions arising in the administration of this Ordinance, including interpretation of the Zoning Map and the text of this Ordinance.
- B. The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the zoning administrator or other person authorized to administer the provisions of this Ordinance.
- C. The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.
- D. The Board of Appeals shall have no jurisdiction or authority over or with regard to the following:
 - 1. Any application for approval of a special land use or planned unit development.
 - 2. An appeal from any decision, in whole or in part, on a special land use or planned unit development.
- E. An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

SECTION 31.05. MEETINGS AND PROCEDURES.

- A. The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
- B. The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 31.13. Three members shall constitute a quorum.
- C. At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
- D. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the zoning administrator; to grant a dimensional variance from the provisions or requirements of this Ordinance; to interpret the text of this Ordinance or the

Zoning Map; and to hear and decide a matter upon which the Board of Appeals is required to pass under the terms of this Ordinance.

- E. The concurring vote of at least two-thirds of the members of the Board of Appeals shall be necessary to approve a land use variance.
- F. The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination; on an application for a dimensional or land use variance; on an application for an interpretation of the text of this Ordinance or the Zoning Map; and on any matter upon which the Board of Appeals is required to pass under the terms of this Ordinance.
- G. Notice of a public hearing of the Board of Appeals shall be given by publication and by U.S. mail in accordance with Section 32.06; provided, however, if application seeking an interpretation of the zoning ordinance or an appeal of an administrative decision does not involve a specific parcel of land, notice of the public hearing need only be published as provided in Section 32.06 and provided to the applicant, but notice to other parties shall not be required.
- H. The Board of Appeals may convene special meetings at such times as it shall determine.
- I. The Board of Appeals shall prepare and maintain minutes of its proceedings in accordance with its bylaws or rules of procedure.

SECTION 31.06. TYPES OF AVAILABLE RELIEF. The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

- A. Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the zoning administrator or any other person authorized to administer the provisions of this Ordinance.
- B. Cases in which it is alleged that there are practical difficulties in carrying out the requirements of this Ordinance by reason of: (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.
- C. Cases in which it is alleged that there is unnecessary hardship in carrying out the requirements of this Ordinance as to the use of land, a building or structure, or any of them in combination.

SECTION 31.07. DIMENSIONAL VARIANCES.

- A. If there are practical difficulties in carrying out the requirements of this Ordinance because of the dimensional characteristics of a lot or parcel of land, a building or structure, or any of them in combination, the Board of Appeals may grant a

dimensional variance in accordance with this Section, so that the spirit of this Ordinance is observed, public safety secured and substantial justice done, but only if the applicant demonstrates through competent, material and substantial evidence on the record that all of the following exist:

1. That there are practical difficulties in complying with the requirements of this Ordinance with respect to the dimensional characteristics of a lot or parcel of land, a building or structure, or any of them in combination, because of exceptional or extraordinary physical conditions involving land, a building or structure, or any of them.

A practical difficulty resulting from an exceptional or extraordinary condition may include, for example, the exceptional narrowness, shallowness, shape or area of land; exceptional conditions in the elevations of land; the presence of unbuildable areas, such as wetlands or a floodplain; or other exceptional or extraordinary physical condition of the land or a building or structure.

2. That there are exceptional or extraordinary conditions or circumstances which are peculiar to the land, structures or buildings involved, and which are different from those of typical properties in the same zoning district.
3. That compliance with specified provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by the owners or users of other properties in the same zoning district.
4. That the grant of the requested variance would not be substantially detrimental to other lands and land uses and would not be contrary to the spirit and purpose of this Ordinance.

- B. A dimensional variance shall not be granted if the practical difficulty in carrying out the provision or requirement of this Ordinance was created by or resulted from the affirmative action of the applicant; such practical difficulty shall be that which exists irrespective of the ownership of the property.
- C. The exceptional or extraordinary circumstance or condition alleged by the applicant shall apply only to the dimensional characteristics of the land, a building or structure, or any of them in combination, but shall not apply to the applicant personally. An applicant's alleged economic hardship or potential for financial profit shall not be grounds for the granting of a dimensional variance.
- D. A nonconforming use of nearby lands, structures or buildings shall not of itself constitute grounds for the granting of a dimensional variance.
- E. A dimensional variance, if granted, shall be the minimum necessary variance in order to grant relief created by the practical difficulty alleged by the applicant.

- F. The Board of Appeals may include terms, conditions and requirements in the granting of a dimensional variance, for the purpose of carrying out the intent and purposes of this Ordinance and for the protection or advancement of the public interest.

SECTION 31.08. LAND USE VARIANCES.

- A. If there is an unnecessary hardship in complying with the provisions or requirements of this Ordinance pertaining to the use of land, a building or structure, or in conducting any of the permitted land uses in the zone district, the Board of Appeals may grant a land use variance in accordance with this section, so that the spirit of this Ordinance is observed, public safety secured and substantial justice done, but only if the applicant demonstrates that competent, material and substantial evidence on the record that all of the following exist:
 - 1. That there is an unnecessary hardship in complying with the requirements of this Ordinance with respect to the use of the land, a building or structure, or any of them in combination, because the land, a building or structure cannot reasonably be used for any of the permitted uses or special land uses of the zone district; or because a use requirement for the land, a building or structure cannot reasonably be complied with.
 - 2. That the land use proposed by the applicant is compatible with existing or proposed land uses on adjacent and nearby properties.
 - 3. That the proposed land use would be adequately served by the existing streets and, if available, public sanitary sewer service and public water supply or, if such utilities are not available, then by an on-site sanitary sewage disposal facility and an on-site water well.
 - 4. That the grant of the requested land use variance would not be substantially detrimental to other lands and land uses and would not be contrary to the spirit and purposes of this Ordinance, as stated in Section 1.02, including in particular, the purpose of assuring the compatibility of land uses, buildings and structures in each zoning district.
- B. The land use variance proposed by an applicant shall not be a land use which is currently a permitted use or a special land use in the zone district in which the property is located.
- C. A land use variance shall not be granted if the unnecessary hardship in complying with the requirements of this Ordinance with respect to the use of the land, a building or structure, or any of them in combination, was created by or resulted from the affirmative action of the applicant; such unnecessary hardship shall be that which exists irrespective of the ownership of the property.

- D. The unnecessary hardship alleged by the applicant shall arise only because of the land use characteristics of the land, a building or structure, or any of them in combination, but shall not be an unnecessary hardship of the applicant personally. An applicant's alleged economic hardship or potential for financial profit shall not be grounds for the granting of a land use variance.
- E. A nonconforming use of nearby lands, structures or buildings shall not of itself constitute grounds for the granting of a land use variance.
- F. A variance, if granted, shall be the minimum necessary variance in order to grant relief created by the unnecessary hardship alleged by the applicant.
- G. The Board of Appeals may include terms, conditions and requirements in the granting of a land use variance, for the purpose of carrying out the intent and purposes of this Ordinance and for the protection or advancement of the public interest.

SECTION 31.09. TIME LIMITATIONS ON VARIANCES.

- A. Within 90 days after the granting of a variance, the applicant shall obtain all required permits and commence the construction or other work authorized by the variance, and shall proceed diligently toward the completion thereof.
- B. The construction or other work authorized by a variance shall be completed not later than one year after the granting of the variance; provided, however, that the Board of Appeals may grant an extension of up to one additional year, upon request by the applicant within one year after the original approval of the variance, and if the Board finds that extenuating circumstances have prevented the completion of the authorized work or if the Board determines that an extension is otherwise justified.
 - 1. A request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.
 - 2. Notwithstanding the above provisions in this subsection B, if a regular meeting of the Board of Appeals is not scheduled to be held prior to the expiration of one year after the original approval of the variance, and if the applicant has timely applied for an extension, then the zoning administrator is authorized to grant an extension for the ensuing period up to the time of the next Board of Appeals meeting at which the Board will schedule consideration of the requested extension, for the remainder of the one-year period after the original approval of the variance.
- C. An application for a variance or other available relief which has been denied in whole or in part by the Board of Appeals shall not be resubmitted within one year after the meeting at which the denial occurred, unless the applicant submits material and substantial new evidence or proof of a change or changes in

significant land use conditions affecting the grounds on which the denial was based.

SECTION 31.10. APPLICATIONS TO THE BOARD OF APPEALS.

- A. An application to the Board of Appeals for relief from an order, decision or determination by the zoning administrator, for a variance or for other relief available within the jurisdiction of the Board of Appeals may be taken by any person aggrieved by such order, decision or determination or by the property owner or other party in interest of land, a building or structure, or any of them in combination, as to which grounds for available relief are asserted.
- B. At the time an application is submitted, the applicant shall also pay the required application fee and shall make any required zoning escrow deposit for the purpose of reimbursing the Township for its expenses in the matter.
- C. An application to appeal an order, decision or determination by the zoning administrator shall be filed not later than 30 days after such order, decision or determination was made.
- D. An applicant shall apply for available relief from the Board of Appeals by means of an application form provided by the Township.
- E. An application to the Board of Appeals shall include an accurate drawing, drawn to scale (and, for an application for a dimensional variance, a survey of the land prepared by a State-licensed surveyor depicting current and requested dimensions) or otherwise showing all relevant dimensions, buildings, structures and other land features pertaining to the relief requested, and depicting the proposed construction or other undertaking as to which relief or other action by the Board of Appeals is requested.
- F. The application, together with the application fee, the zoning escrow deposit and the required accurate drawing shall be submitted to the zoning administrator for review as to completeness and other compliance with the terms of this chapter. Upon the zoning administrator's determination that the application is complete, the matter shall be scheduled for public hearing by the Board of Appeals if all other required matters with respect to the application are in order.
- G. The application shall be scheduled by the Board of Appeals for a public hearing or other specified public consideration, within a reasonable time. Any required notice of public hearing shall be given in accordance with Section 32.06.

SECTION 31.11. DECISIONS BY THE BOARD OF APPEALS.

- A. The Board of Appeals shall decide all applications and appeals within a reasonable time.

- B. The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
- C. In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the zoning administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.
- D. A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.
- E. The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

SECTION 31.12. OFFICERS.

- A. The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
- B. The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.
- C. An officer of the Board of Appeals shall have a term of one year and until the officer's successor is elected and qualifies. An officer may be re-elected.
- D. An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

SECTION 31.13. ALTERNATE MEMBERS.

- A. The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.

- B. An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member is unable to attend one or more meetings.
- C. An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained from participation because of conflict of interest.
- D. An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
- E. An alternate member of the Board of Appeals, when serving as a member, has the same voting rights as a regular member of the Board.

SECTION 31.14. REMOVAL OF MEMBERS; CONFLICTS OF INTEREST.

- A. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board, after written notice to the member proposed to be removed. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.
- B. A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to abstain from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 31.15. APPEALS FROM DECISIONS OF THE BOARD OF APPEALS.

- A. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
 - 1. That it complies with the Constitution and laws of the state.
 - 2. That it is based upon proper procedures.
 - 3. That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
 - 4. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.

- B. If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of Appeals may modify its findings and decision, or the Board may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.

- C. An appeal from a decision of the Board of Appeals shall be filed within 30 days after the date on which the Board of Appeals issues its decision in writing signed by the chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.

CHAPTER 32
ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 32.01. ZONING ADMINISTRATION AND ENFORCEMENT. The provisions of this Ordinance shall be administered by the zoning administrator and shall be enforced by the Township Board, the Township Board's designee or the zoning administrator.

SECTION 32.02. ZONING PERMIT REQUIRED.

- A. A building or structure shall not be erected, moved, reconstructed, altered, extended or enlarged, nor shall other structural changes be made in a building or structure unless a zoning permit authorizing such activity is first issued. All such activity, including excavating for a building or structure, shall be carried out only in accordance with the terms of the zoning permit.
1. No building permit shall be issued by the building official unless a zoning permit for such construction or other work has been issued.
 2. A zoning permit shall also be required for the excavation for, and the erection, moving, reconstruction, altering, extension or enlargement of a building or a structure that is exempt from issuance of a building permit under the Township Construction Code.
- B. Zoning permits are issued by the zoning administrator upon the administrator's determination that all proposed construction, other work or land use would comply with this Ordinance. A zoning permit may include terms and conditions necessary or useful in assuring compliance with the terms of this Ordinance.
- C. The person proposing any of the construction, other work, or land use activity described in subparagraphs A and B shall apply for a zoning permit on a form provided by the Township and shall submit the same to the zoning administrator.
1. The application shall describe in detail the proposed construction, other work or other land use activity.
 2. The application shall include a site plan, drawing, or other detailed depiction of the proposed construction, other work, or other land use activity, in the required number of copies, together with such other plans and specifications as the zoning administrator may determine necessary for a decision as to zoning ordinance compliance.
 3. The zoning administrator may waive or vary portions of the foregoing requirements that the administrator determines are not necessary to verify compliance with this Ordinance.
- D. A copy of the zoning permit, as issued by the zoning administrator, shall be conspicuously displayed on the building, land, or other applicable premises prior

to the commencement of any work, and shall be continuously displayed until all work or other authorized activity has been completed.

- E. A zoning permit shall be valid and effective only if the excavation, erection, construction, reconstruction, alteration, extension, enlargement, or other work or activity is commenced not later than 90 days after the date of issuance of the permit, and is diligently pursued to completion. In the absence of such commencement within such 90 days, or in the absence of diligent progress in the work thereafter, a new application shall be required.
- F. A zoning permit shall not be valid or effective unless all exterior aspects of the construction, reconstruction, alteration, erection, extension, or enlargement are completed not later than 18 months after the date of issuance of the zoning permit; provided, however, that in the case of extenuating circumstances preventing such completion within such period of time, the applicant may apply for an extension of time for such completion, and the same may be approved by the zoning administrator for a period of time determined by the administrator, by the issuance of an amended zoning permit.

SECTION 32.03. REVOCATION OF ZONING PERMIT.

- A. The zoning administrator may revoke and cancel a zoning permit if the applicant or any person acting for the applicant has failed or neglected to comply with any applicable term or provision of this Ordinance or any term or provision of the zoning permit, or if the administrator determines that the applicant has made a material false statement in the application for the permit.
- B. Written notice of any such revocation and cancellation shall be sent by first-class U.S. mail to the applicant or posted at the construction site. Such mailing or posting shall constitute notice to the applicant that the zoning permit has been revoked
- C. The written notice of revocation and cancellation of a zoning permit shall terminate all rights of the applicant arising under the terms of the permit, as of the date of issuance of the notice. As of the date of the notice, the applicant shall cease all construction or other work originally authorized by the permit.

SECTION 32.04. CERTIFICATE OF OCCUPANCY.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or other premises which have been erected, constructed, reconstructed, moved, altered, extended or enlarged until the building official has inspected the building, structure or other premises, and has approved the same for occupancy by issuance of a certificate of occupancy. A certificate of occupancy shall not be issued until the building official has ascertained that all applicable requirements of this Ordinance and the Township construction code have been complied with.

SECTION 32.05. APPLICATION FEES AND OTHER CHARGES; ZONING ESCROW DEPOSITS.

- A. All applicants for the rezoning of lands, special land uses, site plan approval, condominium and site condominium approvals, platted subdivision approvals, variances, permits, special exception approvals, and all other land use review or consideration provided for by the terms of this Ordinance, shall pay to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit all required amounts into a zoning escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning applications or other relief being applied for.
- B. An application for any of the above-stated land use reviews and considerations, and other applications authorized hereunder, shall not be complete, and need not be considered, until the required application fee and other charges have been paid in full and until the deposit of the required sum into any required zoning escrow account has taken place, and such deposit maintained or reestablished at the required amount.

SECTION 32.06. PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING.

- A. Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.
- B. The notice shall be published once, at least 15 days before the date of the public hearing, in a newspaper of general circulation in the Township.
- C. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:
 - 1. The applicant; the owner of the subject property, if different from the applicant.
 - 2. All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application, as the names and addresses of such persons are shown on the current Township property tax assessment roll;

3. One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and
4. The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all relevant persons stated above in this subsection.

D. The notice of public hearing shall include the following information:

1. A description of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
3. The date and time when the application or request will be considered; the location of the public hearing.
4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.

SECTION 32.07. SECURITY FOR COMPLETION OF IMPROVEMENTS.

- A. When financial security is required for completion of any improvement provided for by this Ordinance, such security shall comply with the requirements stated in this section.
- B. Performance Bond.
 1. The bond shall inure to the benefit of the Township, and shall cover the construction, operation and maintenance of the improvement.
 2. The bond shall be in an amount equal to the total estimated cost for completing construction of the improvement, including contingencies, as estimated by the Planning Commission and the Township engineer.

3. The Planning Commission or other Township body having jurisdiction in the matter shall specify the term during which the bond shall remain in force.
 4. The bond shall be guaranteed by a surety company authorized to do business in the State of Michigan, and acceptable to the Township.
- C. Cash Deposit, Certified Check or Irrevocable Bank Letter of Credit.
1. A cash deposit, certified check or an irrevocable bank letter of credit, acceptable to the Township, shall be submitted to the Township, to the attention of the zoning administrator.
 2. In the case of an irrevocable bank letter of credit, the terms thereof and the depository bank shall be subject to the approval of the Township.
 3. The dollar value of a cash deposit, certified check or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement, including contingencies, as estimated by the Township Engineer.
 4. The period of effectiveness for the cash deposit, certified check or irrevocable bank letter of credit, shall be as specified by the Township.
- D. Such security shall be used by the Township for the purpose of completing improvements if an applicant or a developer fails to do so, including, but not limited to, payment of engineering, legal, and other professional services, as well as completion of applicable improvements; provided, however, that the Township shall not be obliged to complete any such improvements.
- E. Upon certification by the zoning administrator that all improvements have been fully completed, the zoning administrator shall authorize the return or termination of all security that has been provided. As improvements are completed, the zoning administrator may authorize reductions in the amount of security, but security may be retained in an amount not exceeding the estimated cost of all remaining improvements.
- F. If a required performance bond or irrevocable letter of credit has expired or is terminated prior to completion of all construction or other work for which such security has been given, then all such construction and other work shall be stopped until an appropriate security satisfactory to the Township has been submitted and accepted.

SECTION 32.08. STOP WORK ORDERS.

- A. Upon notice given by the zoning administrator or building official that any land use is occurring or that any work on a building or structure is being carried out

contrary to or in violation of any provision of this Ordinance, such land use or work shall be immediately stopped. The stop work order shall be in writing and shall be given in the name of the zoning administrator or building official. It shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, as the owner's address is shown in the current Township property tax assessment roll, and may also be sent to any other last known address of the property owner.

- B. Any person who shall continue to work in or about a building or structure, or to use land or a building or structure after a stop work order has been posted at the site and mailed to the property owner, shall be in violation of this Ordinance, including provisions thereof cited in the stop work order, except such work as the zoning administrator or the building official may authorize to be performed in order to moderate or end a violation.

SECTION 32.09. VIOLATIONS AND PENALTIES.

- A. Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se.
- B. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, approval or exception granted hereunder, or any lawful order of the building official, zoning administrator, zoning board of appeals, or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- C. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- D. Any one or more of the following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are designated to be municipal civil infractions, if any one or more of them have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:
 - 1. The Township supervisor.

2. The Township building official.
 3. The Township zoning administrator.
 4. The Township ordinance enforcement officer.
- E. If a citation is based solely upon the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Township supervisor and the Township attorney.
- F. Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.
- G. Citations shall be served upon the alleged violator as provided by law.
- H. Citations shall require an appearance at the District Court within a reasonable time after the citation has been issued.
- I. The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.
- J. In addition to the foregoing procedures and penalties for violations, the Township may commence and pursue injunction, mandamus, abatement or any other available legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. Such remedies are in addition to all others provided by law.

CHAPTER 33

AMENDMENTS

SECTION 33.01. AMENDMENTS. An amendment to this Ordinance may be initiated by the Township Board, the Planning Commission or by any interested person.

SECTION 33.02. AMENDMENTS IN THE TEXT OF THIS ORDINANCE.

- A. If amendments in the text of this Ordinance are proposed by the Township Board or the Planning Commission, the application form for such an amendment shall not be required. If a text amendment is proposed by the Township Board, the Planning Commission shall convene a hearing, with the required notice, and shall recommend to the Township Board as to whether the amendment should or should not be adopted, or whether it should be adopted with specified changes.
- B. If a text amendment is proposed by an interested person, the applicant shall complete and submit an application form, with the required fee, and make the required deposit in a zoning escrow account, for reimbursement to the Township of its expenses in the matter. If the zoning administrator determines that the proposed amendment is of sufficiently general application in the Township, the application fee and/or the zoning escrow account deposit may be waived.
- C. An application by an interested person for a text amendment shall state the reasons and grounds for the proposed amendment and its anticipated effect, if adopted. The application may include other information offered in support of the proposed amendment.

SECTION 33.03. AMENDMENTS IN THE ZONING MAP.

- A. If amendments in the zoning map of this Ordinance are proposed by the Township Board or the Planning Commission, the application form for such an amendment shall not be required. If a zoning map amendment is proposed by the Township Board, the Planning Commission shall convene a hearing, with the required notice, and shall recommend to the Township Board as to whether the amendment should or should not be adopted, or whether it should be adopted with specified changes.
- B. If an amendment in the zoning map of this Ordinance is proposed by an interested person, the applicant shall complete and submit an application form, with the required fee, and make the required deposit in a zoning escrow account, for reimbursement to the Township of its expenses in the matter.
- C. An application by an interested person for a zoning map amendment shall state the reasons and grounds for the proposed amendment and its anticipated effect, if adopted. The application may include other information offered in support of the proposed amendment.

- D. The application shall include a fully dimensioned drawing showing the land proposed for rezoning, a legal description of the land, the current zoning district of the land and the zoning district(s) of the abutting lands.

SECTION 33.04. CONSIDERATION OF PROPOSED AMENDMENT.

- A. After a complete application for an amendment in this Ordinance has been submitted, and following review thereof by the zoning administrator, a public hearing by the Planning Commission on the proposed amendment shall be scheduled; provided, however, that if the amendment is a text amendment proposed by an interested person, the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing thereon, and thereby not consider further the proposed text amendment.
- B. The required notice of a Planning Commission public hearing shall be given as to applications for amendments on which the Planning Commission determines to convene a public hearing. The Commission shall convene a public hearing on all applications for amendments in the zoning map.
- C. The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances. In considering a proposed amendment, the Commission may make changes therein, except such changes which are so substantially material that another public hearing, with revised public notice, should be convened.
- D. After the public hearing, the Planning Commission shall make a recommendation to the Township Board, as to whether the amendment should be adopted, not be adopted or adopted with specified changes.
- E. After receiving the Planning Commission's recommendation on a proposed amendment, the Township Board shall consider the amending ordinance at a public meeting.
 - 1. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but a hearing shall be held in the case of an amendment for the rezoning of land to a planned unit development.
 - 2. If the Township Board holds a public hearing on a zoning ordinance amendment, notice thereof shall be given in the same manner as required for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the zoning map.
- F. If an interested property owner requests a hearing by the Township Board on a proposed zoning ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township clerk, then the Township Board shall convene such a hearing. In that case, written notice of the date, time,

place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.

- G. The Township Board may adopt an amending ordinance at any regular or special meeting by majority vote of the members of the Township Board, in the form and content as recommended by the Planning Commission or with such amendments and other changes as the Board may determine.
- H. Except as otherwise provided by law, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the zoning map, the notice shall indicate the lands affected.
2. The effective date of the amending ordinance.
3. The location where and the time when a copy of the amending ordinance may be inspected or purchased.

CHAPTER 34
MISCELLANEOUS PROVISIONS

SECTION 34.01. SEVERABILITY. All of the provisions of this Ordinance are hereby declared to be severable. If any chapter, section, subsection or other provision of this Ordinance is adjudged to be invalid or ineffective, such judgment shall not affect any other chapter, section, subsection or other provision of this Ordinance.

SECTION 34.02. REPEAL OF PRIOR ZONING ORDINANCE. The prior zoning ordinance of the Township, which became effective on June 23, 2009, and as it was amended from time to time, shall remain in full force and effect until the effective date of this Ordinance. As of the effective date hereof, such prior zoning ordinance of the Township shall be and it hereby is repealed.

THIS ORDINANCE was adopted by the Township Board on _____, 2018, and it became effective on _____, 2018.

Deb Diepenhorst, Township Clerk

TOWNSHIP OF CANNON
COUNTY OF KENT, MICHIGAN

GENERAL ORDINANCES
OF THE TOWNSHIP

A compilation of all ordinances
adopted and amended by the Township of Cannon
through June 22, 2015
Except the Zoning Ordinance
[The Zoning Ordinance is available separately]

TOWNSHIP OF CANNON GENERAL ORDINANCES

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UNWHOLESOME SUBSTANCES

As Amended by Ordinance 95-01; Amended by Ord. No. 2015-3

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND SAFETY RESPECTING NUISANCES, SOURCES OF FILTH AND CAUSES OF SICKNESS AND FURTHER RESPECTING ARTICLES WHICH ARE CAPABLE OF CONTAINING OR CONVEYING INFECTION OR CONTAGION, OR OF CREATING SICKNESS, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. RELEASE OF POLLUTED LIQUIDS AND OTHER POLLUTED SUBSTANCES.

(a) It shall be unlawful for any person, firm, corporation or other entity to release, drain, or cause to be released or drained any polluted or harmful water, liquid, sewage or any other polluted substance from any pipe, sink, septic tank or any other source or object, onto the surface of any land or into any open ditch, creek, lake or stream, or into any pipe or other conduit which directly or indirectly empties, deposits or causes to accumulate any such described substance onto the surface of any land or into any open ditch, creek, lake or stream. In addition any owner, part owner, lessee, lessor, occupant or other person, firm, corporation or other entity having control of or other interest in any premises from, through or onto which any such described substance is released, drained, or deposited, and who authorizes, permits, or acquiesces in the same, shall be liable for the violation of this Ordinance.

(b) For purposes of this Ordinance, a polluted or harmful liquid or other polluted substance shall include, but is not limited to, any contaminated water, sewage, industrial waste, crude oil or other petroleum-related liquid or substance, brine, water-chemical mixture or any other liquid or fluid containing chemicals or other contaminating substances.

SECTION 2. TRASH AND JUNK. It shall be unlawful in said Township to throw, dump, store or accumulate empty or partially filled cans, food containers, broken or whole bottles, trash, garbage, litter, junk, rags, glass, debris, rubbish, boxes, barrels, lumber, scrap metal, crockery or utensils of any kind, automobile bodies or parts of automobiles (except in a duly licensed junk yard), old stoves, parts of machinery, flammable matter or substances, offal, industrial by-products or waste substances or objects of similar nature, upon any land in said Township, or permit any such things or substances to accumulate on land over which the one permitting the same occupies, owns, leases or has control, other than in a place designated as a public dumping ground by the Township or licensed junk-yard.

SECTION 3. VERMIN. It shall be unlawful for the owner, lessee, occupant or any other person, firm or corporation, having right of control or in charge of any premises to permit the accumulation of materials which provide rat harborage or which may serve as food for rats accessible to such rodents or in or around which flies, insects, rodents or vermin may exist, breed or multiply, or to suffer or permit upon any premises stagnant or filthy water, dead animals or

unwholesome meat, decayed fruit or vegetable or any other unwholesome, filthy, deleterious or offensive thing or substance.

SECTION 4. PENALTY FOR VIOLATIONS; OTHER REMEDIES.

(a) Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages, and expenses provided by law, including attorney fees and the costs of remediation of the results of the violation. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

(b) In addition to the penalty described in subsection (a), and other available remedies, the Township may commence and pursue an action in any court to enjoin, restrain or prevent any violation of this Ordinance, or any continuation of any such violation, by means of injunction, other lawful remedy or such other relief as the court may grant. In any such case, the person, firm, corporation or other entity determined to be in violation of this Ordinance, or any provision hereof, shall pay the Township's costs and expenses of enforcing this Ordinance, including attorney fees and the costs of remediation of the results of the violation.

SECTION 5. SEVERABILITY. The provisions of this Regulation are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

SECTION 6. EFFECTIVE DATE. This Regulation shall be effective 30 days after publication hereof.

Ord. No. 95-01 adopted 1/9/95

INOPERABLE MOTOR VEHICLES

As Amended By Ordinance 95-02

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY, AND EQUIPMENT IN THE TOWNSHIP OF CANNON, AND TO PROVIDE FOR THE ISSUANCE OF PERMITS, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP ORDAINS:

SECTION 1. STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY, AND EQUIPMENT, OR ANY PARTS THEREOF. It is hereby declared to be unlawful for any person, firm, or corporation to store, place, permit to be stored, placed, or allowed to remain any dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment, or any parts thereof, on land located in the Township of Cannon, except as the same may be permitted under the provisions of the zoning ordinance of the Township of Cannon, unless said dismantled, partially dismantled, or inoperable motor vehicle, machinery, or equipment, or parts thereof, shall be kept in a wholly enclosed garage or other wholly enclosed structure; provided, however, that any bona fide owner, co-owner, tenant, or co-tenant of said land may store or 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 such dismantled, partially dismantled, or inoperable motor vehicle, for a period of not to exceed forty-eight (48) hours if such a motor vehicle is registered in his, her, or its name; and provided further, that any such owner, co-owner, tenant, or co-tenant, in the event of hardship and upon payment of the fee hereinafter provided, may secure a permit from the Building Inspector of the Township of Cannon to extend such period of forty-eight (48) hours for an additional period of not to exceed one (1) week for any one such inoperable motor vehicle. This Ordinance shall not be construed to permit the parking or placing of dismantled or partially dismantled motor vehicles, machinery or equipment on any street area in the Township or in any front yard as such is now or hereafter defined by the zoning ordinance of the Township of Cannon.

SECTION 2. PERMITS. Upon application duly made by the registered owner of a motor vehicle and upon a showing of hardship, which hardship can be eliminated by an extension of time as herein permitted, the Building Inspector of the Township of Cannon is hereby authorized to issue the permits referred to in Section 1 hereof. No such permits shall be granted for successive weeks for any one motor vehicle. A fee of One (\$1.00) Dollar shall be collected for each such permit so issued, and shall be paid into the general fund.

SECTION 3. DEFINITIONS.

(a) Motor vehicles are hereby defined as any wheeled vehicles which are or are intended to be operable as self propelled vehicles.

(b) Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of inability to

comply with the State Motor Vehicle Code or do not have a current license and registration as required for operation by the State Motor Vehicle Code.

(c) Dismantled and partially dismantled motor vehicles are defined as motor vehicles from which some component of such motor vehicle has been removed or is missing.

(d) Inoperable machinery and equipment is defined as any item or piece of machinery or equipment which by reason of dismantling, disrepair, or other cause is incapable of functioning or being operated as it was intended to function or be operated.

(e) Dismantled or partially dismantled machinery and equipment is defined as machinery and equipment from which some part or parts which are ordinarily a component of such machinery or equipment has been removed or is missing.

SECTION 4. CONSTRUCTION. This Ordinance shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to the keeping of rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinance as well as to any statutes of the state of Michigan relating thereto.

SECTION 5. NUISANCE. The presence of a dismantled or inoperable motor vehicle, machinery, or equipment, or any parts thereof in violation of the terms of this Ordinance is hereby declared to be a public nuisance.

SECTION 6. PENALTIES. Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 7. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after publication hereof. Adopted by the Township Board of the Township of Cannon in 1967.

Ord. No. 95-02 adopted 1/9/95

OUTDOOR ASSEMBLY

Amended in its entirety by Ordinance No. 2012-2

AN ORDINANCE TO REGULATE OUTDOOR ASSEMBLY; REQUIRING APPLICATION FOR LICENSES THEREFOR; STANDARDS FOR ISSUANCE OF LICENSES; APPROVAL OF GOVERNMENT AGENCIES; AND PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

AMENDMENT. Sections 1 through 9 of the Ordinance entitled “An Ordinance to Regulate Outdoor Assembly; Requiring Application for Licenses Therefor; Standards for Issuance of Licenses; Approval of Government Agencies; and Penalties for the Violation Thereof,” as previously amended by Ordinance No. 95-03, are hereby amended to read in their entirety as follows:

SECTION 1. DEFINITIONS.

(a) “Outdoor Assembly” (hereinafter referred to as “activity”), shall mean any activity, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to music festivals, rock festivals, peace festivals or similar gatherings, but excluding the following:

(1) An activity which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

(2) An activity which will not exceed 250 attendees at any one time in the LR, R-1, R-2, R-3, PUD, OS-PUD Zoning Districts or 500 attendees in any other zoning district; provided up to 1,000 attendees may be permitted within a publicly-owned or privately-owned outdoor recreational area, as permitted by Section 5.03.L of the Cannon Township Zoning Ordinance; or

(3) An activity held entirely within the confines of a permanently enclosed and covered structure.

(b) “Person” means any natural person, partnership, corporation, association or organization.

(c) “Sponsor” means any person who organizes, promotes, conducts, or causes to be conducted, an outdoor assembly.

(d) “Licensee” means any person to whom a license is issued pursuant to this Ordinance.

SECTION 2. LICENSE REQUIRED. No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly within Cannon Township without having first obtained a license therefore and, if applicable, obtaining special land use approval.

SECTION 3. APPLICATION FOR LICENSE. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Zoning Administrator of the Township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by fee in an amount determined by the Township Board and shall include at least the following:

(a) The name, age, cell phone number, email address, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members.)

(b) A statement of the kind, character, and type of proposed assembly.

(c) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

(d) The date or dates and hours during which the proposed assembly is to be conducted.

(e) An estimate of the maximum number of attendees expected at the assembly for each day it is conducted together with samples of the tickets or other evidence of admission which will be used.

SECTION 4. INFORMATION REQUIRED. Each application shall be accompanied by a detailed explanation, including drawings and diagrams, where applicable, of the prospective licensee's plans to provide for the following:

(a) Police and fire protection.

(b) Food and water supply and facilities.

(c) Health and sanitation facilities.

(d) Medical facilities and services including emergency vehicles and equipment.

(e) Vehicle access and parking facilities.

(f) Illumination facilities.

(g) Communications facilities.

(h) Noise control and abatement.

(i) Facilities for clean up and waste disposal.

(j) Insurance and bonding arrangements.

SECTION 5. OFFICIALS' APPROVAL. On receipt by the Zoning Administrator, copies of the application shall be forwarded to the County Sheriff, County Health Officer, Township Planner and such other public officials as may be necessary, taking into consideration the nature of the outdoor assembly, as determined by the Zoning Administrator. Such officers and officials shall review and investigate the application and shall within 20 days of receipt thereof report their findings and recommendations to the Zoning Administrator. If no recommendation or finding is submitted by any such official within the time limit, the application for a license shall be considered as having been approved by such official without any conditions thereon.

SECTION 6. ISSUANCE OF LICENSE. Within 30 days of the filing of said application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice of such action, specifying the conditions or reasons for denial, shall be given to the applicant.

SECTION 7. DENIAL. The license application may be denied if:

(a) The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,

(b) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

SECTION 8. DETAILS OF LICENSE. A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendees permissible, the duration of the license and any other conditions imposed pursuant to this Ordinance or the special land use requirements of the Zoning Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

SECTION 9. MINIMUM REQUIREMENTS. In processing an application the Township Board shall, at a minimum, require the following:

(a) Security Personnel. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Kent County Sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(b) Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, the rules and regulations adopted pursuant thereto, and in accordance with

any other applicable state or local law, or from a source and delivered and stored in a manner approved by the Kent County Health Officer.

(c) Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto; if such flush-type facilities are not available, the County Health Officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, the rules and regulations adopted pursuant thereto, and which are in accordance with any other applicable provisions of the law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto. All lavatories shall be provided with soap or hand sanitizer and paper towels. The number and type of facilities required shall conform to the requirements of the Kent County Health Department.

(d) Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of the law.

(e) Medical Facilities. If the assembly is not readily and quickly accessible to medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the County Health Officer.

(f) Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with the rules and regulations pertaining thereto established by the County Health Officer. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law; and, prior to issuance of any license, the licensee shall provide the County Health Officer with a true copy of an executed agreement in effect with such licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

(g) Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, in such quantities and with capacity as to provide disposal for the maximum number of attendants. Prior to issuance of any license, the licensee shall provide the County Health Officer with a true copy of an executed agreement in effect with a licensed refuse collector, which agreement will assure proper effective and frequent removal of solid waste from the premises, so as to neither create nor cause a nuisance or menace to the public health.

(h) Access and Traffic Control. The licensee shall submit a written plan, in accordance with the requirements of Section 17.07.V.5. of the Cannon Township Zoning Ordinance, to the Zoning Administrator together with the application for a license. The plan shall be submitted by the Zoning Administrator to the County Sheriff's Department for approval.

(i) Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.

(j) Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township Building Inspector.

(k) Noise. In no case shall any event authorized under the terms of this Ordinance cause or result in any serious adverse effect on adjacent or nearby lands by reason of excessive sound.

(l) Insurance. Before the issuance of a license, the licensee shall obtain liability insurance with limits of not less than \$1,000,000/\$3,000,000 and property damage insurance from a company or companies approved by the Commissioner of Insurance of the State of Michigan. The licensee shall provide the Zoning Administrator with proof of insurance providing the coverage as set forth herein and naming the Township as an additional insured.

(m) Miscellaneous. Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.”

SECTION 10. PUBLICATION; EFFECTIVE DATE. This amendatory Ordinance, or a summary of its regulatory effect, shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. This amendatory Ordinance shall become effective 30 days after such publication.

Adopted November 9, 1971

Amended by Ord. No. 95-03 adopted 1/9/95

Amended by Ord. No. 2012-2 adopted March 12, 2012

DISORDERLY CONDUCT

Ordinance No. 73-2

AN ORDINANCE TO PROHIBIT DISORDERLY CONDUCT AND OTHER MISCELLANEOUS OFFENSES AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON DOES HEREBY ORDAIN:

SECTION 1. DEFINITIONS. The term "Public Place" as used in this chapter shall mean any street, alley, park, public building, any place of business or assembly upon to or frequented by the public, and other place which is open to the public view, or to which the public has access.

SECTION 2. ACTS PROHIBITED. No person shall:

- (a) Commit an assault, or an assault and battery on any person.
- (b) Engage in any disturbance, fight, or quarrel in a public place.
- (c) Be drunk in any public place or under the influence of any narcotic drug in any public place.
- (d) Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- (e) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign or motion, any person in any public place.
- (f) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for unlawful mischievous purposes in any public place to the annoyance or inconvenience of others.
- (g) Jostle or roughly crowd persons in any street, alley, park, or public building.
- (h) Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.
- (i) Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own.
- (j) Beg in any public place.
- (k) Engage in peeping in the windows of any inhabited place.
- (l) Swim or bathe in any public place without wearing proper apparel.

- (m) Make any immoral exhibition or indecent exposure of his or her person.
- (n) Engage in any act of prostitution or gross indecency.
- (o) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- (p) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor or narcotics, or where any other illegal or immoral business or occupation is permitted or conducted.
- (q) Disturb the public peace by loud, boisterous or vulgar conduct.
- (r) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
- (s) Obstruct, resist, hinder, or oppose any member of the police force, or any police officer in the discharge of his duties as such.
- (t) Knowingly furnish to any police officer or other official a false name, false address or false information in connection with any arrest or investigation.
- (u) Knowingly make to any police officer a fictitious report of the purported commission of any crime or misdemeanor.
- (v) Trespass or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupant or his agent.
- (w) Prowl about on the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.
- (x) Wrongfully throw or propel any snowball, missile or object from any moving automobile.
- (y) Wrongfully throw or propel any snowball, missile or object toward any person or automobile.
- (z) Minor in possession of alcoholic liquors: No person under the age of twenty-one (21) years shall purchase, or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport or have under their control in any motor vehicle any alcoholic liquor unless the person is employed by a person granted a license under Act 8 of the Public Acts of 1933 Ex. Sess., as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under their control during regular working hours and in the course of their employment.
- (aa) Open liquor containers in vehicles on highways: No person shall transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on the highways or any other public place within the Township. If the vehicle does not have a trunk or compartment separate from the

passenger compartment, a container which is open, uncapped, or upon which the seal is broken shall be encased or enclosed.

(bb) Consumption of alcoholic liquors: No alcoholic liquor shall be consumed on the public highways, in public parks, or other public places of amusement not licensed to sell for consumption on the premises.

SECTION 3. PENALTIES. Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or a term in the county jail not to exceed ninety (90) days, or both, together with court costs. Each day that such violation occurs shall constitute a separate offense.

SECTION 4. MISCELLANEOUS PROVISIONS.

(a) Conflicting provisions repealed. Any provisions of Ordinance 73-2 which are inconsistent with this Ordinance are hereby repealed.

(b) Should any section, clause or provision of Ordinance 73-2 as amended by this Ordinance be declared by any Court of law to be invalid; the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

(c) Except as otherwise provided, the remaining provisions of Ordinance 73-2 shall remain in full force and effect.

(d) Effective Date: The amendatory provisions of this Ordinance shall take effect thirty (30) days after the first publication hereof.

ELECTRICAL WIRING

Ordinance No. 74
As Amended in 1990 and Ordinance 95-04

AN ORDINANCE TO PROVIDE FOR THE LICENSING OF PERSONS INSTALLING ELECTRICAL WIRING DEVICES, APPLIANCES; TO REQUIRE PERMITS FOR THE INSTALLATION OR ALTERATION OF ELECTRICAL WIRING DEVICES AND/OR PERMITS AND THE PENALTIES FOR THE VIOLATION THEREOF.

THE PEOPLE OF THE TOWNSHIP OF CANNON DO ORDAIN:

SECTION 1. DEFINITIONS. The following definitions shall be applicable in the interpretation and application of this Ordinance.

(a) “Electrical wiring” means all wiring, generating equipment, fixtures, appliances and appurtenances in connection with the generation, distribution and utilization of electrical energy, within or on a building, residence, structure or properties, and including service entrance wiring as defined in the National Electrical Code.

(b) “Electrical contractor” means a person, firm or corporation engaged in the business of erecting, installing, altering, repairing, servicing or maintaining electrical wiring devices, appliances or equipment.

(c) “Master electrician” means a person having the necessary qualifications, training, experience and technical knowledge to supervise the installation of wiring and equipment in accordance with the standard rules and regulations governing such work. A master electrician desiring to enter into the contracting business as his own supervisor may obtain an electrical contractor’s license by making application and paying the fee for an electrical contractor’s license in lieu of the fee prescribed for the master electrician’s license.

(d) “Electrical journeyman” means any person other than an “electrical contractor” who, as his principal occupation, is engaged in the practical installation or alteration of electric wiring. An “electrical contractor” or “master electrician” may also be an “electrical journeyman”.

(e) “Electrical inspector” means the electrical inspector of the Township of Cannon appointed by the Township Board.

SECTION 2. PERMIT REQUIRED. No person, firm or corporation shall install or alter any electrical wiring, devices, appliances or appurtenances for the generation, distribution and utilization of electrical energy within or on any building, structures or properties within the Township without first obtaining a permit from the Electrical Inspector and paying the permit fees therefor.

SECTION 3. FEES. Electrical permit fees and all other fees for matters arising under this Ordinance shall be established from time to time by resolution adopted by the Cannon Township Board.

SECTION 4. REINSPECTION. The Electrical Inspector shall periodically make a thorough reinspection of the installation in buildings of all electric wiring, electric devices and electric material now installed or that may hereafter be installed within the Township and when the installation of any such wiring, devices, and/or material is found to be in a dangerous or unsafe condition, the person, owning, using or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition, and have such work completed within fifteen (15) days, or any longer period specified by the Electrical Inspector in said action. The Electrical Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring, devices and/or materials so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by him.

SECTION 5. ELECTRICAL CONTRACTOR’S LICENSE. Except as to work and persons designated as exempt under Section 7 of Act 217 of Public Acts of 1956, as amended, no person, firm or corporation shall install any electrical wiring, devices, appliances or appurtenances for the generation, distribution and utilization of electrical energy within or on any building, structure or properties without first being duly licensed therefor pursuant to the provisions of Act 217 of Public Acts of 1956, as amended.

SECTION 6. RECIPROCAL PROVISIONS. The Township shall permit electrical contractors and master electricians lawfully licensed by other municipalities of the state of Michigan or by the State Electrical Administrative Board, to install, alter or repair electrical wiring, equipment, apparatus or fixtures for light, heat, power or medical purposes within the corporate limits of the Township, upon registration with the Township Clerk, which registration shall expire concurrently with the license presented for registration. The fees for registration of contractors and master electricians shall be as follows:

Contractor’s reciprocal registration fee \$50.00

Master’s reciprocal registration fee \$15.00

SECTION 7. ELECTRIC INSTALLATION STANDARDS. The installation of any electric wiring, devices, appliances or appurtenances for the generation, distribution and utilization of electrical energy, within or on any building, structures or properties within the Township shall be in accordance with the provisions of the National Electrical Code of 1975, as amended, and the provisions of Article XVI of the BOCA Basic Building Code, 1970 Edition, and the 1970 Accumulative Supplement thereto published by the Building Officials and Code Administrator International, Inc. Conformity of installations of said equipment with the provisions of said Codes shall be prima facie evidence that such installations are reasonably safe for use in the service intended and in compliance with the provisions of the Basic Code.

SECTION 8. PENALTY. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

SECTION 9. LIABILITY FOR DEFECTIVE INSTALLATION OF APPLIANCES. This Ordinance shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for damages to persons or property caused by any defect therein, nor shall the Township of Cannon be held as assuming any such liability by reason of the inspection, issuance of a permit or registration pursuant to the provisions of this Ordinance. Adopted by the Township Board of the Township of Cannon, County of Kent, Michigan, on the 9th day of July, 1973; published or, July 19, 1973.

Section 3 amended Ord. No. 79-1, 7/9/1979

Section 7 amended Ord. No. 77-5, 11/14/77

Section 8 amended Ord. No. 95-04, 1/9/95

ANIMAL CONTROL

Ordinance No. 80-1
As Amended by Ordinance 95-06

AN ORDINANCE TO REGULATE THE CONTROL AND MAINTENANCE OF ANIMALS AND THEIR LICENSURE AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

ARTICLE I GENERAL

SECTION 1.01. PURPOSE. It is deemed by the Township of Cannon that the ownership of an animal is a privilege which carries with it responsibilities to the Township and residents with regard to the care and custody of said animal. It is the intent of this Ordinance to protect the people of Cannon Township from problems caused by unrestrained or annoying animals.

SECTION 1.02. SHORT TITLE. This Ordinance shall be known as, and may be cited and referred to as “The Animal Control Ordinance of Cannon Township.”

ARTICLE II DEFINITIONS

SECTION 2.01. DEFINITIONS. Whenever, in this Ordinance, the following terms are used they shall have the meaning as described to them in this article, unless it is apparent from the context thereof that some other meaning is intended.

SECTION 2.02. ANIMAL . As used in this Ordinance animal shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

SECTION 2.03. ANIMAL CONTROL OFFICER. The Animal Control Officer shall mean the agent of the Kent County Department of Animal Control or any other officers designated for such duties by the Township.

SECTION 2.04. ANIMAL SHELTER. The Animal Shelter may mean either the Kent County Animal Shelter or the Humane Society of Kent County.

SECTION 2.05. TOWNSHIP. As used in this Ordinance shall mean the Township of Cannon.

SECTION 2.06. COUNTY. As used in this Ordinance shall mean the County of Kent.

SECTION 2.07. DIRECTOR. As used in this Ordinance shall refer to the director of the Kent County Department of Animal Control.

SECTION 2.08. DEPARTMENT. As used in this Ordinance shall refer to the Kent County Department of Animal Control.

SECTION 2.09. IMPOUNDED. If any animal pursuant to this Ordinance or any statute has been received into the custody of any animal shelter, such animal will have been “impounded” as that word is used in this Ordinance.

SECTION 2.10. OWNER. Owner when applied to the proprietorship of an animal means every person having a right of property in the animal, or every person who keeps or harbors the animal or has it in his care, or every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this act any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this Ordinance.

SECTION 2.11. PERSON. Includes an individual, partnership, corporation, trust, and any association of persons.

ARTICLE III DOGS

SECTION 3.01. LICENSES. All dogs over the age of six (6) months within the Township shall at all times be currently licensed in accordance with the requirements of the state law and of the County Animal Control Ordinance. A license tag issued by the county shall be securely affixed to a collar, harness, or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner’s premises.

SECTION 3.02. LIMIT ON NUMBER OF DOGS. No person shall have within his care, custody or control within the Township more than three (3) dogs other than dogs under six (6) months of age born to a female under the care, custody or control of such person, provided that this provision shall not be construed to require any person to dispose of any licensed dog owned by such person at the effective date of this Ordinance. This limit on the number of dogs shall not apply to any person operating a kennel for commercial profit which complies with local and state law applicable thereto.

SECTION 3.03. BARKING DOGS. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.

SECTION 3.04. DOGS RUNNING AT LARGE. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the Township, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

SECTION 3.05. FEMALE DOGS IN HEAT. No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large during the copulative season (i.e., when said dog is in heat as that term is commonly understood)

unless such dog shall be restrained as provided in Section 3.04 at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

ARTICLE IV VICIOUS ANIMALS

SECTION 4.01. CONTROL OF VICIOUS ANIMALS. A vicious animal shall at all times when not securely confined be securely muzzled and led by a leash. Any animal shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which by its actions, gives indications that it is liable to bite any person or domestic animal without molestation.

SECTION 4.02. PROSECUTIONS. On sworn complaint that any one of the following facts exist:

(a) That any animal has attacked or bitten a person,

(b) That any animal shows vicious habits or molests passersby when lawfully on the public highways; the county may secure a summons against the owner of said animal commanding him to appear and show cause why said animal should not be ordered to be confined or destroyed. Upon such hearing, the District Court shall proceed to determine whether it shows vicious habits or molests passersby when lawfully on the public highway, and if the Court shall so find, it shall forthwith either order said animal confined to the premises of the owner or shall order the Director of Animal Control to cause said animal to be destroyed or shall enter such other order relative to the care of such animal as the Court shall determine to be.

SECTION 4.03. CIVIL LIABILITY. Nothing in this Chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by it.

ARTICLE V KENNELS

SECTION 5.01. LICENSE. Each person having a kennel shall have a valid kennel license from the Kent County Treasurer.

SECTION 5.02. APPROVAL. Each kennel must be inspected and approved by the Kent County Director of Animal Control or his agents on an annual basis.

SECTION 5.03. CONSTRUCTION. If dog kennel runs shall be of concrete, they must provide adequate draining for sanitation. If sand or pea gravel is used, droppings must be picked up and disposed of promptly and the runs treated regularly with an effective disinfectant. Runs made of other materials require special approval from the Director of Animal Control.

SECTION 5.04. REVOCATION. If at any time the Township Board determines that it is not in the interest of the community to permit a kennel license, such license may be revoked.

SECTION 5.05. MODIFICATION OF LICENSE. If at any time the Township Board determines it is in the interest of the community to change the conditions of licensure, such conditions may be changed after reasonable notice.

ARTICLE VI
MISCELLANEOUS

SECTION 6.01. PENALTY. Any person who violates Article IV of this Ordinance, or who shall violate any order to confine an animal owned by him to his premises pursuant to the provisions of this Ordinance, or who shall, after demand, refuse to surrender any animal owned by him pursuant to an order made under this Ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment of not more than 90 days, or both such fine and imprisonment. A violation of any other provision of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

SECTION 6.02. SEVERABILITY. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 6.03. CONFLICT. Any ordinance or any part thereof in conflict with the provisions of this Ordinance are hereby declared to be invalid.

Ord. No. 80-1 adopted 2/11/1980

Ord. No. 95-06 adopted 1/9/95

LIQUOR CONTROL

Ordinance No. 83-1

AN ORDINANCE ESTABLISHING THE PROCEDURE AND STANDARDS
RE: LICENSE TO SELL BEER AND WINE OR SPIRITS.

THE PEOPLE OF THE TOWNSHIP OF CANNON DO ORDAIN:

AN ORDINANCE TO ESTABLISH PROCEDURES AND STANDARDS FOR
REVIEW OF APPLICATIONS, RENEWALS, AND REVOCATION OF
LICENSE TO SELL BEER AND WINE OR SPIRITS.

SECTION 1. APPLICATION FOR NEW LICENSE.

(a) Application. Applications for license to sell beer and wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

(2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

(3) The character of business of the applicant, and in the case of a corporation, the object for which it was formed.

(4) The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.

(5) The location and description of the premises or place of business which is to be operated under such license.

(6) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(7) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or the laws of the State of Michigan.

(8) A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the Township in the conduct of its business.

(9) The application shall be accompanied by building and plat plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

(b) Restrictions on Licenses. No such license shall be issued to:

(1) A person whose license, under this Ordinance has been revoked for cause.

(2) A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.

(3) A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

(4) A corporation, if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.

(5) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(6) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor.

(7) A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued.

(8) Any law enforcing public official or any member of the Township board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.

(9) For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, or applicable Public Health Regulations.

(10) For any premises unless the sale of beer, wine or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.

(11) For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control.

(12) Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents

and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

(c) Term of License. Approval of a license shall be for a period of one year subject to annual renewal by the Township Board upon continued compliance with the regulations of this Ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the Township Board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

(d) License Hearing. The Township Board shall grant a public hearing upon the license application. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in paragraph 1.(b) (1) through (12) above.

SECTION 2. OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION.

(a) Procedure. Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the Township Board shall serve the license holder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

- (1) Notice of proposed action.
- (2) Reasons for the proposed action.
- (3) Date, time and place of hearing.
- (4) A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following hearing, the Township Board shall submit to the license holder and the Commission a written statement of its findings and determination.

(b) Criteria for Nonrenewal or Revocation. The Township Board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exists:

- (1) Violation of any of the restrictions on licenses set forth in paragraph 1.(b) (1) through (12) above; or,
- (2) Maintenance of a nuisance upon the premises.

SECTION 3. SEVERABILITY. Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on the 15th day of April, 1983. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted Ord. No, 83-1, April 15, 1983

REPEAL OF INDUSTRIAL SEWAGE PRETREATMENT

Ordinance No. 09-1

AN ORDINANCE TO REPEAL ORDINANCE NO. 06-05, ENTITLED AN ORDINANCE TO ESTABLISH INDUSTRIAL PRETREATMENT PROCEDURES TO ASSURE CONTROL AT THE POINT OF DISCHARGE OF INDUSTRIAL WASTES INTO THE CANNON TOWNSHIP EXTENSION OF THE NORTH KENT SEWAGE DISPOSAL SYSTEM AND GRAND RAPIDS SEWAGE DISPOSAL SYSTEM.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. REPEAL. This Ordinance hereby repeals Ordinance No. 06-05 in its entirety.

SECTION 2. SAVINGS CLAUSE. The repeal of Ordinance No. 06-05 by this Ordinance shall not release or relinquish any penalty, forfeiture, or liability incurred under Ordinance No. 06-05 and the provisions of Ordinance No. 06-05 shall be treated as still remaining in force for the purpose of instituting or maintaining any proper action or prosecution for the violation of Ordinance No. 06-05 or the enforcement of any penalty, forfeiture, or liability thereunder.

SECTION 3. PUBLICATION; EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after publication of the ordinance or a summary of the provisions thereof in a local newspaper of general circulation within the Township.

Adopted: March 9, 2009
Published: July 28, 2009
Effective: August 8, 2009

PENSION PLAN

Ordinance No. 87-1
As Amended by Ordinance 92-10 and
as amended by Ordinance 97-8

AN ORDINANCE TO CREATE AND ESTABLISH A TOWNSHIP PENSION PLAN COVERING ALL OF THE ELECTED OFFICERS AND FULL-TIME EMPLOYEES OF THE TOWNSHIP; TO AUTHORIZE THE TOWNSHIP SUPERVISOR AND THE TOWNSHIP CLERK TO CONTRACT, IN THE NAME OF THE TOWNSHIP, FOR SUCH PLAN; TO SET FORTH RESPECTIVE CONTRIBUTIONS WHICH ARE TO BE MADE BY THE TOWNSHIP TO THE PLAN ON BEHALF OF EACH ELECTED OFFICER OR FULL-TIME EMPLOYEE; TO RATIFY AND AFFIRM OTHER TYPES OF INSURANCE NOW PROVIDED FOR SUCH ELECTED OFFICERS AND FULL-TIME EMPLOYEES; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known and cited as the "Cannon Township Pension Plan Ordinance."

SECTION 2. ESTABLISHMENT OF PLAN. Pursuant to Act 77 of the Public Acts of Michigan of 1989 (MCLA 41.110b; the successor to Act 27 of the Public Acts of 1960, as amended), the Township of Cannon hereby creates and establishes a group pension plan to provide retirement benefits for its officers and full-time employees as provided hereafter ("Plan"), and also hereby authorizes the Township Supervisor and the Township Clerk to contract, in the name of the Township, subject to the approval of the Township Board, with any company authorized to transact such business within the State of Michigan for such Plan.

SECTION 3. CONTRIBUTION FORMULA. The Plan created, established and contracted for under this Ordinance shall provide the following contribution formula in arriving at the amount of the annual contribution for each elected officer and full-time employee to be made to the Plan: The annual contribution for each such person shall be the total of 12% of the annual compensation, with a minimum annual contribution of \$100 beginning as of April 1, 1985, and a like amount on the 1st day of April each year thereafter.

SECTION 4. ANNUAL CONTRIBUTIONS. The annual contributions as specified above shall be secured from the General Fund of the Township and paid to the company which has contracted with the Township to provide the Plan. The calculations shall be made as soon hereafter as practicable after the effective date of this Ordinance and as soon after each April 1 of each year hereafter as may be practicable based upon the current salaries of the participants. With respect to the calculation of annual compensation under Section 3 hereof, in the event that an increase in annual compensation occurs during the year for which the annual contribution has already been made for any person, no additional contribution shall be made to the Plan based on such increased compensation until the next annual contribution date for the

Plan at which time the increased compensation shall be used as the basis for determining the next annual contribution for the participant.

SECTION 5. PROVISIONS OF PLAN. The Plan as approved by the Township Board shall provide for a normal retirement age for the receipt of benefits; the accumulation of each beneficiary's pension account; the types of payments of benefits upon becoming eligible; benefits in the event of withdrawal as a result of death, total disability or termination of employment; funding, and investment provisions and payment of Plan expenses.

SECTION 6. RATIFICATION. The Township of Cannon hereby ratifies and confirms any other plans of life, health, hospitalization, medical or surgical service and expenses and accident insurance or any one or more of such forms of insurance which may be in existence for the benefit of Township officers and employees on the effective date of this Ordinance and same shall not be affected by this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on February 28, 1987.

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

Ordinance No. 89-2

AN ORDINANCE, GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND COMMERCIALY 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 CANNON, KENT COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. GRANT, TERM. The Township of Cannon, Kent 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 Cannon, Kent County, Michigan, for a period of thirty years.

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

SECTION 3. CONDITIONS. All of Grantee's towers, masts and poles shall be neat and slightly, 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 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.

SECTION 4. HOLD HARMLESS. 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.

SECTION 5. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy 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 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.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The right, power and authority herein granted, are not exclusive.

SECTION 7. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days' written notice by the party desiring such revocation.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. 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.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty (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.

WATER SYSTEM

Ordinance No. 89-5
As Amended by Ordinances 95-07 and 2001-5

ARTICLE I DEFINITIONS

SECTION 1.01. DEFINITIONS. In the interpretation of this Ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

(a) “Backflow” means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

(b) “Cross-connection” means a connection or arrangement of piping or appurtenances through which a backflow could occur.

(c) “Department” shall mean the Water Department of the Township or Rockford Water Department in areas served by the City of Rockford.

(d) “Secondary water supply” means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

(e) “Submerged inlet” means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.

(f) “Water connection” shall mean that part of the water distribution system connecting the water main at the curb cock with the premises served.

(g) “Water main” shall mean that part of the water distribution system located within easement lines or streets designated to supply more than one (1) water connection.

ARTICLE IA UNIFORM DESIGN AND CONSTRUCTION STANDARDS FOR PUBLIC WATER SYSTEMS

SECTION 1A.01. PURPOSE OF UNIFORM DESIGN AND CONSTRUCTION STANDARDS.

(a) It is Cannon Township’s objective that all public water systems located in Cannon Township provide fire protection and a continuous and reliable supply of safe drinking water to public water system customers. To meet this objective, Cannon Township hereby adopts uniform design and construction standards for all public water systems constructed in Cannon Township as set forth in Sections 1A.03 through 1A.05 herein.

(b) These uniform design and construction standards will ensure the long-term integrity and compatibility of public water systems in Cannon Township by requiring the application of uniform standards to all systems.

(c) These uniform design and construction standards will benefit Township residents served by public water systems by helping to assure a continuous and reliable supply of safe drinking water, improve fire protection, lower fire insurance rates and, in general, encourage water system reliability and financial integrity.

(d) These uniform design and construction standards will benefit all Township residents as a tool to assist the Township in anticipating and planning for the demand for public water in the Township, as and when appropriate.

SECTION 1A.02. IMPLEMENTATION OF UNIFORM STANDARDS.

(a) The Township Board, the Township Planning Commission, the Township Engineer and the Township Fire Chief shall apply the uniform design and construction standards as the basis of review and approval of all proposed public water supply systems when acting under the authority of any Township Ordinance, including, but not limited to, the Township Zoning Ordinance, Subdivision Ordinance, Water System Ordinance and the International Fire Prevention Code Ordinance, all as amended from time to time.

(b) To ensure consistent application of the uniform design and construction standards, the Township Board shall adopt the uniform design and construction standards by reference in all Township ordinances approving developments served by public water supply systems, though the standards shall nevertheless apply, according to their terms, whether or not such reference is made.

(c) The Township Board may, however, grant exceptions to the uniform design and construction standards in accordance with Section 1A.06 herein.

SECTION 1A.03. UNIFORM DESIGN AND CONSTRUCTION STANDARDS.

(a) Cannon Township adopts the following documents and standards to provide uniform requirements for the design, construction and approval of public water supply systems in Cannon Township:

(1) The General and Specific Standards for Public Water Systems in Cannon Township, Michigan, as set forth in Sections 1A.04 and 1A.05 herein.

(2) Standard Construction Specifications of the Kent County Department of Public Works.

(b) These uniform design and construction standards define the guidelines for review and approval of proposed public water supply systems, define design standards for system capacities, and specify acceptable water system component materials and installation criteria.

SECTION 1A.04. GENERAL STANDARDS FOR PUBLIC WATER SYSTEMS. The following regulations, standards and guidelines define the general design criteria to be adhered to for all public water supply systems in Cannon Township:

- (a) Safe Drinking Water Act, Act 399 PA 1976, as administered by the Michigan Department of Public Health (“MDPH”).
- (b) Suggested Practice for Waterworks Design, Construction and Operation in accordance with the Safe Drinking Water Act prepared by the MDPH.
- (c) Standards of the American Water Works Association.
- (d) Standards of the American Society of Testing and Materials.
- (e) Standards of the American National Standards Institute.
- (f) Fire Insurance Rating Guidelines of the Insurance Services Offices (“ISO”).

SECTION 1A.05. SPECIFIC STANDARDS FOR PUBLIC WATER SYSTEMS. In addition to the general standards stated above, Cannon Township adopts the following specific design standards for public water supply systems in Cannon Township:

- (a) All public water systems in Cannon Township shall be capable of supplying water for fire protection, in addition to peak domestic demands. Needed fire flow shall be based on criteria established by ISO.
- (b) All public water systems in Cannon Township shall be designed considering the ultimate development of the system service area. The system supply rate shall be based on a study of projected water use acceptable to Cannon Township and the MDPH. If the public water system is proposed to be built in phases by a developer, the developer shall provide Cannon Township with a letter of credit for the cost of the construction of future phases of the public water system in the manner required by Township Ordinance or a written agreement between the Township and the Developer.
- (c) An updated reliability study, as defined by the Safe Drinking Water Act and approved by the MDPH, shall be provided with all requests for proposed extensions of existing public water systems in Cannon Township.
- (d) All public water systems in Cannon Township shall include looped water mains to ensure a reliable and continuous supply to all customers. Dead-end mains shall be prohibited unless adequate provisions are made for future looping connections.
 - (1) A dead-end main shall not be permitted to exist for a period greater than 24 months after construction, unless a longer time period is approved by the Township Board. The Township Board may approve a longer time period only if the owner or operator of the public water system demonstrates that the following criteria have been satisfied:

(i) Strict enforcement of the 24-month period would involve practical difficulties or would cause undue hardship;

(ii) A longer period of time would be consistent with the spirit and intent of these uniform standards; and

(iii) A longer period of time would not materially diminish the public health, safety and welfare.

(2) A temporary dead-end main shall not be permitted if that portion of the main is designed to serve nine or more residential units, unless a greater number of residential units is approved by the Township Board. The Township Board may approve a temporary dead-end main for a greater number of residential units only if the owner or operator of the public water system demonstrates that the following criteria have been satisfied:

(i) Strict enforcement of the eight-unit maximum would involve practical difficulties or would cause undue hardship;

(ii) Allowing a greater number of units would be consistent with the spirit and intent of these uniform standards; and,

(iii) Allowing a greater number of units would not materially diminish the public health, safety and welfare.

(e) All public water systems in Cannon Township which do not include elevated water storage shall include a standby power supply which will allow for an uninterrupted supply of water to all system customers.

(f) All distribution and transmission mains shall be properly sized based on a design using computer modeling to verify anticipated system performance.

(g) Any standard for public water systems defined by Cannon Township shall take precedence over the Standard Construction Specifications of the Kent County Department of Public Works when a conflict exists. Whenever there is a conflict between the general standards referred to above and the specific design criteria adopted by Cannon Township, the most stringent requirement shall be applied.

(h) The following specific standards shall apply to the design and construction of all public water systems in Cannon Township:

(1) 8-inch minimum water main size.

(2) 6-inch minimum fire hydrant lead size.

(3) Ductile iron pipe shall be Class 52.

(4) 400-foot maximum distance between fire hydrants.

(5) Fire hydrant pumper connection shall be in accordance with City of Grand Rapids Standard Detail W-12.

(i) Any request for an extension to an existing public water system or for a new public water system shall be reviewed for Cannon Township by its Township Engineer and Township Fire Chief and, in addition, by the affected water system superintendents, prior to any submittal to the MDPH for a construction permit, which review is subject to final approval by the Township Board and/or Planning Commission in accordance with all applicable Township Ordinances.

(j) All well houses, well sites and water storage facilities for public water systems in Cannon Township shall have paved access roads, security fences and alarm systems acceptable to Cannon Township.

(k) All groundwater supplies shall be protected from pollution by adequate well head protection and site isolation from potential pollution sources.

SECTION 1A.06. EXCEPTIONS TO UNIFORM STANDARDS.

(a) The Township Board shall have the authority and discretion to grant exemptions to certain or all of the requirements of the uniform design and construction standards, but only in the following circumstances:

(1) The public water supply system serves all residential dwelling units in a single residential development, and that residential development contains or is designed to contain less than 20 residential dwelling units; or,

(2) The public water supply system will serve one half or less of the residential dwelling units in a single residential development containing or designed to contain from 1 to 50 residential dwelling units; or,

(3) The public water supply system will serve one third or less of the residential dwelling units in a single residential development containing or designed to contain from 51 to 100 residential dwelling units.

(b) No exceptions shall be granted to a public water supply system which serves a residential development containing or designed to contain greater than 100 residential dwelling units, or to a public water supply system serving or designed to serve more than one residential development.

(c) An exception to the uniform design and construction standards granted under this section does not relieve the public water supply system or the residential development from complying with the requirements of and obtaining all needed approvals pursuant to all other applicable Township ordinances, rules and regulations, and other applicable regulations or requirements of law.

SECTION 1A.07. RATE SETTING AND CONSTRUCTION COSTS.

(a) MPSC Jurisdiction. Cannon Township acknowledges that the rates and charges imposed for the connection and use of privately-owned public water systems which serve seventy-five (75) or more customers, together with the cost of constructing improvements and extensions to such systems and the general operation thereof are matters regulated by the Michigan Public Service Commission (“MPSC”).

(b) Adoption of MPSC Capital Financing Policy. The Township supports the MPSC policy that the capital financing of new privately-owned public water systems and the extensions of existing privately-owned public water systems be paid for by the project developer as an equitable approach to avoid undue or unanticipated financial burdens being placed on system customers. The Township shall apply this policy to all privately-owned public water systems, regardless of size.

(c) Customer Responsibility. It is understood by Cannon Township that system customers may, through increased rates or charges, ultimately have to pay for certain costs of improving water systems to comply with changing regulatory requirements in the event the project developer is no longer involved with the project or is financially unable to meet its obligations.

SECTION 1A.08. APPLICATION OF UNIFORM STANDARDS. These uniform standards specified in Article IA cover and apply only to those public water supply systems in the Township that were placed in operation on or after December 23, 1991. In addition, these uniform standards cover and apply to all extensions or modifications made to an existing public water system on or after December 23, 1991, irrespective of whether the original water system was placed in operation before December 23, 1991.

ARTICLE II
CONNECTIONS

SECTION 2.01. WATER CONNECTION REQUIRED. The owner of each house, building or property used for human occupancy, employment, recreation or other purposes situated within the Township and abutting on any street, alley, or right-of-way in which there is located, or may in the future be located, a water main of the Township, shall, at his expense, within 180 days after said water main become available, install suitable plumbing facilities therein and to connect such facilities directly to the Township water distribution system, provided said water main is within 100 feet of the nearest property line of said premises.

SECTION 2.02. SERVICE CONNECTION. Applications for water connections shall be made to the Department on forms prescribed and furnished by it. Water connections, plumbing and water meters shall be installed in accordance with rules and regulations approved by the Township and upon payment of the connection fee and meter installation fee set from time to time by the Township Board. All meters and water connections shall be the property of the Township. All fees charged by the Township related to providing water service shall not be less than the cost of materials, installation, and overhead attributable to such installations. Water service will not commence until payment in full for the installation has been made to the Township. In case of nonpayment, the cost of the installation shall be placed on the first

Township ad valorem property tax roll following the installation and become a lien on the property served. Construction of a water service line shall be done as expeditiously as possible after written notice to proceed, but the time for construction shall be at the convenience of the Township.

SECTION 2.03. INSTITUTION OF OR RESTARTING WATER SERVICE. Written notice given not less than 48 hours in advance shall be made to the Township by the property owner when water service is desired. It shall be unlawful for any person to connect to or use water supplied by the Township without first giving notice as provided herein. The Township reserves the right to request a nominal sum be placed on deposit with the Township for purpose of establishing or maintaining any customer's credit.

ARTICLE III METERS

SECTION 3.01. METERS. The Township reserves the right to determine the size and type of meter used. The Township reserves the right to require the installation of remote meter reading equipment. The cost of said equipment and installation cost shall be charged to the owner at the prevailing rates and cost of material and labor.

SECTION 3.02 ACCESS TO METERS. The Department shall have the right to shut off the supply of water to any premises where the department is not able to obtain access to the meter. Any qualified employee of the department shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

SECTION 3.03 REIMBURSEMENT FOR DAMAGE. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Township on presentation of a bill therefor; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all charges have been paid to the Township.

ARTICLE IV

SECTION 4.01 TURNING ON WATER SERVICE. No person, other than an authorized employee of the Department, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving a written order from the Department; provided, that upon written permit from the Department, water may be turned on for construction purposes upon payment of the charges applicable thereto.

SECTION 4.02 HYDRANT USE. No person, except an employee of the Township in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the department and paying such charges as may be prescribed.

SECTION 4.03 DISCONTINUANCE OF SERVICE. In the event a water customer desires water service to be discontinued, said customer shall so request in writing not less than 48 hours prior to time of such discontinuance of service is desired.

The Township will not recognize the discontinuance of water service unless the provisions of the foregoing paragraph have been fully complied with. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment.

The Township may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

SECTION 4.04 SHUT OFF OF WATER. The Township reserves the right at all times (and will endeavor to give due notice) to shut off the water at the water mains or to require reduced use or no use of the water distribution system for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water mains are hereby cautioned against danger which might arise from emergency shutting off of water. In the event of such emergency, the Township Board or its designee may designate in any notice the extent of any regulation, limitation or prohibition and the date and time on which it shall take effect.

SECTION 4.05 RESPONSIBILITY FOR DAMAGES. The Township will not be responsible for any damages because of failures of or within the water distribution system, or actions by the Township to correct such failures.

ARTICLE V

SECTION 5.01 CURB BOX. No person shall remove the cover from any curb box or place any dirt, stone or other obstruction in it or tamper with any meter or commit any act tending to obstruct the use thereof.

SECTION 5.02 UNLAWFUL CONNECTIONS. No person shall make a connection on a service line between the water meter and the street mains, or install a by-pass around the meter.

SECTION 5.03 CROSS-CONNECTIONS CONTROL. The Township shall eliminate and prevent all cross-connections pursuant to the plan submitted to and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended or replaced from time to time.

SECTION 5.04 CROSS-CONNECTIONS PROHIBITED.

(a) A cross-connection shall not be made between the water distribution system and a secondary water supply.

(b) A cross-connection shall not be made by submerged inlet.

(c) A cross-connection shall not be made between the water distribution system and piping which may contain sanitary waste or a chemical contaminant.

(d) A cross-connection shall not be made between the water distribution system and piping immersed in a tank or vessel which may contain a contaminant.

ARTICLE VI

SECTION 6.01 INSPECTIONS. It shall be the duty of the Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Department and as approved by the Michigan Department of Public Health.

SECTION 6.02 RIGHT OF ENTRY. The representative of the Township shall have the right to enter at any reasonable time any property served by a connection to the water distribution system for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

SECTION 6.03 PROTECTION OF WATER SUPPLY. The portable water supply made available on the properties served by the water distribution system shall be protected from possible contamination as specified by this Ordinance and by the State of Michigan and Township plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as water unsafe for drinking.

SECTION 6.04 OTHER LAWS. If any provisions of this Ordinance or any ordinances of the county or any statute of the State of Michigan, shall impose greater restrictions than herein set forth, then such provisions or statutes shall control.

ARTICLE VII

SECTION 7.01 LAWN SPRINKLING. The Township Building Inspector, subject to approval by the Township Board, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Township, except in an emergency as may be determined by the Township Board or its designee. In the case of such emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Township Building Inspector and notice shall be given on the local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished in accordance with Section 7.04 of this Ordinance.

SECTION 7.02 ADDITIONAL REGULATIONS. Rules and regulations concerning the water distribution system may be established pursuant to Section 1.15 [sic] of this Ordinance.

The rules and regulations now in effect shall continue until changed in accordance with this section.

SECTION 7.03 INJURY TO FACILITIES. No person, except an employee of the Township in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system.

SECTION 7.04 PENALTY. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

SECTION 7.05 REPEAL. All ordinances, or parts of ordinances in conflict herewith heretofore adopted by the Township are hereby repealed.

SECTION 7.06 VALIDITY. Each section of this Ordinance is declared to be severable and, should any section or provision be declared unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole, nor any part thereof.

SECTION 7.07 RESTRICTIONS IMPOSED BY OTHER ORDINANCES AND/OR STATUTES. If any provision of any other Ordinance of the Township and/or statutes of the State of Michigan imposes greater restrictions than herein set forth, then the provisions of such Ordinances and/or statutes shall control.

Ord. No. 95-07 adopted 1/9/95

PRIVATE ROADS

RESERVED. Replaced by Chapter 21A of the Township Zoning Ordinance.

ASSESSMENT APPEAL BY MAIL

Ordinance No. 90-2

AN ORDINANCE TO AUTHORIZE BOTH RESIDENT AND NON-RESIDENT TAXPAYERS TO FILE A PROTEST WITH THE TOWNSHIP BOARD OF REVIEW IN WRITING WITHOUT PERSONAL APPEARANCE

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITIONS. The following definitions shall apply in the interpretation of this Ordinance:

(a) "Board of Review" means the Board of Review of the Township of Cannon as duly constituted and appointed in accordance with the General Property Tax Act of the State of Michigan.

(b) "Taxpayer" means the person required by law to pay property taxes on real or personal property located within the Township of Cannon without regard to whether said person is a resident or a non-resident of the Township.

SECTION 2. WRITTEN PROTEST. From and after the effective date of this Ordinance, any Taxpayer of the Township of Cannon may file a written appearance and protest of real and/or personal property tax assessments on the Taxpayer's property with the Board of Review and shall not be required to personally appear before the Board of Review to have said written protest considered and acted upon by the Board of Review. Such written protest shall include any and all written documentation the Taxpayer may have in support of the protest.

SECTION 3. ADDITIONAL INFORMATION. In such cases where a Taxpayer has elected to submit his or her appearance and protest to the Board of Review in writing as provided in Section 2, the Board of Review shall have the right to request additional information from the Taxpayer in writing upon consideration of the Taxpayer's protest.

SECTION 4. NOTICE TO TAXPAYERS. The Township shall include the following statement (or language of similar effect) in every assessment notice provided to Taxpayers in accordance with the General Property Tax Act and in every notice or publication of the meetings of the Board of Review:

An appearance and protest may be made before the cannon Township Board of Review by any Taxpayer, or his or her agent, in person. In the alternative, an appearance and protest can be filed by letter prior to the Board of Review meeting, in which case a personal appearance at the Board of Review meeting is not required.

SECTION 5. REPEAL. Ordinance No. 89-1 of the Township of Cannon adopted on March 6, 1989 is hereby repealed.

SECTION 6. PARAGRAPH HEADINGS. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

SECTION 7. PUBLICATION AND RECORDING. This Ordinance, or a summary thereof, shall be published once in a newspaper printed and circulated in the Township of Cannon qualified under state law to publish legal notices, within thirty (30) days after its adoption and the same shall be recorded in the Ordinance Book of the Township.

SECTION 8. SEVERABILITY. If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in force and effect on the day following the date of publication as required by law.

Passed and adopted by the Township of Cannon on October 8, 1990.

TOWNSHIP FIRE DEPARTMENT

Ordinance No. 90-4
Amended by Ordinance No. 93-5

AN ORDINANCE TO ESTABLISH THE TOWNSHIP FIRE ADMINISTRATIVE BOARD AND THE JURISDICTION AND DUTIES THEREOF; TO ESTABLISH THE TOWNSHIP FIRE DEPARTMENT; TO PROVIDE FOR THE JURISDICTION AND AUTHORITY OF THE TOWNSHIP BOARD OVER THE FIRE ADMINISTRATIVE BOARD AND THE FIRE DEPARTMENT; TO PROVIDE FOR THE APPOINTMENT OF THE TOWNSHIP FIRE CHIEF AND THE DUTIES THEREOF; TO PROVIDE FOR OTHER MATTERS PERTAINING TO THE TOWNSHIP FIRE DEPARTMENT INCLUDING OFFICERS, FIREFIGHTERS, DISCIPLINARY PROCEDURE, USE OF EMERGENCY AND OTHER EQUIPMENT AND OTHER MATTERS; AND TO REPEAL ANY ORDINANCES OR PARTS THEREOF INCONSISTENT WITH THIS ORDINANCE.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. SCOPE, PURPOSE AND INTENT. This Ordinance is adopted pursuant to authority granted by Michigan law, including Public Acts 33 and 51 of 1951, as amended.

SECTION 2. FIRE DEPARTMENT. There is hereby established the Cannon Township Fire Department. The Township Board shall appoint such persons who, based on experience, training and qualifications would in the discretion of the Township Board best perform the duties of providing fire protection to the Township. The Fire Chief may recommend suitable persons for Fire Department positions.

SECTION 3. FUNDING, AUTHORITY AND DUTIES. A proposed Fire Department budget shall be prepared annually by the Township Board, or upon its request, by the Fire Chief or other appropriate Township personnel. Upon adoption by the Township Board, the budget shall be the budget of the Fire Department for the ensuing fiscal year of the Township.

SECTION 4. EMERGENCY MEDICAL AND RESCUE SERVICES. The Fire Department is authorized to carry out emergency medical and rescue services in the Township and, on a mutual aid and assistance basis, in other municipalities in the county. The Township may acquire vehicles, apparatus, equipment and supplies in order that the Fire Department may carry out such services. Personnel of the Fire Department are authorized to respond to medical and rescue emergencies. The Fire Chief shall institute and carry out an ongoing program for the training and certification of Fire Department personnel for such purposes.

SECTION 5. COMPENSATION. Compensation to firefighters shall be in such amounts and shall be paid at such times as may be determined by the Township Board.

SECTION 6. EMERGENCY RESPONSES. When responding to emergencies, all personnel shall drive emergency vehicles with appropriate concern for the safety of the public.

Use of emergency signals on vehicles shall be considered a request for the right of way from other drivers. Use of emergency signal equipment shall be permitted only when the Fire Department has been officially dispatched to an emergency.

SECTION 7. FIRE DEPARTMENT EQUIPMENT. Required protective gear shall be worn when engaged in firefighting activities. Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed of only with the prior approval of the Township Board. All Fire Department issued equipment shall be returned to the Fire Chief by personnel leaving the Fire Department.

SECTION 8. USE OF FIRE STATION.

(a) Only Township owned vehicles and equipment may be kept at the fire station. Fire Department equipment shall not be borrowed for private use, nor shall Fire Department premises be used for private purposes.

(b) Private vehicles must be parked in designated areas only.

(c) Alcohol and controlled substances shall not be brought into the fire station.

SECTION 9. MUTUAL AID. The Township Board may enter into agreements with other municipalities in order to provide for mutual aid and assistance between the Township Fire Department and the Fire Departments of such other municipalities, in the extinguishing of fires, providing emergency medical and rescue services and carrying out other cooperative fire protection activities including joint training activities and the like.

SECTION 10. OTHER MATTERS. Should any part of this Ordinance be declared unenforceable by any court of competent jurisdiction, the remainder of the ordinance shall nevertheless remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

FIRE PREVENTION CODE

Ordinance No. 91-7

AN ORDINANCE TO ADOPT BY REFERENCE THE 1990 BOCA NATIONAL FIRE PREVENTION CODE; TO PROVIDE FOR CERTAIN MODIFICATIONS THEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. ADOPTION OF CODE BY REFERENCE. The BOCA National Fire Prevention Code/1990, eighth Edition (“Fire Code”), as published by the National Fire Protection Association, is hereby adopted by reference, subject to the modifications set forth in this Ordinance.

SECTION 2. REFERENCES IN CODE. References in the Fire Code to “jurisdiction” and “name of jurisdiction” shall mean the Township of Cannon. Reference in the Fire Code to “code official” shall mean the fire chief of the Township of Cannon.

SECTION 3. CHANGES IN CODE. The following sections and subsections of the Fire Code referred to in A - L below are hereby amended as set forth. The section and subsection numbers refer to like numbers of sections and subsections of the Fire Code:

(a) Section F-104.2 is hereby amended to read as follows:

“F-104.2 APPOINTMENT: The code official shall be appointed by the Township Board.”

(b) Section F-105.4 is hereby amended to read as follows:

“F-105.4 INSPECTIONS: All required inspections shall be made by the code official or by a qualified member of the township fire department. With the approval of the fire administrative board, the code official may designate such a qualified fire department member to perform such inspections. The code official shall accept reports of inspections made by designated fire department members. Such reports of such inspections shall be signed or otherwise certified by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.”

(c) Section F-111.3 is hereby amended to read as follows:

“F-111.3 PENALTY FOR VIOLATIONS: Any person, firm or corporation violating any of the provisions of the code or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and

imprisonment. Each day that a violation continues shall be deemed to be a separate offense.

(d) Section F-112.1 is hereby amended to read as follows:

“F.112.1. APPEALS: Appeals to the board may be taken by any person aggrieved by any decision or interpretation by the official made under the provisions of this code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of fire prevention is used. At the time of making application for appeal under this section, the applicant shall pay to the Township Clerk a fee established by resolution of the Township Board to defray expenses of compensation of board members for one hearing. Any further expenses incurred by the Township in connection with any appeal shall be paid in full by the applicant prior to the issuance of any ruling on said appeal. The application for appeal shall be filed on a form obtained from the code official within 20 days after the notice was served.

(e) Section F-112.2 is hereby amended to read as follows:

“F-112.2 BOARD OF APPEALS. The board of appeals shall be the Building Code Board of Appeals of the Township of Cannon.”

(f) Section F-112.2.1 is hereby deleted.

(g) Section F-112.2.2 is hereby deleted.

(h) Section F-112.2.6 is amended to read as follows:

“F-112.2.6. COMPENSATION OF MEMBERS: Compensation of members shall be established by resolution of the Township Board.”

(i) Section F-112.3 is hereby deleted.

(j) Section F-112.4.2 is hereby added immediately following Section F-112.4.1 to read as follows:

“F-112.4.2. QUORUM: Three (3) members of the board shall constitute a quorum.”

(k) Section F-112.5 is hereby deleted.

(l) Section F-112.6 is hereby amended to read as follows:

“F-112.6. ACTION OF THE BOARD: The board shall affirm, modify or reverse the decision of the code official by majority vote of those members present.”

(m) Section F-2601.2 is hereby amended to read as follows:

“F-2601.2. STORAGE. Notwithstanding any other provision of this Code, the storage of explosives and blasting agents is prohibited throughout the Township provided that this prohibition shall not apply to retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities less than 500 pounds (227 kg) of explosive material.”

SECTION 4. SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 5. EFFECTIVE DATE. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended, this Ordinance shall take effect 90 days after its adoption and 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

BOAT LAUNCHING AND DOCKING

Ordinance No. 92-2

As Amended by Ord. No. 95-09 and Ord. No. 2009-4

AN ORDINANCE TO PROVIDE FOR REGULATION OF BOAT LAUNCHING AND DOCKING WITHIN THE TOWNSHIP; TO REGULATE DOCK PLACEMENT AND USAGE; TO PROVIDE FOR A BOARD OF WATER SAFETY APPEALS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

ARTICLE I INTENT, PURPOSE AND SHORT TITLE

SECTION 1.01. INTENT AND PURPOSE. In its deliberations leading to the adoption of this Ordinance, the Cannon Township Board has recognized and concluded that the use of water resources, including the inland lakes situated in the Township, should be considered within a framework of long-term cost and benefits to the Township, and that it is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes in the Township. Moreover, it has been recognized that, as the shorelines of lakes become further developed, the cumulative impact of watercraft placement and boat and dock usage and activity from each respective property must be regulated in order to preserve and protect the quality and safety of the lakes and shorelines and the rights of riparian owners and users as well as the Township as a whole. It has further been recognized that the lack of regulation shall result in a nuisance and unsafe condition and an impairment of these important and irreplaceable rights and natural resources of the Township, and shall further result in the destruction of property values and shall threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for motorboat, boat, boat storage device, dock and raft placement, mooring, activity and usage in the Township.

SECTION 1.02. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the Cannon Township Boat Launching and Docking Regulation Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

ARTICLE II SCOPE AND APPLICATION

SECTION 2.01. MINIMUM STANDARDS. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.

SECTION 2.02. AUTHORITY. This Ordinance is enacted pursuant to MCL 41.181; MSA 5.45(1), as amended, and the Michigan Constitution of 1963, Art. 4, §52.

SECTION 2.03. INTERPRETATION. This Ordinance shall not interfere with, abrogate, annul or repeal any other law, ordinance, rule or regulation previously in effect, including any other ordinance regulating docks, boats, rafts or boat launching, mooring, activity and/or usage. Moreover, in instances where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

SECTION 2.04. CONFLICT. This Ordinance is not intended to conflict with and/or preempt application of the Michigan Inland Lakes and Streams Act, as amended, or the Michigan Marine Safety Act, as amended, but is intended to supplement such statutes in a compatible manner so as to enhance water usage in a manner consistent with the public interest and safety.

ARTICLE III DEFINITIONS

SECTION 3.01. DEFINITIONS. For the purpose of construction and application of this Ordinance, the following definitions shall apply:

(a) “Motorboat” shall mean any watercraft, boat, sailboat, hydrofoil, hovercraft, jet ski, jet boat, or similar vessel having a motor, engine or propulsion system of six (6) horsepower or more.

(b) “Docked” or “docking” shall mean the anchoring or mooring of a motorboat directly to a pier, structure, platform, pole, anchor, or dock in a lake, which is a platform or fixture extending from the shore or bottomlands, and is directly accessible to a separate frontage on a lake; and shall also mean the placement of a motorboat in a boat cradle or shore station offshore or the regular or overnight anchoring, mooring or storage of a motorboat adjacent to a separate frontage or on shore on a separate frontage on a lake.

(c) “Mooring” or “slip” shall mean a space for a single motorboat at or adjacent to a dock or in an offshore boat cradle or shore station.

(d) “Boat cradle” and “shore station” shall mean a device or devices placed on, at or near the shore of a separate frontage on a lake for the purpose of mooring, anchoring or holding a boat or other watercraft in, on or above the water in the lake.

(e) “Normal high-water mark” shall mean the normal high water mark of the lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Engineer. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

(f) “Person” shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

(g) Separate frontage means that portion of a lot or parcel of land existing on documentation recorded with the Kent County Register of Deeds, which abuts or intersects with

the normal high-water mark of a lake, whether such lot or parcel is owned by one or more persons, or is commonly owned by several persons, or combinations of persons.

ARTICLE IV REGULATIONS

The following regulations shall apply to all lakes within the Township:

SECTION 4.01. LAUNCHING. Not more than two (2) motorboats shall be launched from or for each separate frontage, nor shall more than two (2) motorboats be kept at, utilized, moored or docked on or adjacent to each separate frontage, except as stated in Sections 4.5 and 4.7.

SECTION 4.02. DOCKING. Not more than one (1) dock (plus one shore station or boat cradle) shall be permitted, used or utilized for each platted lot or parcel meeting the minimum water frontage, area and width requirements of the Township Zoning Ordinance, as amended, and other applicable ordinances. No other docks, shore stations or boat cradles are permitted or may be utilized except as otherwise permitted by this Ordinance.

SECTION 4.03. NON-MOTORIZED/NON-POWERED CRAFT. In addition to the motorboats and dock usage permitted by this Ordinance, the following watercraft may also be launched from, docked or utilized for or from each separate frontage: non-motorized watercraft or watercraft powered by motors, engines or propulsion systems of less than six (6) horsepower. In no event shall the number of watercraft launched from, docked or utilized for or from each separate frontage exceed four (4) watercraft in total.

SECTION 4.04. ADDITIONAL DOCKAGE. Where a separate frontage contains more than seventy (70) feet of continuous frontage on a navigable body of water (as measured along the water's edge at the normal high-water mark of the lot or parcel), there shall be not more than one (1) additional dock (plus one (1) shore station or boat cradle) permitted, used or utilized for every seventy (70) feet of additional frontage.

SECTION 4.05. ADDITIONAL LAUNCHING. Where a separate frontage contains more than seventy (70) feet of continuous frontage on a navigable body of water (as measured along the water's edge at the normal high-water mark of the lot or parcel), not more than two additional motorboats shall be launched and/or docked for each additional seventy (70) feet of continuous lake or water frontage in excess of the initial seventy (70) feet of frontage property.

SECTION 4.06. MULTIPLE UNIT DEVELOPMENTS. For any multiple-unit residential development or commonly-owned or utilized lake frontage, not more than one (1) dock (plus one (1) shore station or boat cradle) shall be used or utilized for each seventy (70) feet of continuous lake frontage (as measured along the water's edge at the normal high-water mark of the lot or parcel) for the mooring or dockage of motorboats.

SECTION 4.07. MULTIPLE UNIT DEVELOPMENTS - ADDITIONAL DOCKAGE. For any multiple-unit residential development or commonly-owned or utilized lake frontage, not more than two (2) additional motorboats shall be launched and/or docked for each additional seventy (70) feet of continuous lake or water frontage (as measured along the water's

edge at the normal high-water mark of the lot or parcel) in excess of the initial seventy (70) feet of frontage.

SECTION 4.08. MOORINGS. No more than two (2) moorings or slips for motorboats shall be utilized or used for each dock.

SECTION 4.09. SPECIAL APPROVAL USE. In order that the cumulative impact of watercraft use and activity on lakes may be moderated or reduced, and to help prevent hazards to the public safety which may result from excessive use of boats on lakes, no dock, motorboat, boat, mooring, boat cradle, shore station, launch or slip shall be used by any person other than the owner, purchaser, lessee or occupant of the lot or parcel comprising a separate frontage or of the dwelling or other residential building located on such separate frontage. Notwithstanding such prohibition, the Board of Water Safety Appeals may permit the following as a special approval use for each lot or parcel of land having separate frontage on any lake if such lot or parcel of land is used or zoned for business, institutional, nonresidential or commercial purposes or uses:

(a) The Board of Water Safety Appeals may permit not more than two motorboats to be launched from or for each separate frontage and may permit not more than two motorboats to be kept at, used, moored or docked at, on or adjacent to each separate frontage.

(b) The Board of Water Safety Appeals may permit not more than one dock (plus one shore station or boat cradle) to be used or utilized for each separate frontage meeting the minimum water frontage, area and width requirements of the Township Zoning Ordinance and other applicable ordinances. No other docks, shore stations or boat cradles may be permitted or used.

(c) The Board of Water Safety Appeals may permit not more than two of the following watercraft to be launched from, docked or used for each separate frontage in addition to approved motorboat use: Nonmotorized watercraft or watercraft powered by motors, engines or propulsion systems of less than six horsepower.

Such special exception use approval shall be given only after a public hearing, with such notice as is required for variances under the terms of this Ordinance, as set forth in Section 5.5 hereof. In considering whether to grant such a special approval use, the Board of Water Safety Appeals shall consider the following matters:

(1) whether the requested motorboat, boat or dock usage would seriously contribute to an overcrowding of the lake;

(2) whether the requested motorboat, boat or dock usage would result in a nuisance condition or would tend to impair the condition or nature of the lake;

(3) whether the requested motorboat, boat or dock usage would unreasonably result in the impairment of or adverse effect upon the public health, safety and welfare, including the health, safety and welfare of persons using the lake and lands adjacent thereto; or

(4) whether the requested use would otherwise result in or seriously contribute to unsafe or adverse conditions in or on the lake or lands adjacent thereto.

In granting any such special approval use, the Board of Water Safety Appeals may impose reasonable conditions on the use being approved.

SECTION 4.10. CERTAIN PERMANENT DOCKS PROHIBITED.

(a) Docks, shore stations, boat cradles and rafts that are permanently installed or that are otherwise permanently in place are prohibited, to the extent provided in this section.

(b) For purposes of this section, a permanent dock, shore station, boat cradle or raft shall be one which is located in the waters of a lake, whether wholly or partially, at any time between the time period from December 15 through the following March 15.

(c) Except as stated in subsection (d), all docks, shore stations, boat cradles and rafts shall be completely removed from, and shall not be installed in, any lake, whether wholly or partially, at any time during the time period from December 15 through the following March 15.

(d) One of the lakes in the Township, Sunfish Lake, unlike other Township lakes, has a marl or muck bottom. As a result, the seasonal removal of docks from Sunfish Lake is impractical, because of the substantial anchoring devices that must be used in order to maintain the stability of docks in that lake.

(1) Docks, shore stations, boat cradles and rafts in Sunfish Lake, only, may remain installed on a permanent basis and need not be seasonally removed, whether during the period from December 15 through the following March 15, or otherwise, if a permit is obtained from the Township as stated in subsection (2) of this subsection (d), but otherwise such docks, shore stations, boat cradles and rafts shall be subject to the terms of this section.

(2) A person shall annually obtain a permanent dock permit from the Zoning Administrator in order to obtain Township approval for the installation or continuance of a dock, shore station, boat cradle or raft in Sunfish Lake at any time during the period from December 15 through the following March 15. The permit shall be applied for by the property owner, on a form provided by the Township. If a permanent dock permit is required from the Michigan Department of Environmental Quality, the obtaining of such permit, and the submission thereof to the Township, shall be a condition of a Township permanent dock permit. The applicant shall pay to the Township, at the time of application, any fee for such purpose established by the Township Board. In applying for a permanent dock permit, the applicant and all other property owners thereby undertake to maintain the safety and good condition of the dock, shore station, boat cradle or raft, whether one or more, at all times.

(3) A permanent dock permit shall be obtained prior to December 15 of each year, and it shall cover the time period extending to the following March 15, but not afterward.

(4) A permanent dock permit shall be issued by the Zoning Administrator with respect to any legal dock, shore station, boat cradle or raft in Sunfish Lake,

but only if all other applicable provisions of this Ordinance have been complied with, and if the above stated application form has been completed and any required fee paid.

(5) The issuance of a dock permit shall not imply or determine that the dock, shore station, boat cradle or raft is safe, or in good condition or suitable for any intended purpose, nor shall a dock permit be construed to approve the type of construction or manner of installation thereof. The Township shall have no liability of any kind or nature for any harm, damage or injury caused by, associated with or in any way arising out of the placement, use, maintenance, repair or removal of any dock, shore station, boat cradle or raft, whether or not a dock permit is issued. The issuance of a dock permit under the terms hereof shall not enable the applicant, a property owner or user of any dock, shore station, boat cradle or raft to avoid any liability that such owner or other person may otherwise have or be adjudged to have.

(6) The Zoning Administrator shall maintain an accurate record of all permanent dock permits issued, and all applications shall be kept on file.

(7) Once a permanent dock permit has been issued with regard to a property on Sunfish Lake, the Zoning Administrator may (but is not required to) notify the permit holder, prior to each December 15, so as to inform the holder of the need to obtain a new annual permit, in the event that the property owner still desires to obtain such a permanent dock permit. However, the failure of the Zoning Administrator to give any such notice shall not forgive the failure of a property owner to apply for a new permit, at the time and in the manner required by the terms of this Ordinance.

(8) The issuance of a permanent dock permit shall not constitute Township approval of any portion or aspect of a dock, shore station, boat cradle or raft, or the proper installation thereof. The issuance of such a permit shall not preclude Township enforcement of other provisions of this Ordinance.

(9) A permanent dock permit shall not be issued for any dock, shore station, boat cradle or raft located in any lake other than Sunfish Lake.

(10) Any dock, shore station, boat cradle or raft in Sunfish Lake, with respect to which a permanent dock permit has not been issued, shall be removed from, and remain out of, the waters of the lake during the period from December 15 through the following March 15.

(e) All docks, shore stations, boat cradles and rafts shall be maintained in good and safe condition at all times, and they shall not be placed, installed or used in any manner as to be a safety hazard to any persons or to navigation.

SECTION 4.11. FLOATING RAFTS. Floating rafts with an exposed surface area exceeding eighty-five (85) square feet shall not be used or placed in any lake. Floating rafts shall not be anchored or located in a body of water so as to impede navigation or present a safety hazard to boats.

SECTION 4.12. TOWNSHIP LANDS. Unless otherwise regulated, any land under the ownership, possession or control of the Township or any governmental agency or unit having access to any lake shall be fully subject to the provisions of this Ordinance.

SECTION 4.13. TRANSIENT MOORAGE. No motorboat shall be stored or kept overnight on the shoreline nor moored or anchored overnight in a lake except adjacent to or moored at a dock, dock space, separate frontage, boat cradle or shore station which complies with this Ordinance.

SECTION 4.14. LENGTH. No dock shall be of such a length or be so placed as to present a hazard to navigation.

SECTION 4.15. WIDTH. No dock for boat use shall exceed six (6) feet in width. "T" or "L" sections may be used so long as they do not exceed six (6) feet in width.

SECTION 4.16. SET BACK. No dock for boat use shall be located, utilized or placed within seven (7) feet of the side lot lines of a lot or parcel as extended to the center of the lake or body of water, except shore stations or boat cradles may be utilized so long as they are not located within two (2) feet of a side lot line as so extended to the center of the lake or body of water. No motorboat, boat or watercraft of any kind shall be launched, stored, moored or docked within two (2) feet of the side lot lines of a property as extended to the center of the lake or body of water. This prohibition shall not apply to the common lot line between two lots utilizing an approved common dock pursuant to Section 4.17 hereof.

SECTION 4.17. COMMON DOCKS. Two (2) adjoining lots or parcels may share one (1) common dock with no more than four (4) boat slips or moorings being utilized in total if the Township Building Inspector determines that the planned joint dock is safe and consistent with free navigability and approves the same in writing. In such case, there shall be no other docks utilized for the two (2) lots or parcels involved except the approved one (1) common dock.

SECTION 4.18. PUBLIC LANDS. No dock or mooring for boats shall be placed, utilized, used or maintained at or on a right-of-way, public park, road, dedicated walkway or easement which abuts or terminates at a lake, nor shall any motorboat, boat, canoe, or watercraft be anchored, moored at or stored at or on any such road, right-of-way, public park, dedicated walkway, easement or dock thereon.

SECTION 4.19. PLACEMENT. No motorboat, boat or watercraft shall utilize or be moored to or launched from any boat cradle or shore station unless such boat storage device is designed, constructed and placed so as not to be a hazard to navigation or the public safety and so as not to have an adverse effect on the use of the lake or shoreline for recreation or other purposes.

Such boat storage device shall not be permanently affixed to the land or the bottomlands of the lake; shall be fully movable or portable; shall be completely removed from the water from December 15 through the following March 15; and shall not have a rigid roof or walls. All portions of such boat storage device shall be located lakeside of the shoreline when in use during the boating season, with no tracks or appurtenances extending onto the shore. Such device shall be designed and used for not more than one watercraft and shall be so constructed as to accomplish the removal of boats and motorboats from the water vertically and so as to store them in or above the water.

SECTION 4.20. LOTS OF RECORD. Following the effective date of this Ordinance, no launching and/or docking of motorboats or boats shall be permitted with respect to a separate frontage which does not constitute a legal nonconforming lot; notwithstanding the foregoing, this provision shall not apply to lots or parcels constituting a building site of record prior to the effective date of this Ordinance.

SECTION 4.21. EXISTING USES. Continuation of Existing Uses: The lawful mooring, docking or launching of motorboats or boats or usage of docks, shore stations, boat cradles or rafts on or from a particular lot, parcel or separate frontage occurring prior to the adoption of this Ordinance shall be permitted to continue without change. However, any material change, alteration or expansion of such prior usage which occurs after the date this Ordinance becomes effective shall fully comply with the provisions of this Ordinance.

SECTION 4.22. PROHIBITION ON CERTAIN SALE, LEASE OR USE OF BOAT DOCKS. No boat dock, mooring, or slip in any zone district shall be sold, leased, or the use thereof given in exchange for consideration to any third party, other than the owner or lessee of the lot and building thereon.

ARTICLE V VARIANCES AND MODIFICATION

SECTION 5.01. BOARD OF APPEALS. The Township Board of Appeals shall act as the Township Board of Water Safety Appeals for purposes of this Ordinance.

SECTION 5.02. POWERS. The Township Board of Water Safety Appeals (“Board”) may vary or modify particular provisions of this Ordinance in a given circumstance if it determines that the literal enforcement of this Ordinance would cause unnecessary hardship in a given case or circumstance.

SECTION 5.03. STANDARDS. The Board shall not vary or modify any provisions of this Ordinance unless the Board makes all of the following findings:

(a) That the enforcement of this Ordinance would unnecessarily prevent the reasonable use of the land or motorboat involved without resulting benefit to the public health, safety and welfare.

(b) That varying or modifying the provisions of this Ordinance for the particular instance would not unduly prevent the realization of the legislative purposes of this Ordinance as set forth herein.

(c) That varying or modifying the provisions of this Ordinance for the particular instance would not cause substantial harm or detriment to adjacent or nearby lands or watercraft or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance.

(d) That highly unusual circumstances are involved.

SECTION 5.04. VARIANCE. Upon the making of the findings set forth above, the Board may modify or vary a particular provision or provisions of this Ordinance for a given

property. The Board may modify or vary a provision of this Ordinance only upon a concurring vote of a majority of its members. In granting any such variance or modification, the Board shall include in its minutes the reasons or grounds for its decision. The Board may attach reasonable conditions to the granting of a variance or modification.

SECTION 5.05. PUBLIC HEARING. A variance or modification application shall be considered only at a public hearing of the Board. Public notice of a meeting of said Board shall be given by publication in a newspaper of general circulation in the Township not less than five (5) days nor more than fifteen (15) days before the date of said meeting. At least ten (10) days before the hearing, written notification of the hearing shall also be sent to all property owners within three hundred (300) feet of the property for which a variance or modification is being sought. The Township shall also give at least ten (10) days' prior written notice of such hearing to any lake or property owners' association for the lake involved if such association has provided its address to the Township beforehand.

ARTICLE VI PENALTIES

SECTION 6.01. PENALTY. Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 6.02. INJUNCTION. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 6.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

ARTICLE VII SEVERABILITY

SECTION 7.01. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by the court.

ARTICLE VIII NONEXCLUSIVITY

SECTION 8.01. The prohibitions and penalties provided for in this Ordinance are minimum requirements and shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule and/or regulation. This Ordinance shall not

be construed to permit that which is prohibited by other applicable statutes or Township ordinances.

ARTICLE IX
ADOPTION

SECTION 9.01. This Ordinance shall take effect thirty (30) days after the publication of this Ordinance or after the publication of a summary of its provisions.

STREET NUMBERING

Ordinance No. 92-3
Amended by Ordinance 95-10

AN ORDINANCE TO PROVIDE FOR THE UNIFORM PLACEMENT OF LEGIBLE STREET ADDRESS NUMBERS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. PURPOSE. The purpose of this Ordinance is to require that numerals identifying buildings in the Township be readable from the road, and placed in uniform locations to facilitate the accurate location of buildings by emergency services.

SECTION 2. ASSIGNMENT OF NUMBERS. The street address number assigned by the Kent County Road Commission in accordance with the regulations of the United States Postal Service to any building in the Township of Cannon shall be placed on such building as provided in this Ordinance.

SECTION 3. LOCATION OF NUMBERS. Street address numbers shall be located as follows:

(a) The street address number shall be displayed on a post, or a sign less than two square feet in area, placed in a location which can be viewed from the abutting public or private road, and as close as possible to the intersection of the building driveway and the abutting public or private road, but not closer than 5 feet from the edge of the road right-of-way. The post or sign shall be of substantial construction and of sufficient height so that the numerals will be visible above accumulated snow and vegetation. However, if the building's mailbox is located directly adjacent to the abutting public or private road, is located on the same side of the road as the building, and is within 100 feet of the intersection of the building's driveway and the abutting public or private road, then the property owner may display the street address number on the mailbox, using numerals of a design and size as specified in this Ordinance, instead of displaying the street address number on a post or sign.

(b) For buildings located on private roads, in addition to displaying the street address number as provided in subsection (a) above, a sign or signs shall be located as close as possible to the intersection of that private road, or any other private road or roads with which that private road intersects, and the public road. The sign or signs shall identify the road name and street address numbers on that private road. For private roads hereafter constructed, the person or persons responsible for building the private road shall be responsible for placing a sign, containing the name of the private road and sufficient room for street address numbers for all buildings constructed or to be constructed on the road. The person responsible for constructing the private road shall also ensure that the owners or future owners of buildings on the private road have the legal right to display their building's street address number on the sign. Such signs shall be no larger than necessary to display the street or road name and each street address number, using letters and numerals of a size as provided in this Ordinance.

For existing private roads, each of the property owners must have the street address number of their building placed on a sign, of a size and in a location as required above for private roads hereafter constructed, containing one or more street address numbers. However, a property owner who does not have the legal right to use the required location for such a sign is not required to comply with this subsection (b).

If a private road is identified by name by a sign placed by the Kent County Road Commission or State Highway Commission, then the sign required by this subsection (b) need not include the name of the private road. Signs required by this subsection (b) shall be of substantial construction and of sufficient height so that the letters and numerals will be visible above accumulated snow and snowbanks.

SECTION 4. DESIGN OF NUMBERS.

- (a) The street address number shall be displayed in Arabic numerals only.
- (b) Numerals or letters displayed on a post, sign or mailbox shall be not less than 3 nor more than 6 inches in height.
- (c) The numerals shall be of a color which contrasts with the background on which they are mounted.

SECTION 5. APPLICATION OF ORDINANCE.

- (a) All buildings shall comply, and continue to comply, with this Ordinance within 90 days from the effective date of this Ordinance.
- (b) A certificate of occupancy shall not be issued for a building or building unit unless the building or building unit complies with the requirements of this Ordinance.
- (c) Buildings under construction shall comply with this Ordinance, to the extent possible.

SECTION 6. RELATIONSHIP WITH OTHER LAWS AND ORDINANCES. To the extent that this Ordinance conflicts with the provisions of the Cannon Township Zoning Ordinance regarding street address numbers or signs, the provisions of this Ordinance shall control.

SECTION 7. PENALTY. Violation of this Ordinance is a municipal civil infraction, for which there shall be a fine of not to exceed \$15 for the first offense and not to exceed \$50 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 8. REMEDIES. In addition to any other remedies available at law, the Township may bring an action for an injunction or other process to restrain or prevent any violation of the provisions of this Ordinance.

SECTION 9. SEVERABILITY AND EFFECTIVE DATE. The various parts of this Ordinance are declared to be severable; if any part of this Ordinance is adjudged invalid by a court having jurisdiction, the remainder of the ordinance shall not be affected thereby. This Ordinance shall become effective 30 days after the adoption thereof.

Ord. No. 95-10 adopted 1/9/95

FIRE SAFETY

Ordinance No. 92-4

AN ORDINANCE TO ADOPT BASIC FIRE CONTROL MEASURES AND REGULATIONS GOVERNING CONDITIONS WHICH COULD IMPEDE OR INTERFERE WITH FIRE SUPPRESSION FORCES; AND FOR OTHER PURPOSES.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. ADOPTION OF FIRE CONTROL MEASURES AND REGULATIONS. There is hereby adopted by the Township Board of the Township of Cannon the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.

SECTION 2. AUTHORITY AT FIRES AND OTHER EMERGENCIES. The fire prevention code official or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire prevention code official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The fire prevention code official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire prevention code official.

SECTION 3. INTERFERENCE WITH FIRE DEPARTMENT OPERATIONS. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

SECTION 4. COMPLIANCE WITH ORDERS. A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire prevention code official or to interfere with the compliance attempts of another individual.

SECTION 5. VEHICLES CROSSING FIRE HOSE. A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire prevention code official in command of said operation.

SECTION 6. DEFINITION OF AUTHORIZED EMERGENCY VEHICLE. Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan.

SECTION 7. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the fire prevention code official or police officer.

SECTION 8. VEHICLES FOLLOWING FIRE APPARATUS. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 300 feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

SECTION 9. UNLAWFUL BOARDING OR TAMPERING WITH FIRE DEPARTMENT EMERGENCY EQUIPMENT. A person shall not without proper authorization from the fire prevention code official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

SECTION 10. DAMAGE, INJURY – FIRE DEPARTMENT – EQUIPMENT, PERSONNEL. It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle at any time or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

SECTION 11. EMERGENCY VEHICLE OPERATION. The driver of any emergency vehicle, as defined in Section 6 of this Ordinance, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from, a fire. The driver of an emergency vehicle may:

- (a) Park or stand irrespective of the provisions of existing traffic regulations;
- (b) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the posted speed limit so long as the action does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions;
- (e) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

SECTION 12. BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.

If, upon the expiration of the time mentioned in any notice of violation, obstructions or encroachments are not removed, the fire prevention code official shall proceed to remove the same. Cost incurred in doing so may be billed to the person or persons causing such obstructions or encroachments and shall be promptly paid by them.

SECTION 13. HYDRANT USE APPROVAL. A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures a permit for such use from the fire prevention code official. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, any public utility having jurisdiction.

SECTION 14. PUBLIC WATER SUPPLY. All public water systems, regardless of ownership, constructed in the Township shall provide fire protection and such public water systems shall include the installation of fire hydrants, water main capacity, system source capacity, storage capacity and pressure adequate to sustain fire flow demands in addition to peak domestic demands.

The fire prevention code official shall recommend to the Township Board or to its delegate within the Township government the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire prevention code official. Where appropriate, the Township Board shall in its discretion obtain the recommendation of the Township engineer regarding the location or relocation of new or existing fire hydrants, the placement or replacement of inadequate water mains and other matters pertaining to public water systems and the components thereof.

SECTION 15. YARD SYSTEMS. All land and building uses involving high fire hazards, and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants by the owners of such land and building uses. Such fire hydrants shall be capable of supplying fire flows as required by the fire prevention code official and shall be connected to a water system in accordance with accepted engineering practices. The fire prevention code official shall designate and approve the number and location of fire hydrants. The fire prevention code official may require the installation of sufficient fire hose and equipment housed in accordance with approved rules. Private hydrants shall not be placed into or removed from service until approved by the fire prevention code official.

SECTION 16. MAINTENANCE OF FIRE SUPPRESSION EQUIPMENT. A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing fire, training or testing purposes, recharging or making

necessary repairs, or when permitted by the fire prevention code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire prevention code official.

SECTION 17. SALE OF DEFECTIVE FIRE EXTINGUISHERS. A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the fire prevention code official, or which is not in proper working order, or the contents of which do not meet the requirements of the fire prevention code official. The requirement of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

SECTION 18. STREET OBSTRUCTIONS. A person or persons shall not erect, construct, place, or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the Township, except for barricades for street excavation work. The word street as used in the ordinance, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

SECTION 19. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance, are hereby repealed.

SECTION 20. EFFECTIVE DATE. This Ordinance shall take effect and be in force thirty days after its adoption.

SEWER USE, CONNECTION AND RATE ORDINANCE

Ordinance No. 92-6

Amended by Ordinances 93-11, 95-11, 99-4, 05-8, and 2010-7

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE CANNON TOWNSHIP SEWAGE DISPOSAL SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SYSTEM AND RELATED MATTERS; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

THE TOWNSHIP OF CANNON ORDAINS:

ARTICLE I

SECTION 1. SHORT TITLE. This Ordinance shall be known and may be cited as the Township of Cannon Sewer Use, Connection and Rate Ordinance.

ARTICLE II

SECTION 1. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

“Availability Fee” means the amount charged to each Premises in the Township to make the Sewer System available to directly serve said Premises. This charge represents the proportionate cost allocable to such Premises for the Public Sewer made available to the Premises for connection thereto and associated costs.

“Board of Public Works” as used herein refers to the Kent County Board of Public Works.

“B.O.D.” (denoting Biochemical Oxygen Demand) refers to an empirical test in which standardized laboratory procedures are used to determine the relative oxygen requirements of wastewaters, effluents and polluted water. The standardized laboratory procedures to be used are those set forth in part 136 of the Code of Federal Regulations, specifically in the methods described for the “5-day B.D.D. test”.

“Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of a building and conveys it to the Building Sewer. It shall end five (5) feet outside the inner face of the building wall.

“Building Sewer” shall mean the extension from the Building Drain to the Service Stub or other place of disposal.

“Cannon District” or “District” shall mean any and all areas within the Township lying within the sewer district described in the contracts between the Township and the Department of

Public Works, as the “North Kent Sewage Disposal District” and receiving sewer service from the City of Grand Rapids.

“Cesspool” is an underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

“City” shall mean The City of Grand Rapids.

“Combination Sewer” or “Combined Sewer” shall mean a sewer receiving both storm water and Sewage.

“Corner Lot” means a Premises which abuts on the intersection of two (2) intersecting public street right-of-ways.

“Customer” means the person who owns or, subject to the limitations of Section 8.14, below, leases any Premises which are connected to or served by the System.

“Customer Surcharge Fee” means a charge imposed on a Customer of the System which discharges Sewage in excess of normal strength.

“Department of Public Works” or the “County” refers to the County of Kent, acting by and through its Department of Public Works or its successor agency.

“Domestic Customer” means a person whose Premises are domiciles for single or multiple family use.

“Domestic Sewage” shall mean the liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carried wastes either singly or in combination thereof.

“Engineer” shall mean the engineer of the Kent County Department of Public Works.

“Garbage” shall mean wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“Industrial Customer” means a Customer whose Premises are used for a manufacturing or process facility which is engaged in producing a product and facilities related thereto, including offices, warehousing and research and development.

“Industrial Wastes” shall mean the solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

“Inspection Fee” shall mean the amount charged to each applicant by the Township at the time an application is made to the Township for connection to the System to cover the routine cost of inspecting and approving the physical connection of a Building Sewer to the System and the issuance of a connection permit.

“Inspector” shall mean the Department of Public Works or other person responsible for inspecting connections of Building Sewers to the System or his duly authorized representative.

“Interceptor Sewer Lines” means those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to the Sewage Treatment Plant.

“May” is permissive.

“Miscellaneous Customer Fee” shall mean the amount charged to Customers for miscellaneous services and related administrative costs associated with the System.

“NKSA Joint System” shall include the facilities and components of the NKSDS System that are jointly used by the members of the Authority or which may hereinafter be constructed or acquired by the Authority. Upon execution of the North Kent Sewer Authority Sewage Collection and Treatment Agreement, the definition of the NKSA Joint System shall include the System and components referred to in the Agreement as the “Joint System.”

“NKSA Joint System Connection Fee” shall mean the fee imposed by the Authority and charged at the time and in the amount hereinafter provided, to each Premises for connecting or being connected directly or indirectly to the NKSA Joint System and represents the proportionate costs allocable to such Premises for the NKSA Joint System costs. The NKSA Joint System Connection Fee shall be in addition to the Trunkage Connection Fee and any Trunkage Connection Fee Surcharge charged by the Township for use of its own collection System. The NKSA Joint System Connection Fee shall be collected by the Township and forwarded to the Authority.

“Natural Outlet” shall mean any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

“North Kent Sewer Authority” or the “Authority” shall mean the sewer authority established pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended, and whose members include the Township of Cannon, the Township of Alpine, the Township of Courtland, the Charter Township of Plainfield, and the City of Rockford.

“North Kent Sewer Authority Sewage Collection and Treatment Agreement” shall mean that certain agreement by and between the Township of Cannon, the Township of Alpine, the Township of Courtland, the Charter Township of Plainfield, and the City of Rockford (2005) providing for the acquisition, construction, financing, operation and maintenance of the NKSA Joint System.

“Nuisance” shall mean, but is not limited to, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed or permitted to drain to the surface of the ground or discharged into any Natural Outlet or when the odor, appearance, or presence of said Sewage or effluent 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 or where Sewage is discharged to the System in violation of Section 5.1 of this Ordinance.

“Operation and Maintenance” shall mean all costs, direct and indirect, inclusive of all expenditures attributable to administration, operation, maintenance, debt service, Replacement and treatment and collection of Sewage necessary to insure adequate treatment and collection of Sewage on a continuing basis in conformance with applicable federal and state regulations and contractual obligations.

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“Ph” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“PPM” shall mean parts per million by weight.

“Premises” means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable item in the name of the taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

“Properly Shredded Garbage” shall mean Garbage that has been cut or shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1/2) in any dimension.

“Public Sewer” shall mean a sewer which is owned and controlled by public authority.

“Replacement” shall mean expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.

“Rockford District” shall mean that portion of the Cannon District which is served by a Public Sewer passing through the City of Rockford.

“Sanitary Sewer” shall mean a Sewer which carries Sewage and to which storm, surface and ground waters are not intentionally admitted.

“Seepage Pit” (or “dry well”) shall mean a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.

“Septic Tank” is a water-tight receptacle receiving Sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

“Service Stub” shall mean the extension of the Public Sewer laterally from the local or main trunk sewer to the property line of the Premises adjacent to the path of the Public Sewer or to the edge of the sewer easement.

“Service Stub Fee” shall mean the fee charged by the Township to construct and install a Service Stub.

“Sewage” shall mean any combination of liquid or water-carried wastes from residences, business buildings, institutions, laboratories and industrial establishments, together with such groundwater, surface and storm waters as may be present.

“Sewage Disposal Facilities” shall mean a Toilet Device, privy, outhouse, Septic Tank, septic toilet, chemical closet, Seepage Pit, Cesspool, or other device used in the disposal of Sewage.

“Sewage Treatment Plant” shall mean the physical plant designated to receive and process the raw, untreated Sewage of the properties served by the System, including all devices, structures, equipment and appurtenances.

“Sewer” shall mean a pipe, tile, tube or conduit for carrying Sewage.

“Sewer Rates and Charges” shall include the Availability Fee, Trunkage Connection Fee, NKSA Joint System Connection Fee, Trunkage Connection Fee Surcharge, Service Stub Fee, Inspection Fee, Sewer Use Fee, Customer Surcharge Fee, Miscellaneous Customer Fee and the civil penalty imposed pursuant to Article XI of this Ordinance.

“Sewer Use Fee” means a charge based on Units levied on Customers of the System for the Customer’s proportionate share of the cost of Operation and Maintenance (including Replacement).

“Shall” is mandatory.

“State” shall mean the State of Michigan.

“Storm Sewer” or “Storm Drain” shall mean a Sewer or drain, natural or artificial, which carries storm waters, surface runoff, street wash waters, and drainage.

“Storm Water” shall mean that part of the rainfall which reaches the sewers as run-off from natural land surface, building roofs or pavements or as ground water infiltration.

“Subsurface Disposal Field” shall mean a facility for the distribution of septic tank overflow, or effluent below the ground surface through a pipe, or a series of branch pipes which distribute the overflow or effluent and allow it to be absorbed by the surrounding soil throughout the entire field.

“Suspended Solids” shall mean all matter existing in non-liquid state which is removable by filtration in accordance with 40 CFR 136 referenced as “residue, Nonfilterable”, or an alternative method approved by the U.S. EPA Administrator in accordance with 40 CFR 403.12b(5)(vi) et al.

“System” or “Sewer System” means the Sewage Treatment Plant and all Sewers, Service Stubs and lift stations that convey Sewage to the Sewage Treatment Plant and appurtenances thereto, known generally as the Cannon Township Sewage Disposal System and located in the

Cannon District including any and all existing and future components of the NKSA Joint System.

“Toilet Device” means any device which generates Domestic Sewage.

“Township” shall mean the Township of Cannon, located in Kent County, Michigan, and/or its duly authorized agent or representative.

“Treasurer” shall mean the Treasurer of the Township, or his or her duly authorized deputies, assistants or agents.

“Trunkage Connection Fee” shall mean the amount charged at the time and in the amount hereinafter provided, to each Premises for connecting or being connected to the System and represents the proportionate cost allocable to such Premises for the construction of the System facilities except those costs that are covered by other charges or fees now or hereinafter contained in this Ordinance. As used in this definition, the System facilities costs shall include the lateral System facilities and other facilities which serve only the Township and of which ownership shall vest in the Township and/or the Authority upon expiration of the North Kent Sewage Disposal System (NKSDS) contract with the County and shall not include the NKSA Joint System costs that are included in the NKSA Joint System Connection Fee.

“Trunkage Connection Fee Surcharge” shall mean a surcharge determined by resolution of the Township Board for purposes of recouping additional costs specific to certain new or expanded areas of the System, which costs are not recovered from the Trunkage Connection Fee or the NKSA Joint System Connection Fee. The amount of the Trunkage Connection Fee Surcharge shall be based on Units according to the use of the Premises, and shall be reviewed from time to time to ensure that, when combined with the Trunkage Connection Fee, the charge reflects the cost of previous System improvements that benefit the Premises. When establishing a Trunkage Connection Fee Surcharge, the Township Board shall specify the areas of the System to be covered by the Trunkage Connection Fee Surcharge.

“Unit” or “Units” shall mean a standard of measuring the relative benefits derived from the disposal of Sewage ordinarily arising from the occupancy of a single family residential dwelling unit (but such term shall not necessarily be related to actual use arising from any such dwelling unit) and shall be defined or determined from time to time by the Township Board, after consultation with the County and/or the Authority.

“Water and Sewer Administrator” shall mean the Supervisor of the Township of Cannon or other person so designated and authorized by the Cannon Township Board.

“Water and Sewer Committee” shall mean the Committee established by the Township Board to oversee the Township’s public water and sewer systems.

“Watercourse” shall mean a channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.

ARTICLE III
USE OF PUBLIC SEWERS REQUIRES

SECTION 1. UNTREATED SEWAGE. It shall be unlawful to discharge to any Natural Outlet or Watercourse or Storm Sewer within the Township any Sewage, Industrial Wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the standards of the Township and the state.

SECTION 2. REGULATION OF SEWAGE DISPOSAL FACILITIES. Except as provided in this Ordinance, no person shall construct or maintain in the District any Sewage Disposal Facilities.

SECTION 3. CONNECTION TO PUBLIC SEWER. Except as provided in Section 3.7, the owners of all improved Premises in the Township which are used for human occupancy, employment, recreation, or other purposes and which abut on any right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a Public Sewer that is not more than two hundred (200) feet at the nearest point from a structure on the Premises in which Sewage originates, are hereby required at their expense to install suitable Toilet Devices and connect such facilities directly with the Public Sewer in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

SECTION 4. TIME PERIOD FOR CONNECTION. Except as provided in Section 3.7, as a matter of public health, all connections to the Public Sewer required hereunder, shall be completed no later than one hundred eighty (180) days after the last to occur of the date of official notice by the Township to make said connections or the modifications of a structure so as to become a structure in which Sewage originates. Persons who fail to complete a required connection to the Public Sewer within such one hundred eighty (180) day period shall be liable for a civil penalty equal in amount to the Sewer Use Fee that would have accrued and been payable had the connection been made as required. Notwithstanding the preceding, if the Township by resolution or the Kent County Health Department by rule requires completion of a connection within a shorter period of time for reasons of public health, such connection shall be so completed.

SECTION 5. CONNECTION FOR PLATS. Plats for premises located in the Cannon District and subdivided into four or more lots or parcels shall not be approved by the Township after the effective date of this Ordinance unless, without regard to the two hundred (200) foot requirement of Section 3.3, an extension to a reasonably available Public Sewer is constructed to serve all lots in the plat in compliance with the construction and capacity requirements of the Township as reviewed by the Township Engineer, all at the cost of the owner of the Premises to be subdivided or platted. The System shall be deemed to be reasonably available to such Premises if the Premises can be reached by an extension of the Public Sewer from a point outside the Premises which in lineal feet is not greater than 50 percent of the length of sewer main in lineal feet required to be installed within the Premises, taking into account all subdivision of the Premises proposed presently and reasonably anticipated for the future.

SECTION 6. CONNECTION OF CERTAIN UNDEVELOPED PARCELS. Undeveloped parcels located within the Cannon District and to which Sections 3.3 or 3.5 are not applicable, which were not subject to a special assessment or whose owners otherwise requested that a Service Stub not be extended to the undeveloped parcel at the time the Sewer was constructed may upon application of its owners be connected to the Public Sewer. Such application may, subject to Section 5.3, be approved by the Township, after review by the Engineer, who shall determine the exact location and method of cutting into the Public Sewer and the materials to be used. The owner(s) of the parcel shall obtain all necessary permission to work in the public right of way from the Township and the County Road Commission and shall be responsible for payment of all costs related to construction of the Building Drain, Building Sewer, Service Stub and connection of the Building Sewer to the Service Stub including, but not limited to, actual construction costs, backfill, restoration, and replacement costs; and all applicable permit, Inspection Fees, Availability Fees and Trunkage Connection Charges.

SECTION 7. SEWER BECOMING INCIDENTALLY AVAILABLE. A developer or municipality may be permitted to extend the Public Sewer at the cost and expense of such developer or municipality, in such a manner so that the Public Sewer is made incidentally available to Premises other than those owned by the developer or outside the area for which Sanitary Sewers are declared a necessity by the Township for the public health and welfare. Premises to which the Public Sewer is so incidentally made available shall not be required to connect to the Public Sewer until such time as new private Sewage Disposal Facilities are required, or until repairs or replacement of the private Sewage Disposal Facilities of the Premises are required, or until connection of all Premises within the area wherein the Premises is located is declared a necessity by the Township for the public health and welfare. When such connection is made to the Public Sewer, the owners of the Premises shall pay the fees required by Article VIII of this Ordinance for connection.

SECTION 8. DISCHARGE OF STORM WATERS. No person shall discharge, or cause to be discharged, any Storm Water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the System. No footing drains shall be connected to the System. All footing drain water shall be discharged to storm sewers or dry wells.

SECTION 9. STORM SEWERS. Storm Water and all other unpolluted drainage shall be discharged to Sewers specifically designated as Storm Sewers, or to a Natural Outlet approved by the Kent County Road Commission, Kent County Drain Commissioner, Michigan State Water Resources Commission, and/or other interested governmental agencies. Industrial cooling water, unpolluted air-conditioning water, or unpolluted process waters may be discharged to a Storm Sewer or Natural Outlet upon approval of the Kent County Road Commission, the Kent County Drain Commissioner, Michigan State Water Resources Commission, and/or other interested governmental agencies.

ARTICLE IV PRIVATE AND SEWAGE DISPOSAL

SECTION 1. PRIVATE DISPOSAL FACILITIES. Where a Public Sewer is not available so that the provisions of Article III do not apply, the Building Sewer shall be connected

to private Sewage Disposal Facilities which shall comply with all regulations of the Township and all other governmental agencies having jurisdiction.

SECTION 2. ABANDONMENT OF PRIVATE FACILITIES. At such time as a Public Sewer becomes available to a Premises previously served by private Sewage Disposal Facilities, a direct connection shall be made to such Public Sewer in compliance with Article III of this Ordinance, and any private Septic Tank, Seepage Pit, Cesspool or similar Sewage Disposal Facility shall be abandoned and filled with suitable granular material.

SECTION 3. MAINTENANCE OF PRIVATE FACILITIES. The owner shall operate and maintain such private Sewage Disposal Facilities in a sanitary manner at all times at no expense to the Township.

SECTION 4. OTHER REQUIREMENTS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the state, the County, the Authority or by any other governmental unit or body having jurisdiction or to which the Township has delegated such jurisdiction.

ARTICLE V BUILDING SEWERS, SERVICE STUBS AND CONNECTIONS

SECTION 1. PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereto without first obtaining a written permit from the Township and each day's use of a sewer connection unlawfully made shall constitute a separate offense punishable as prescribed in Article XI of the Ordinance.

SECTION 2. APPLICATION. An owner or his agent shall make application for a sewer connection permit on a form furnished by the Township which shall be accompanied by payment in full of the Availability Fee, Service Stub Fee, Trunkage Connection Fee, NKSA Joint System Connection Fee, Trunkage Connection Fee Surcharge, Inspection Fee, any civil penalty which has accrued pursuant to Section 3.4, above, and such other charges or deposits required by this Ordinance, except to the extent provided in Section 8.3 or Section 8.6. All applicants for sewer connection permits shall also submit plans and specifications for all plumbing construction within such building or Premises. Such plans and specifications shall meet the requirements of the plumbing regulations of the Township including, but not limited to, the County and the Authority and all rules and regulations of the State of Michigan or its designated department or agency.

SECTION 3. CONDITIONS OF APPROVAL. The approval of an application for a sewer connection permit shall be subject to (a) compliance with all terms of this Ordinance, (b) the availability of capacity in the System, (c) compliance of the plans and specifications with the standards for construction required by this Ordinance, and (d) compliance with all applicable administrative and regulatory requirements.

SECTION 4. SERVICE STUBS. Service Stubs shall be installed only by a licensed and qualified plumber or contractor (as determined by the Township) at the Customer's expense in a manner approved by the Township and only after issuance of a sewer connection

permit by the Township, provided, however, that the physical connection of the Service Stub to the public sewer shall be made by only a licensed plumber. Service Stubs and the installation thereof shall comply with the written policies and specifications of the Department of Public Works, including applicable amendments and supplements thereto.

SECTION 5. CONNECTIONS IN ABSENCE OF SERVICE STUB. In the event a Service Stub is not available, connections shall consist of one of the following:

(a) Type 1: Wye branches installed in the Sewer main at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to any damaged wye. If damage occurs during the making of the connection, the wye shall be taken out of the Sewer main by the plumber and replaced either by another undamaged wye or by straight pipe. If straight pipe is used in the replacement, other approved connection methods shall be used. Concrete encasement of the wye, connection joint, or any other part of the connection shall not be deemed water tight and shall not be allowed as a method of repairing a damaged joint.

(b) Type 2: Direct tap to the Sewer main. Connections of this type shall only be accomplished in the presence of an authorized Department of Public Works representative. The materials and methods of the tap must meet the current requirements of the Department of Public Works.

SECTION 6. COSTS OF CONNECTION. All costs and expenses incident to the installation and connection of the Building Sewer to the System shall be borne by the Customer. The Customer shall indemnify the Township and its authorized representatives against any loss or damage that may directly or indirectly result from the installation and connection of the Building Sewer to the System Sewer.

SECTION 7. BUILDING SEWER. A separate and independent Building Sewer shall be provided for each building except that, where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. The Building Sewer and the installation thereof shall comply with the policies and specifications of the Department of Public Works, the Township Building Code, the Township Plumbing Code and other applicable Township ordinances. In areas where Service Stubs have not been constructed to the Premises and complete street improvements have been made or where unusual lot splits have occurred leaving only one Lateral for two Premises, joint use of this Lateral may be approved by the Township with the connection being made to the System if there is no health or other danger. Compliance with pretreatment standards or local discharge limits prescribed by this Ordinance, shall be determined within each tributary to the common lateral prior to commingling with other wastewater.

SECTION 8. OLD SEWERS. Old Building Sewers may be used in connection with new buildings only when, on examination and test by the Department of Public Works, they are found to meet all requirements of this Ordinance.

SECTION 9. BUILDING SEWER MATERIAL. The Building Sewer shall be constructed of material approved by the Department of Public Works.

SECTION 10. BUILDING SEWER SIZE AND SLOPE. The size of the Building Sewer shall not be less than six inches (6") unless Cast Iron is used in which case four inch (4") may be used. The slope shall not be less than one-eighth inch (1/8") per lineal foot.

SECTION 11. INSTALLATION OF BUILDING SEWER. 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, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long radius fittings. Each bend of 45° or more shall have a cleanout.

SECTION 12. LOW BUILDING DRAIN. In all buildings in which any Building Drain is too low to permit gravity flow to the Building Sewer, the Sewage carried by the Building Drain shall be lifted by approved means and discharged to the Building Sewer.

SECTION 13. EXCAVATIONS. All excavations which are made for the installation of Building Sewers shall be done in complete conformance with the requirements and standards of the Township and the Department of Public Works. Pipe laying and backfill shall be performed in accordance with the applicable provisions of the Department of Public Works "Standard Construction Specifications" except that no back fill shall be placed until the work has been inspected and approved by the Engineer or his representative. Cinders shall not be used for backfill.

SECTION 14. SEWER JOINTS. All sewer joints shall be tight and shall meet the current sanitary sewer connection requirements of the Department of Public Works.

SECTION 15. TESTING. All Building Sewers may be tested by exfiltration if so determined by the Engineer. The test shall be made with a minimum head of six (6) feet. The exfiltration rate shall not exceed one (1) gallon per inch of pipe diameter per one thousand (1,000) feet of pipe per hour. The test shall be made by the installer in the presence of the Engineer. Certification of the test shall be a requirement for approval of the installation.

SECTION 16. INSPECTION. The applicant for the Building Sewer permit shall notify the Township Building Inspector and Engineer when the Building Sewer is ready for inspection and connection to the Public Sewer. The Engineer shall then inspect the Building Sewer and the Township Building Inspector or his designated representative shall inspect the building and plumbing construction therein and, if such construction meets the requirements of this Ordinance, a connection to the System shall be authorized.

SECTION 17. DISTURBANCE OF STREETS, ETC. All excavations for Service Stub installation and connection of a Building Sewer to a Service Stub shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township. No such work shall be

commenced before such owner obtains the necessary permission to work in the public right of way from the Township and the Kent County Road Commission.

SECTION 18. BUILDING SEWER AND DRAIN REPAIR AND REPLACEMENT.

(a) The cost of all repairs, maintenance and replacements of existing Building Drains and Building Sewers, to and including the connection to the Service Stub, shall be borne by the property owner.

(b) When the Township has reason to believe that a Building Sewer or Building Drain may be leaking or allowing infiltration, or may otherwise not meet the requirements of this Ordinance based upon the age of the installation of the Building Sewer or Drain, design life, common construction standards and practice when the Building Sewer and Drain were installed, observation of infiltration and inflow, or similar factors, the Township may notify the property owner in writing. Upon notification by the Township, the property owner shall replace the Building Sewer or Drain, or both, unless either:

(1) The property owner can provide documentation, satisfactory to the Township, that the Building Sewer and/or Drain have been replaced subsequent to their installation, or that the materials used for the Building Sewer or Drain were polyvinyl chloride, cast iron, or other materials still within their design life, not susceptible to leaking; or

(2) A licensed plumber or similar trade, acceptable to the Township, and contracted for and paid by the property owner, certifies in writing to the Township that they have inspected the Building Sewer and Drain by means of uncovering its entire length for visual inspection, or by utilizing video equipment which can internally televise the Building Sewer and Drain, and have found that the Building Sewer and Drain are in good condition, without leaks, blockage, or infiltration from roots, and provides the Township with a video recording for verification.

(c) If the property owner decides to replace the Building Sewer or Drain without inspection, or the inspection shows that the Building Sewer or Drain is not in the condition required by this Ordinance, then the Building Sewer or Drain shall be replaced by the property owner, at the property owner's expense, in accordance with the Township's specifications. Replacement shall be completed within a period of time specified by the Township, in writing, not less than thirty (30) days after notification, except in cases of substantial collapse or other emergency, in which case a shorter time may be specified for replacement. A property owner may request that the Township modify its requirements for repair or replacement of Building Drains (but not Building Sewers), in documented situations in which the Building Drain is located beneath or in immediate proximity to a foundation, and the expense or structural risk of repair or replacement significantly outweighs the potential harm from infiltration or leakage. The decision shall be made by the Township Supervisor, or designee, in consultation with the Township Engineer, and the property owner may be required to take measures to repair the Building Drain to the extent possible. The party requesting the modification shall reimburse the Township for any engineering or inspection expenses needed to make the determination.

(d) If a property owner refuses to repair or inspect the Building Sewer or Drain, then the Township shall have a right as a condition of continued service to enter the property for the purpose of inspecting the Building Sewer and Drain and replacing them, if necessary. All costs incurred by the Township, including reasonable attorney fees if court proceedings are required or advisable, shall be due and payable within thirty (30) days after presentation of an invoice to the property owner. In the event the invoice is not paid, then all such charges shall be placed upon the next sewer bill for the property as a Miscellaneous Customer Fee, and collected in the same manner as other sewer rates and charges, including eventual placement on the tax bill if unpaid.

(e) A property owner replacing the Building Sewer or Drain shall make application to perform such work to the Township building or plumbing inspector or their designated representative. The property owner shall notify the inspector when the Building Sewer is ready for inspection, prior to connection to public sewer, and pay an inspection fee as provided for in this Ordinance.

(f) In addition to other remedies available to the Township for failure to inspect and repair the Building Sewer or Drain, or refusal to permit the Township to do so, service may be discontinued by disconnecting the Building Sewer from the Service Stub, or inserting a shut-off valve in the Service Stub, or prohibiting reconnection to the Service Main in case of Service Main reconstruction.

SECTION 19. DEPARTMENT OF PUBLIC WORKS REQUIREMENTS. As a matter of public health, all installation of Building Drains, Building Sewers and connections of Building Sewers to the Public Sewer shall be made in compliance with all applicable requirements and specifications of the Department of Public Works as said requirements and specifications may from time to time be updated or revised. If any requirement or specification for such installation or connection set forth in Article IV, Article V or any other part of this Ordinance conflicts in any manner with the requirements and specifications of the Department of Public Works, the requirements and specifications of the Department of Public Works shall control and prevail over the affected provision of this Ordinance.

ARTICLE VI USE OF PUBLIC SEWERS

SECTION 1. REGULATED WASTES. Except as hereinafter provided, no person shall discharge or cause to be discharged the following described waters or waste into a Public Sewer:

(a) Any liquid or vapor having a temperature higher than 140° Fahrenheit.

(1) Any water or waste which may contain more than 50 mg/1 of animal or vegetable fat, oil or grease.

(2) Any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.

(3) Any grease, oil or other substance that will become solid or viscous at temperatures 60 degrees Celsius and below after entering the System.

- (4) Any garbage that is not properly shredded garbage.
- (5) Any mineral, oil or grease, ashes, cinders, sand, mud, plastics, wood, paunch manure, straw, shavings, metal, glass, rags, feathers, asphalt, tar, manure, or other solid or viscous substance capable of causing obstruction to the flow in Sewers or other interference with the proper operation of the System.
- (6) Any waters or wastes having a Ph lower than 6.0 or higher than 10.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the System.
- (7) Any effluent in excess of
 - 1.5 mg/1 of Cadmium,
 - 2.6 mg/1 of Zinc,
 - 2 mg/1 of total Chromium,
 - 1.5 mg/1 of Copper,
 - 1 mg/1 of Cyanide,
 - 1.5 mg/1 of Nickel, or
 - .02 mg/1 of Phenol or derivative of Phenol
- (8) Any discharge of phosphorus, ammonia, nitrates, sugars or other nutrients or waste waters containing them which have an adverse effect on treatment processes or cause stimulation of growths of algae, weeds, and slimes which are or may become injurious to water supply, recreational use of water, fish, wildlife, and other aquatic life.
- (9) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in receiving waters or in the Sewage Treatment Plant.
- (10) Any noxious or malodorous gas or substance capable of creating a public Nuisance.
- (11) Any waters or wastes of such character and quantity that unusual attention or expense is required to handle such materials at the Sewage Treatment Plant or to maintain the System.
- (12) Any wastes that contain insoluble solids in excess of 10,000 PPM or exceeds a daily average of 500 PPM or that contains a combination of soluble and insoluble material in excess of 20,000 PPM or exceeds a daily average of 2,000 PPM.
- (13) Any wastes containing any insoluble substance that will not pass 4 mesh per inch screen.
- (14) Any discoloration such as, but not limited to dyes, inks, and vegetable tanning solutions, or any unusual chemical oxygen demand, chlorides, sulfates, or chlorine requirements in such quantities as to be deleterious and a hazard to the System and its employees.

(15) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, state or federal regulations.

(16) Any effluent containing phosphorus greater than 40 mg/l.

(17) Any paints, oils, lacquers, thinners or solvents including any waste containing toxic or deleterious substances which impair the sewage treatment process or constitute a hazard to employees who work in the Sewage Treatment Plant.

SECTION 2. ORDER OF DETERMINATION. Any person whose operations entail the discharge of wastes containing toxic, poisonous or objectionable substances shall file with the Department of Public Works a written statement setting forth the nature of the operation contemplated or currently being carried on, the amount of water required to be used and its source, the proposed point of discharge of said waste into the System, the maximum amount to be discharged per second and a fair statement setting forth the expected bacterial, physical, chemical or other known characteristics of the wastes. Within thirty (30) days of receipt of said statement, the Board of Public Works shall make an Order of Determination setting forth the maximum limits for the substances listed in Section 6.1.

SECTION 3. REVIEW OF ORDER. Any Order of Determination issued by the Board of Public Works may be reviewed annually, and the maximums set forth therein adjusted to compensate for increased flows in the entire System, or increased contribution of toxic, poisonous or objectionable substances by other users of the System. It shall be the duty of the Board of Public Works to apportion to each industry its fair share of toxic waste discharge in such manner that the combined waste of all users will not endanger the System or treatment processes.

SECTION 4. ENFORCEMENT OF ORDER. Any Order of Determination issued in pursuance of this Ordinance shall be considered a part of this Ordinance for the specific Industrial Customer or other person involved, and shall be enforceable in the same manner as this Ordinance.

SECTION 5. DISCONTINUANCE OF SERVICE. The Board of Public Works, when advised by the Engineer that a particular Customer is violating the terms of the Order of Determination as herein referred to, may discontinue sewer service to such Customer until such time as the Customer shall conform to the provisions of the Order of Determination.

SECTION 6. ORDER PRE-TREATMENT REQUIRED. Where the wastes from a Customer exceed the limits set forth in the Board of Public Works Order of Determination, said Customer may be required, as a condition precedent to its continued right to use the System to construct necessary pretreatment facilities to keep wastes discharged to the Public Sewers within the ordered limits.

SECTION 7. APPEAL PROCEDURE.

(a) Any Customer which is subject to an Order of Determination issued by the Board of Public Works shall have the right to appeal the rulings and findings of said Board of Public Works to a Board of Referees consisting of two (2) registered professional engineers, one of whom shall be selected by the Customer and one by the Board of Public Works.

(b) Within ten (10) days after receiving notice of the selection of the referees, the Board of Public Works shall file with the referees a copy of its determination and the results of its investigation supporting same. Within ten (10) days thereafter, an appellant Customer shall file its reply together with supporting documentation. The referees may thereafter require additional information and may, if they choose, hold a hearing at which both sides may present evidence and arguments. The referees shall render a written opinion within ten (10) days after the last documents are filed, and such opinion shall be binding upon all parties. If the referees cannot agree, they shall select a third referee having the same qualifications, and a decision of the majority shall be binding.

(c) The referees shall be entitled to reasonable compensation and expenses and the cost thereof shall be borne equally by appellant and the Department of Public Works.

SECTION 8. GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided at the cost of the Customer when, in the opinion of the Township or Department of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Department of Public Works and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

SECTION 9. MAINTENANCE OF GREASE, OIL AND SAND INTERCEPTORS. Where installed, all grease, oil and sand interceptors shall be maintained in continuously efficient operation at all times by the Customer at the Customer's expense. All grease, oil and sand interceptors that are installed in commercial establishments shall be cleaned out at least quarterly, except that as to those grease, oil and sand interceptors which are of sufficient capacity as to require cleaning out only at some lesser frequency, then the same shall be cleaned out upon such frequency as is recommended by the Township Engineer, giving consideration to the capacity of the grease, oil and sand interceptor. An accurate written report attesting to each such cleaning, signed by the property owner or the responsible tenant, shall be promptly submitted to the Township Clerk.

SECTION 10. PRELIMINARY TREATMENT FACILITIES. The admission into the Public Sewers of any waters or wastes having:

(a) A 5-day B.O.D. greater than 300 ppm, or

(b) Containing more than 350 ppm of Suspended Solids, or

(c) An average daily flow greater than 2% of the average daily sewage flow of the Township, shall be subject to the review and approval of the Township Board and Department of Public Works. Where necessary, in the opinion of the Township, the owner shall provide, at his expense such preliminary treatment as may be necessary to:

- (1) Reduce the B.O.D. to 300 ppm and the Suspended Solids to 350 ppm weight, or
- (2) Control the quantities and rates of discharge of such water or wastes.

Plans, specifications and any other pertinent information relating to proposed Preliminary Treatment Facilities shall be submitted for the approval of the Township and of the appropriate agency of the State of Michigan and no construction of such facilities shall be commenced until the said approvals are obtained in writing.

SECTION 11. MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES. Where Preliminary Treatment Facilities are provided for any wastes or waters, they shall be maintained continuously in satisfactory and effective operation, by the Customer at his expense.

SECTION 12. CONTROL MANHOLES. When required by the Township, the owner of any property served by a Building Sewer carrying Industrial Wastes shall install such control or safety devices as may be deemed necessary for the proper protection of persons or property and/or a suitable control manhole in the Building Sewer to facilitate observation, sampling and measurement of waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the Customer at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 13. MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", as published by the American Public Health Association, as may be amended and supplemented from time to time, and shall be determined at the control manhole provided for in Section 6.12, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

SECTION 14. AGREEMENTS. No statement contained in this Ordinance shall be construed as preventing any special arrangement between the Township and any person whereby any waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefor by said person.

SECTION 15. POINT AT WHICH CONDITIONS APPLY. All the preceding specific conditions are to apply at the point where wastes are discharged into a public Sanitary Sewer and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

ARTICLE VII OPERATION AND MAINTENANCE

SECTION 1. SEWER SYSTEM. The operation, maintenance, alteration, repair and management of the Sewer System shall be under the supervision and control of the Township, subject to the contractual arrangements of the Township with the County and the

Authority. The Township may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Sewer System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Sewer System.

SECTION 2. ABATEMENT OF NUISANCES. This Ordinance shall not be construed to limit the power of the Township to order the immediate and complete abatement of a public Nuisance or menace to the public health.

ARTICLE VIII CUSTOMERS RATE AND CHARGES

SECTION 1. PUBLIC UTILITY. The System shall, as far as possible, be operated and maintained by the Township on a public utility basis as authorized by state law. The System shall be operated on the same fiscal year as that of the Township.

SECTION 2. SEWER USE FEE. Customers shall be charged a Sewer Use Fee in an amount established by resolution of the Township Board.

SECTION 3. CUSTOMER SURCHARGE FEE. A Customer Surcharge Fee may be charged in an amount established by resolution of the Township Board.

SECTION 4. CONNECTION FEES. The owner of a Premises who applies for connection of the Building Sewer to the System shall pay the following at the time of application:

(a) Availability Fee. The Availability Fee shall be as established by resolution of the Township Board. It shall be based on the frontage of the Premises upon a public street right-of-way; provided, however, that if the Premises does not front upon a public street right-of-way and can only be served by an extension of the System placed in a public utility easement, then the Availability Fee shall be based upon the frontage of the Premises upon the public utility easement; and provided further that the Water and Sewer Committee shall establish the guidelines necessary to apply the Availability Fee to situations where a gravity flow sewer is constructed in a public utilities easement which does not follow the public or private street rights-of-way and similar situations to which the Availability Fee is not readily applicable.

(b) Trunkage Connection Fee; Trunkage Connection Fee Surcharge; NKSA Joint System Connection Fee.

(1) Owners of Premises within the area served by the System from which sanitary sewage originates and any owner of Premises within the area served by the System from which sanitary sewage does not originate, who thereafter improves the same by the erection of structures or buildings thereon which have sanitary or industrial sewage facilities, shall pay a Trunkage Connection Fee for connection to the System in such amount as the Township Board shall determine by resolution.

(2) In addition to the Trunkage Connection Fee imposed by this section, the Township Board may impose a "Trunkage Connection Fee Surcharge."

(3) Owners of Premises within the area in the Township from which sanitary Sewage originates who connect to the System after December 14, 2005 shall pay a NKSA Joint System Connection Fee in such amount as may be assessed by the Authority to the Township for said connection to the NKSA Joint System. The NKSA Joint System Connection Fee shall be in addition to the Trunkage Connection Fee and the Trunkage Connection Fee Surcharge.

(c) Service Stub Fee. The Service Stub Fee shall be as established by resolution of the Township Board. If the Township does not install the Service Stub, no Service Stub fee shall be payable and the applicant for a Sewer Connection Permit shall be responsible for all costs of installing a Service Stub, including restoration.

SECTION 5. CREDIT FROM SPECIAL ASSESSMENTS. Premises located in a special assessment district established by the Township to finance a portion of the System and subject to a “full special assessment” on the respective special assessment roll shall receive full credit towards payment of the Availability Fee, Trunkage Connection Fee and Service Stub Fee as determined by the Water and Sewer Committee provided, however, that such credit shall not result in a full or partial refund of the special assessment paid or payable pursuant to the special assessment roll. For purposes of this Section 8.5, a “full special assessment” shall be deemed to be a special assessment levied by the Township and comprised of components related to the costs which are intended to be offset by the Availability Fee, Trunkage Connection Fee and Service Stub Fee. The Township reserves the right to charge an additional Availability Fee, Trunkage Connection Fee and Service Stub Fee for Premises for which there has been a lot split, a change in the use of all or part of the Premises to a more intensive use or for which an Availability Fee was not charged, regardless of the reasons, for the entire eligible frontage of the Premises.

SECTION 6. INSPECTION FEE. The Inspection Fee shall be as established by resolution of the Township Board.

SECTION 7. MISCELLANEOUS CUSTOMER FEE. The Township may, from time to time, establish and impose on one or more Customers of the system a Miscellaneous Customer Fee as necessary for miscellaneous services, repairs and related administrative costs associated with operating and maintaining the System and not covered by the Sewer Use Fee, including, without limitation, repair to the System or components thereof caused by the negligent or intentional acts of a Customer or other persons using the Premises of a Customer, shut off and turn on charges and review of plans, specifications and other information for connection, pretreatment and other proposed uses of the System, and expenses incurred by the Township in connection with inspection and repair or replacement of Building Drains and Building Sewers.

SECTION 8. BILLING AND COLLECTION. It shall be the duty of the Water and Sewer Administrator to bill and collect all Sewer Rates and Charges. The Water and Sewer Administrator shall mail each Customer a bill on or before the 1st day of the first month in the quarterly billing period. The bill shall separately itemize the Sewer Rates and Charges payable. Payment of the bill is due and payable on or before the last day of the first month in the quarterly billing period. Payment of said bill shall be made at a location designated by the Township Board.

SECTION 9. UNPAID RATES AND CHARGES. If Sewer Rates and Charges are not paid on or before the due date then a penalty of 1% per month, commencing 30 days after the due date, shall be charged on the unpaid balance, together with interest at the rate of 1% per month charged on the unpaid balance, commencing 30 days after the due date.

SECTION 10. DISCONTINUANCE OF SERVICE. If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue the service provided by the System by disconnecting the Building Sewer from the Service Stub or inserting a shutoff valve in the Service Stub and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township; (ii) institute an action in any court of competent jurisdiction of the collection of the amounts unpaid, including time price differential, penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 8.11 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 8.11 below.

SECTION 11. LIEN FOR RATES AND CHARGES. The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify annually all delinquent Sewer Rates and Charges and time price differential thereon, together with an additional amount equal to 6% of the aggregate amount delinquent, on or before September 1, of each year, to the tax assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, time price differential, interest and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premises.

SECTION 12. PREMISES SUBJECT TO LEASE. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount of \$100.00 per Unit. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. Upon notification from the Township, the tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within 10 days of said notification, the penalties, rights and remedies set forth in Sections 8.10 and 8.11 of this article shall be applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall

be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

SECTION 13. NO FREE SERVICE. No free service shall be furnished by the System to any person, public or private, or to any public agency or instrumentality.

SECTION 14. DENIAL OF APPLICATIONS. Applications for sewer connection permits may be denied or canceled and/or Sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Sewer Rates and Charges.
- (c) Improper or imperfect and/or failure to keep Building Sewers in a suitable state of repair.
- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System.
- (f) Failure to comply with the rules and regulations adopted by the Township for the administration of this Ordinance.

SECTION 15. RE-ESTABLISHMENT OF SERVICE. Where the sewer service supplied to a Customer has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, time price differential, interest and penalties, and the turn on charge has been paid. The Township reserves the right as a condition to reconnect said service to request that a nominal sum of \$100 per Unit be placed on deposit with the Township for the purpose of establishing or maintaining any Customer's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the Customer to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. Upon notification by the Township, the Customer shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Sections 8.11 and 8.12 of this article shall be applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the Customer upon continued timely payments by the Customer of all Sewer Rates and Charges as and when due, for a minimum of four successive quarterly billing periods.

SECTION 16. CHANGE IN USE.

- (a) After connection of a Premises to the System, subsequent changes in the character of use or type of occupancy of the Premises shall not abate the obligation of the User to

pay the Sewer Rates and Charges for the Premises based upon the number of Units originally allocated thereto, unless and until the Township determines that the number of Units allocated to such Premises shall be increased or decreased based upon such changes in use or occupancy.

(b) When a Premises in which sanitary Sewage originates alters or expands its facilities or operations resulting in an increase in the number of Units assigned to that Premises, an additional Trunkage Connection Fee, NKSA Joint System Connection Fee and Trunkage Connection Surcharge Fee, if applicable, shall be imposed. The number of additional Units to be assessed in such case shall be determined according to the Table of Residential Equivalent Units adopted by the Township Board and modified from time to time by resolution of the Board. The additional Trunkage Connection Fee, NKSA Joint System Connection Fee and Trunkage Connection Surcharge Fee, if applicable, shall be paid upon issuance of the building permit for the altered or expanded Premises or upon use of the altered or expanded Premises, whichever occurs first.

ARTICLE IX WATER AND SEWER COMMITTEE

SECTION 1. WATER AND SEWER COMMITTEE. A Water and Sewer Committee may be established by the Township. The members of the Committee shall be the Township Supervisor, not more than two Township Board members and, as an ex officio member, the Township Engineer. The Water and Sewer Committee shall be responsible for all aspects of managing the System on behalf of the Township. In addition, the Committee shall upon request reconsider decisions, denials or other actions taken by the Building Official or other persons under the terms of this Ordinance, and in this regard, shall consider appeals on such matters from aggrieved persons. Without limitation of the foregoing, the Water and Sewer Committee shall advise the Township Planning Commission on the availability of the System for proposed new plats and P.U.D. developments and shall have the authority to negotiate agreements for sewer extensions with developers and other municipalities, which agreements shall take into consideration questions of demand, benefit, capacity, necessity, timing and funding and may provide for prepayment of trunkage, pay back arrangements of up to 10 years and similar matters. All decisions of the Water and Sewer Committee are subject to ratification by the Township Board at a regular or special meeting before implementation. No decisions of the Water and Sewer Committee shall bind the Township until so ratified by the Township Board. The members of the Water and Sewer Committee shall serve without salary, but may be reimbursed for their actual expenses, incurred in the performance of Water and Sewer Committee duties and may receive a per diem, as determined by the Township Board.

SECTION 2. DAMAGE CLAIMS. In the event of backups of Sewage from the System which are caused by acts of God and which flood and otherwise damage individual Premises, the Water and Sewer Committee shall consider damage claims filed in writing with the Township by the owner of the damaged Premises. After receipt of a claim, the Township shall request a written report from the Department of Public Works on the circumstances. To the extent the damage to the Premises is not covered by homeowners insurance or by insurance provided for the System by the Department of Public Works, the Township may pay damages up to \$750 for a single dwelling unit, provided that the owner of the Premises installs a suitable plug in the floor drain. Damages shall not be paid for a Premises which is damaged by subsequent backups, if the owner of the Premises failed to install a suitable plug following the initial backup

for which said owner was paid damages by the Township. The Township reserves the right to approve, reject or adjust any and all claims.

ARTICLE X
AUTHORITY OF TOWNSHIP EMPLOYEES OR REPRESENTATIVES

SECTION 10.01 ENTRY ON PREMISES. Duly authorized employees or representatives of the Township bearing proper credentials and identification shall be permitted at all reasonable hours to enter upon all Premises in the Township for the purpose of inspection, observation, measurement, sampling, testing, and emergency repairs in accordance with the provisions of this Ordinance.

SECTION 10.02 CONDUCT ON PREMISES. While performing the duties in Section 10.1 above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises established by the Customer.

SECTION 10.03 ENFORCEMENT. It shall be the duty of the Building Inspector, Supervisor, Water and Sewer Administrator and the Township Board to enforce this Ordinance.

ARTICLE XI
PENALTIES

SECTION 11.01 DAMAGE TO SYSTEM. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Building Sewer to any Lateral.

SECTION 11.02 NOTICE TO CEASE VIOLATION. Except as provided in Section 11.1 hereof, any person found to be violating any provision of this Ordinance shall be served with written notices stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, take such corrective action as may be necessary. Such notice shall be served:

- (a) By delivering the notice to the owner personally or by leaving the same at his home, office or place of business with some person of suitable age and discretion, or
- (b) By mailing said notice by certified or registered mail to such owner at his last known address, or
- (c) If the owner is unknown, by posting said notice in some conspicuous place on the affected premises.

SECTION 11.03 CONTINUED VIOLATION. Any person who shall continue any violation beyond the time limit provided in Section 11.2 shall upon conviction, be subject to the penalties set forth in Section 11.4 hereof. Any officer, agent, or employee guilty of aiding or abetting such violation, or, being responsible therefor, refuses or neglects to take corrective action, shall be guilty as a principal.

SECTION 11.04 PENALTY. Violation of Section 11.01, or continuation of a violation beyond the time limit provided for in Section 11.02, of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

SECTION 11.05 NUISANCE PER SE. Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health is hereby empowered to make all necessary repairs or take other corrective action necessitated by such Nuisance or violation. The person who violated the Ordinance or permitted such Nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in making such repairs or taking such action and recovery therefor may be had in an appropriate action in any court of competent jurisdiction.

SECTION 11.06 ABATEMENT OF VIOLATIONS. Any continued violation, after due notice as provided in Section 11.2 shall be deemed a public Nuisance, and may be abated by suit in equity by the Township in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided.

SECTION 11.07 REMEDIES. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE XII VALIDITY

SECTION 12.01 REPEAL. This Ordinance is intended to replace and supersede all currently existing Township ordinances pertaining to the administration, use, connection and related matters pertaining to the System, including the setting of rates and fees. Accordingly, all ordinances or parts of ordinances in conflict herewith and relating to the System are hereby repealed. It is understood, however, that the adoption of this Ordinance or its subsequent amendment or repeal shall in no way change, relieve or release the existing contractual obligations of the Township with the County of Kent or the City pertaining to the Sewer System.

SECTION 12.02 PARTIAL INVALIDITY. 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.

SECTION 12.03 OTHER LAWS. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

ARTICLE XIII
PUBLICATION AND EFFECTIVE DATE

SECTION 13.01 PUBLICATION. A true copy or a summary of this Ordinance shall be published in *The Rockford Squire* within thirty (30) days after the adoption of the Ordinance.

SECTION 13.02 EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XIV
AMENDMENT

SECTION 14.01 AMENDMENT. The Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

EXHIBIT A
TABLE OF RESIDENTIAL EQUIVALENT UNITS

USAGE	UNIT FACTOR
Auto Dealers	.40 per 1,000 sq.ft.
Barber Shops	.14 per chair
Bars	.05 per seat
Beauty Shops	.25 per booth
Boarding Houses	.16 per person
Boarding Schools	.30 per person
Bowling Alleys (no bars, lunch facilities)	.16 per alley
Car Wash	10.00 single production line
Churches	.01 per seat
Cleaners (pick up only)	.166 per employee
Cleaners (pressing facilities)	1.25 per press
Clinics (minimum assignment - (1.00 unit per profession)	.50 per doctor
Convalescent Homes	.25 per bed
Convents	.25 per person
Country Clubs	.083 per member
Drug Stores (with fountain service)	.083 per seat
Fraternal Organizations (members only)	1.00 per hall
Fraternal Organizations (members and rentals)	2.00 per hall
Grocery Store and Super Markets	1.10 per 1,000 sq.ft.
Hospitals	1.10 per bed
Hotels (Private baths, 2 persons per room)	.25 per bed

USAGE	UNIT FACTOR
Industry (exclusive of wet process)	.50 per 1,000 sq.ft.
Laundry (self service proprietor owned structure)	.50 per washer
Laundry (self service leased structure)	To be determined at the time of application
Multiple Family Residence	1.00 per family
Motels	.25 per double bed
Office Building	.40 per 1,000 sq.ft.
Public Institutes other than Hospitals	.30 per employee
Restaurants (dinner and/or drinks)	.125 per seat
Rooming Houses (no meals)	.125 per person
Schools (no cafeteria, catering service, showers or pool)	.75 unit/classroom
Schools (with cafeteria only)	1.00 unit/classroom
Schools (cafeteria and showers)	1.50 unit/classroom
Service Station	.25 per pump
Snack Bars, Drive-Ins, etc.	.083 per seat and/or stall
Store (other than specifically listed)	.166 per employee
Swimming Pool	3.00 per 1,000 sq.ft.
Theaters (Drive-In)	.02 per car space
Trailer Parks (central bath houses)	.35 per trailer
Trailer Parks (individual baths)	1.00 per trailer
Warehouses	.10 per 1,000 sq.ft.
Industry (Wet process)	To be determined at time of application

One Residential Equivalent Unit is deemed to be a single family household residence.

MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE

ORDINANCE NO. 93-8

AN ORDINANCE GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, 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 AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE TOWNSHIP OF CANNON, KENT COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC. Subject to all the terms and conditions mentioned in this Ordinance, consent is hereby given to Michigan Consolidated Gas Company, 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 in the highways, streets, alleys, and other public places in the Township of Cannon, Kent County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Cannon for the purposes of conveying gas into and through and supplying and selling as in said Township of Cannon and all other matters incidental thereto.

SECTION 2. GAS SERVICE AND EXTENSION OF SYSTEM. If the provisions and conditions herein contained are accepted by the company, as in Section 6 hereof provided, then the company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the main extension provision, the area expansion program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the company's rules and regulations for gas service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

SECTION 3. USE OF STREETS AND OTHER PUBLIC PLACES. The company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Township of Cannon and shall within a reasonable time after making an opening or excavation, 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 said Township of Cannon for all damages and costs which may be recovered against the Township of Cannon 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 trunk lines or lateral mains except upon application to the highway commissioner or the Township of Cannon 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.

SECTION 4. STANDARDS AND CONDITIONS OF SERVICE, RULES, REGULATIONS AND RATES. The company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Cannon under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

SECTION 5. SUCCESSORS AND ASSIGNS. The words "Michigan Consolidated Gas Company" and "the company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

SECTION 6. EFFECTIVE DATE, TERM OF FRANCHISE ORDINANCE, ACCEPTANCE BY COMPANY. This Ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Cannon at any time during said thirty (30) year period; provided, however, that when this Ordinance shall become effective the Township Clerk shall deliver to the company a certified copy of the Ordinance accompanied by written evidence of publication and recording thereof as required by law, and the company shall, sixty (60) days after the date this Ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

SECTION 7. EFFECT AND INTERPRETATION OF ORDINANCE. All Ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Ordinance are hereby rescinded. In the case of conflict between this Ordinance and any such Ordinances or resolutions, this Ordinance shall control. The catch line headings which precede each section of this Ordinance 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 Ordinance.

TOWNSHIP CODE ENFORCEMENT OFFICER

ORDINANCE NO. 93-9

Amended by Ord. No. 2006-1

AN ORDINANCE TO AUTHORIZE TOWNSHIP OFFICIALS TO ISSUE APPEARANCE TICKETS AND TO ISSUE CITATIONS FOR MUNICIPAL CIVIL INFRACTIONS

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. AUTHORIZATION. The issuance of appearance tickets, pursuant to Act 175 of the Public Acts of Michigan of 1927, as amended, being MCL 764.9a 764.9g, is hereby authorized as follows:

(a) The Township Building Code Official or the Township Code Enforcement Officer may issue an appearance ticket if the Official or Officer has reasonable cause to believe that a person has violated a Township Building Code for which such Official or Officer is responsible for enforcement.

(b) The Township Zoning Administrator or the Township Code Enforcement Officer may issue an appearance ticket if the Administrator or Officer has reasonable cause to believe that a person has violated the Township Zoning Ordinance.

(c) The Township Zoning Administrator or the Township Code Enforcement Officer may issue an appearance ticket if the Administrator or Officer has reasonable cause to believe a person has violated the Township ordinance entitled: "An Ordinance to Regulate the Outdoor Storage of Dismantled, Partially Dismantled, or Inoperable Motor Vehicles, Machinery, and Equipment in the Township of Cannon, and to Provide for the Issuance of Permits, and to Provide for Penalties for the Violation Thereof," or any successor to that Ordinance.

(d) The Township Zoning Administrator or the Township Code Enforcement Officer may issue an appearance ticket if the Administrator or Officer has reasonable cause to believe that a person has violated Sections 2 or 3 of the Ordinance entitled: "A Regulation to Protect the Public Health and Safety Respecting Nuisances, Sources of Filth and Causes of Sickness and Further Respecting Articles which are Capable of Containing or Conveying Infection or Contagion, or Creating Sickness, and to Provide for Penalties for the Violation Thereof," or any successor to that Ordinance.

SECTION 2. REPEALER. All ordinances or resolutions in conflict herewith are hereby rescinded.

SECTION 3. PUBLICATION/EFFECTIVE DATE. The Clerk is hereby directed to publish a copy of this Ordinance, or a summary thereof, in *The Rockford Squire*, a newspaper circulated in the Township, as soon as possible within 30 days after adoption. Within one week after publication, the Clerk is further directed to record this Ordinance in the Book of Ordinances, along with the date of passage, and the names and the members of the Township Board voting and how each voted, and to file an attested copy of this Ordinance with the County

Clerk. The Township Clerk shall also certify publication and filing to the County Clerk. This Ordinance shall take effect immediately after publication.

STATE HOUSING LAW

ORDINANCE NO. 93-10

AN ORDINANCE ADOPTING THE HOUSING LAW OF MICHIGAN.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. ADOPTION. Pursuant to the provisions of Act 167 of the Public Acts of Michigan of 1917, as amended, being MCL 125.401, et seq., as amended, and in particular Section 1 thereof, being MCL 125.401, the Township of Cannon hereby adopts by reference the Housing Law of Michigan, including the enforcement provisions of said Act.

SECTION 2. ADDITION TO EXISTING LAWS. The provisions of the Housing Law of Michigan, as adopted by this Ordinance, are in addition to the ordinances and laws now and hereafter enacted in the Township of Cannon.

SECTION 3. PUBLICATION. The Clerk is hereby directed to publish a copy of this Ordinance, or a summary thereof, in *The Rockford Squire*, a newspaper circulated in the Township, as soon as possible within 30 days after adoption. Within one week after publication, the Clerk is further directed to record the ordinance in the Book of Ordinances, along with the date of passage, and the names and the members of the Township Board voting and how each voted, and to file an attested copy of this Ordinance with the County Clerk. The Township Clerk shall certify publication and filing with the County Clerk.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately after publication.

CATV REGULATIONS

ORDINANCE NO. 93-16

AN ORDINANCE TO ADOPT REGULATIONS AND PROCEDURES FOR BASIC CABLE TV RATE REGULATION

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITIONS. 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 Township 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.

SECTION 2. PURPOSE, INTERPRETATION. 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 Township. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

SECTION 3. RATE REGULATIONS PROMULGATED BY FCC. In connection with the regulation of rates for basic cable service and associated equipment, the Township of Cannon shall follow all FCC Rules.

SECTION 4. FILING, ADDITIONAL INFORMATION, BURDEN OF PROOF.

(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 (10) 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 (10) 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.

SECTION 5. PROPRIETARY INFORMATION.

(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.

SECTION 6. PUBLIC NOTICE, INITIAL REVIEW OF RATES. Upon the filing of ten (10) 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 (7) 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 (3) 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 (3) days before the meeting at which the Township Board shall first consider the schedule of rates or the proposed increase.

SECTION 7. TOLLING ORDER. 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 thirty (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 thirty (30) day deadline pursuant to 47 CFR §76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The Township Board may toll the thirty (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.

SECTION 8. PUBLIC NOTICE, HEARING ON BASIC CABLE SERVICE RATES FOLLOWING TOLLING OF 30-DAY DEADLINE. 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 fifteen (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 fifteen (15) days before the hearing.

SECTION 9. STAFF OR CONSULTANT REPORT, WRITTEN RESPONSE. Following the public hearing, the Township 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 twenty (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 (10) copies of the response are filed by the cable operator with the Township Clerk within ten (10) days after the report is mailed to the cable operator, the Township Clerk shall forward it to the Township Board.

SECTION 10. RATE DECISIONS AND ORDERS. 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.

SECTION 11. REFUNDS, NOTICE. 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 (7) 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.

SECTION 12. WRITTEN DECISIONS, PUBLIC NOTICE. 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.

SECTION 13. RULES AND REGULATIONS. 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.

SECTION 14. FAILURE TO GIVE NOTICE. 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.

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

SECTION 16. ADDITIONAL POWERS. 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.

SECTION 17. FAILURE TO COMPLY, REMEDIES. 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 renewal of a cable operator's franchise.

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

SECTION 19. CONFLICTING PROVISIONS. 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.

SECTION 20. EFFECTIVE DATE. This Ordinance shall take effect one day after its publication in a newspaper of general circulation in the Township of Cannon.

CIVIL INFRACTIONS

ORDINANCE NO. 95-12

Amended by Ord. No. 2006-1

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF CITATIONS FOR CIVIL INFRACTIONS AND TO PROVIDE THE PROCEDURE THEREFOR

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. TOWNSHIP SUPERVISOR AND TOWNSHIP CODE ENFORCEMENT OFFICER. The Township Supervisor and Township Code Enforcement Officer, or either of them, are authorized to issue citations for violation of any Township ordinance which is designated to be a municipal civil infraction if the Supervisor or the Township Code Enforcement Officer has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

SECTION 2. TOWNSHIP BUILDING INSPECTORS. The Township Building Official is authorized to issue citations for violations of those building codes which the official is responsible for administering and enforcing if the official has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

SECTION 3. ZONING ORDINANCE. The Township Zoning Administrator is hereby authorized to issue citations for violation of the zoning ordinance which the Zoning Administrator has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

SECTION 4. FORM OF CITATIONS. Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

SECTION 5. SERVICE. Citations shall be served upon the alleged violator as provided by law.

SECTION 6. APPEARANCE. Citations shall require appearance at the District Court within a reasonable time after the citation has been issued.

SECTION 7. PROCEDURE. The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

SECTION 8. PUBLICATION/EFFECTIVE DATE. This Ordinance shall take effect 30 days following publication of this Ordinance, or a summary thereof, as provided by law.

OPEN BURNING ORDINANCE

ORDINANCE NO. 95-22

As Amended by Ordinance No. 97-15 and 06-03

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE BY IMPOSING LIMITATIONS ON THE OPEN BURNING OF CERTAIN MATERIALS IN CANNON TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. PURPOSE. Unregulated open burning creates a risk to the health, safety and welfare of the residents of Cannon Township. Open burning is a fire risk which may create hazardous byproducts that can irritate eyes and lungs, obscure visibility, create odors and pose other health threats. Open burning may substantially increase the discomfort of residents who suffer from asthma, chronic bronchitis or other respiratory ailments. This Ordinance is intended to reduce the adverse effects of unregulated open burning throughout the Township.

SECTION 2. DEFINITIONS.

(a) "Yard Clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, brush, wood, twigs or tree trimmings less than four feet in length and two inches in diameter.

(b) "Open Burning Permit" means permission to burn, issued orally or in writing by the Cannon Township Fire Chief or other authorized officer of the Cannon Township Fire Department.

(c) "Open Burning" means the burning of any flammable material that is not done within a structure or building. Open burning shall not include use of internal combustion engines, or the use of properly installed and maintained smokeless, odorless incinerators.

SECTION 3. OPEN BURNING. Open burning within the Township of any material is hereby prohibited except as follows:

(a) Open burning of yard clippings may be conducted within Cannon Township provided the provisions of Section 4 of this Ordinance are satisfied.

(b) The provisions of this Ordinance shall not apply to fires approved by the fire chief for the purpose of training fire fighters.

(c) The provisions of this Ordinance shall not apply to burning barrels used for the burning of residential waste so long as the barrel is constructed of metal or masonry and has a metal cover with holes no larger than 3/4 inch wide and so long as the burning complies with Section 4(f) of this Ordinance.

(d) The provisions of this Ordinance shall not apply to agricultural burning, including the burning of brush, trees and crop fields, on farms when performed in accordance with generally accepted agricultural and management practices (“GAAMPS”). Similarly, the Ordinance shall not apply to the open burning of beekeeping equipment and products, when burned for bee disease control.

(e) Open fires used solely for cooking for immediate human consumption, or for recreation or ceremonial purposes, shall not be prohibited if the following conditions are satisfied:

(i) Any fire in excess of three feet across shall require an Open Burning Permit;

(ii) Such open fire shall not be composed in whole or substantial part of leaves or grass clippings; and

(iii) Such open fire shall use non-processed wood and shall not burn garbage or any material described in Section 4(f) of this Ordinance.

SECTION 4. OPEN BURNING WITH FIRE DEPARTMENT PERMIT. The open burning of yard clippings may be conducted within Cannon Township provided all of the following conditions are satisfied:

(a) An Open Burning Permit is obtained from the Cannon Township Fire Department (the “Fire Department”);

(b) The open burning is conducted in accordance with all applicable state laws, including the Air Pollution Control Act (Act 348 of the Public Acts of 1965), the Forest Fire Act (Act 329 of 1969), and the Solid Waste Management Act (Act 641 of 1978; Act 267 of 1990);

(c) The open burning is performed under the constant supervision of a responsible person, who must be 18 years of age or older;

(d) Open burning shall be permitted only during daylight hours;

(e) Open burning shall not be permitted within thirty-five (35) feet of any building or other structure or within twenty-five (25) feet of any right-of-way line or property line, except the joint property line of adjacent properties jointly conducting burning operations under subpart (g) below. Open burning is prohibited on any public roads or private roads;

(f) The burning of tires, plastics or any other materials that may result in noxious odors or other seriously offensive conditions is prohibited. It shall be a violation of this Ordinance to burn any substance which emits in substantial concentration, smoke or gas which is toxic to plant or animal life, noxious or offensive in odor, or creates a lasting condition of thick smoke;

(g) Open burning shall be permitted only on the premises from which the yard clippings originated; provided, however, owners of adjacent lands may jointly conduct burning operations; and

(h) Open burning of leaves and grass clippings shall be permitted only on Thursdays, Fridays and Saturdays, and only from October 18 through November 14; provided, however, that the Township Board, by resolution or motion, may provide that, for any particular year, such open burning shall also be permitted on any additional Thursdays, Fridays and Saturdays.

SECTION 5. CONSIDERATION OF OPEN BURNING PERMIT. The Fire Department may impose reasonable conditions prior to granting approval for an Open Burning Permit, including conditions relating to the time, location, duration, manner of burning, the type of material to be burned and the quantity of material to be burned. Before issuing a permit, the Fire Department shall take into consideration the physical characteristics of the land on which the fire is to be located, the weather conditions on the date of burning, the extent of possible air pollution, the number of permits already issued, the proximity of the proposed fire to any structure, and other factors which may affect the health, safety and welfare of the people of Cannon Township. The Fire Department may withdraw approval of a permit if open burning would be unsafe due to the particular circumstances of a request, including, but not limited to, unfavorable weather conditions.

SECTION 6. COST RECOVERY FOR EMERGENCY RESPONSE.

(a) The Township Board finds that a number of responses of the Township Fire Department involve persons who fail to burn in accordance with the conditions of an approved Open Burning Permit or who fail to obtain an Open Burning Permit as required by law. These violations pose a substantial likelihood of personal or property damage and place a financial and operational burden on the Township's Fire Department. Accordingly, any person who burns without a valid Open Burning Permit or who burns in violation of conditions of approval of a valid Open Burning Permit shall be liable for all emergency response expenses if such person's activities cause an incident resulting in an emergency response. Liability for these expenses will also apply to a property owner who permits or consents to another's burning without a valid permit or in violation of conditions of approval of a valid Open Burning Permit on that owner's premises.

(b) The expense of an emergency response shall be a charge against the person or property owner liable for the expense under this Ordinance. The charge shall constitute a lien against the property as well as a debt of that person and is collectible by the Township in the same manner in which general property taxes may be collected, or, alternatively, in the same manner as in the case of an obligation under a contract.

(c) The expense of an emergency response shall include, though shall not be limited to, the amounts calculated as follows:

(1) \$125 per hour, or a fraction thereof, for each pumper required, in the opinion of the officer in command, to be used in responding to the emergency.

(2) \$125 per hour, or a fraction thereof, for each water tender required, in the opinion of the officer in command, to be used in responding to the emergency.

(3) \$125 per hour, or a fraction thereof, for any other Township owned Fire Department vehicle or other emergency vehicle required, in the opinion of the officer in command, to be used in responding to the emergency.

(4) All personnel-related costs incurred by the Township as a result of responding to the open burning incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits and insurance for full-time and part-time fire fighters.

(5) Overtime pay and related fringe benefit costs for hourly employees and fire run fees paid to on call fire fighters. Such personnel-related charges shall commence after the first hour that the department having jurisdiction has responded to an open burning incident, and shall continue until all fire fighting personnel have concluded open burning incident related responsibilities.

(6) Other expenses incurred by the Township in responding to the open burning incidents, including but not limited to rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the open burning incident.

(7) Charges to the Township imposed by any local, state or federal government entities related to the open burning incident.

(8) Costs incurred in accounting for all open burning incident-related expenditures, including billing and collection costs.

(d) The fire chief may, following the conclusion of an open burning incident, or at any other appropriate time, submit a detailed listing of all known costs and expenses relating to or arising out of the incident to the Township Treasurer, who shall prepare an invoice directed to the responsible party or parties, demanding payment in full for all such costs and expenses. The invoice shall require full payment in 30 days from the date of mailing. Additional costs and expenses that may become known following transmittal of the invoice shall be billed in the same manner upon subsequent invoices to the responsible party.

SECTION 7. PENALTIES. Violation of any provision of this Ordinance is a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all of costs, damages and expenses provided by law. For purposes of this Ordinance “subsequent offenses” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense. In this regard, when the Fire Department or other agencies of the Township take action in connection with open burning conducted in violation of this Ordinance or in violation of an open burning permit issued

pursuant to this Ordinance, whether in response to a call for assistance or otherwise, the actual costs incurred by the Township in taking such action, and all actual costs relating thereto or arising therefrom shall be imposed upon the responsible parties, whether jointly or severally. Those costs may be invoiced to the responsible parties who shall pay within 30 days of receipt of the invoice. Any additional costs and expenses that become known to the fire chief following the transmittal of the invoice shall be billed in the manner upon subsequent invoices to the responsible party.

SECTION 8. OTHER MATTERS. Should any part of this ordinance be declared unenforceable by any court of competent jurisdiction, the remainder of the ordinance shall nevertheless remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

TOWNSHIP SUBDIVISION ORDINANCE

ORDINANCE NO. 96-2

AN ORDINANCE TO PROVIDE REGULATIONS FOR THE SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF CANNON AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

ARTICLE I
GENERAL

SECTION 1.01. LEGAL BASIS; PURPOSE. This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Subdivision Control Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

SECTION 1.02. FEE SCHEDULE. Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

SECTION 1.03. DEFINITIONS. All terms herein shall have the meanings and definitions given by Act 288.

SECTION 1.04. SCOPE AND CONFLICT. The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

SECTION 1.05. CERTIFICATION OF PLATS AND DRAWINGS. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

ARTICLE II
PRELIMINARY PLAT APPLICATION AND REVIEW PROCEDURES

SECTION 2.01. SUBMISSION OF PLATS. The Proprietor of any land proposed to be subdivided shall submit 14 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk.

SECTION 2.02. PRELIMINARY PLAT; REQUIRED INFORMATION. The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.

(3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.

(4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.

(5) A small scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions.

(6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.

(7) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.

(8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.

(9) Location of utility and drainage easements.

(10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.

(11) A site report as described in the rules of the State Department of Public Health, if the proposed subdivision is not to be served by public sewer and water systems.

(12) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.

(13) When any part of the subdivision lies within or abuts a floodplain area:

a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.

b. The contour line shall intersect the sidelines of the lots.

c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.

d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."

(14) Any restrictions to be imposed upon the use of property in the subdivision.

(15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.

(16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.

(17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.

(18) 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 one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.

(19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways.

(20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.

(21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.

(22) Zoning and use on adjacent properties.

SECTION 2.03. PRELIMINARY PLAT; TENTATIVE APPROVAL PROCEDURE.

(1) Preliminary plats shall be referred to the Planning Commission, which shall consider the preliminary plat 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, at least ten days notice shall be given 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 plat, as the names of such owners and other parties are given in the current Township tax assessment rolls. The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall then be referred to the Township Board.

(2) The Township Board shall approve or disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor. A resolution approving a plat shall state: (i) the nature and character of the improvements that will be required to be made by the Proprietor; (ii) the periods of time within which the respective improvements must be completed; and (iii) any conditions relating thereto. If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

(3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

SECTION 2.04. PRELIMINARY PLAT; FINAL APPROVAL PROCEDURE.

(1) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:

- a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.
- b. Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.
- c. Submit all approvals to the Township Clerk after they have been secured.

(2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.

(3) The Township Board shall, within 20 days after submission:

- a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.
- b. Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.

(4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.

ARTICLE III
FINAL PLAT APPLICATION AND REVIEW PROCEDURE

SECTION 3.01. REQUIREMENTS.

(1) Final plats shall be prepared and submitted as provided in Act 288.

(2) A written application for approval and all recording and other Township and state fees shall accompany all final plats.

(3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.

(4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

SECTION 3.02. PROCEDURE; FINAL PLAT.

(1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.

(2) The Township Board shall examine the final plat at a meeting within 20 days after submission of the plat, or thereafter, if such time requirement is waived by the Proprietor, and the Board shall either approve or disapprove the plat.

SECTION 3.03. IMPROVEMENTS AND FACILITIES.

(1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.

(2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.

(3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

SECTION 3.04. SECURITY FOR COMPLETION.

(1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.

(2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.

(3) Security shall remain in force for a time to be specified by the Township Board.

(4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.

(5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

SECTION 3.05. CERTIFICATES ON FINAL PLAT. The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

ARTICLE IV IMPROVEMENTS AND REGULATIONS

SECTION 4.01. GENERAL. The following standards shall apply to all subdivisions within the Township.

SECTION 4.02. LOTS.

(1) All lots shall face upon, and have direct access to, a public or private street.

(2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.

(3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the zoning ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.

(4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.

(5) The maximum depth of a lot, in relation to the width of its frontage, shall not exceed the maximum ratio permitted by applicable provisions of the Township Zoning Ordinance, except where such ratio may by ordinance be varied or exceeded.

(6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.

(7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets.

(8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts.

SECTION 4.03. USABLE LAND. All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may

maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

SECTION 4.04. DEDICATION. Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards of the private road provisions of Township Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

SECTION 4.05. STREET NAMES. Street names shall be approved by the Kent County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

SECTION 4.06. STREET ALIGNMENT AND LAYOUT.

(1) The subdivision layout shall conform to the major street and thoroughfare plan and the comprehensive land use plan of the Township.

(2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

(3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.

(4) No dead end street or street terminating in a cul-de-sac shall provide access to more than 50 dwelling units.

(5) Intersections of public or private streets shall be at angles of 90 degrees, or as close to such angle as possible, but in no case more than 30 degrees from perpendicular.

SECTION 4.07. STREET DESIGN STANDARDS. Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Kent County Road Commission.

SECTION 4.08. SIDEWALKS.

(1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.

(2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Planning Commission and Township Board approve an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

(3) The following are exceptions from Section 4.08(1):

a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.

b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet, and if the average density in the subdivision is less than or equal to two dwelling units per acre.

c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet, and if the average density in the subdivision is less than or equal to 1.5 dwelling units per acre. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which would be on a walking route to the school.

(4) Also in their discretion, the Planning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Township Board shall consider and make findings upon the following factors:

a. Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.

b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.

c. Whether there are other sidewalks already installed on adjacent or nearby lands.

d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

SECTION 4.09. STREET LIGHTING. Adequate street lights may be required to be provided.

SECTION 4.10. PUBLIC UTILITIES.

(1) Public electricity, telephone, and gas service shall be furnished to each lot in the subdivision.

(2) Public sanitary sewer and water, or either of them, shall be provided according to the requirements of the zoning district in which the subdivision is located and in accordance with the Township's sanitary sewer ordinances.

(3) All utilities shall be installed and maintained underground and in appropriate easements.

(4) Public utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than six feet along each lot, or a total of twelve feet for adjoining lots.

(5) When a proposed subdivision is to be served by a publicly-owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.

(6) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

SECTION 4.11. NATURAL FEATURES. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Township as recommended in the Township's Comprehensive Plan.

SECTION 4.12. DRAINAGE. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

ARTICLE V VARIANCE

SECTION 5.01. A variance from the provisions of this Ordinance may be granted as follows:

(1) If the Proprietor demonstrates that literal enforcement of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Township Board, upon recommendation of the Planning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.

(2) A petition for a variance shall be submitted along with the preliminary plat. Notice that request for a variance has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Planning Commission to the Township Board after public hearing following notice given in accordance with Section 2.03.

ARTICLE VI ENFORCEMENT

SECTION 6.01. No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

SECTION 6.02. No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Kent County Register of Deeds.

SECTION 6.03. Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, or their successors in interest, within two years after the execution of the sales agreement. Such agreements, however, shall be binding upon the vendor, his or her assigns, heirs or devisees.

SECTION 6.04. No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

SECTION 6.05. Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

SECTION 6.06. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$1,000 for the first offense and not less than \$500 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for 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.

SECTION 6.07. In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this Ordinance or any continuance of such violation. In such case the person found violating this Ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

ARTICLE VII
DIVISION OF PLATTED LOTS

SECTION 7.01. PROHIBITION. No lot or other parcel of land located within a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the particular minimum lot dimension requirements of the Township Zoning Ordinance.

SECTION 7.02. APPROVAL OF LOT SPLITS.

(1) Any proprietor or property owner who desires to partition or split a lot, outlot, or other parcel of land located in a recorded plat shall apply to the Township Clerk. The application shall include a detailed statement of the reasons for the requested partition or division, sketch, map or maps prepared to scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land, and a statement from the Kent County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

(2) The Township Clerk shall transmit the application and report from the Kent County Health Department to the Planning Commission, which shall make a recommendation to the Township Board.

(3) In reviewing the application, the Planning Commission and Township Board shall consider whether the request is consistent with all Township ordinances, Act 288, and other state laws and is consistent with the general public welfare.

(4) Upon receiving the recommendation of the Planning Commission, the Township Board shall either approve or reject the application.

(5) The Township Board may condition its approval of a division or partition upon such reasonable conditions as shall be deemed desirable by the Township Board.

ARTICLE VIII
REPEAL; PUBLICATION; EFFECTIVE DATE

SECTION 8.01. This Ordinance repeals in its entirety Cannon Township Ordinance No. 77-1, the Cannon Township Subdivision Ordinance, adopted February 14, 1977, and all amendments thereto. In the event that the Township Board subsequently codifies this and other ordinances into a Township Ordinance Code, the article numbers and section numbers of this Ordinance may be changed or revised for purposes of consistency or convenience, without the need for amendment of this Ordinance by the Township Board. No such change or revision shall affect the terms of the ordinance, however.

Ord. No. 96-2 adopted 2/26/96

CEMETERY ORDINANCE

ORDINANCE NO. 96-7

Amended by Ord. No. 2010-5 and 2012-3

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF CANNON, KENT COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

SECTION 1. TITLE. This Ordinance shall be known and cited as the Cannon Township Cemetery Ordinance.

SECTION 2. DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

- A. A cemetery lot shall consist of 4 or more spaces.
- B. A burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

SECTION 3. SALE OF LOTS OR BURIAL SPACES.

- A. All such sales shall be made on an approved form which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.
- B. Burial rights may be transferred only by endorsement of an assignment of such burial permit form issued and approved by the Township Clerk, and entered upon the official records of the clerk. Upon such assignment, approval and record, the clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Proof of such transfers should be recorded in the clerk's office.

SECTION 4. PURCHASE PRICE AND TRANSFER FEES.

- A. Each burial space shall be determined by a fee structure established by Township Board.
- B. The charges shall be paid to the Township Treasurer.
- C. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION 5. GRAVE OPENING CHARGES.

A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.

B. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department, as a result of a court order.

SECTION 6. MARKERS OR MEMORIALS.

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

B. All markers or monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the Township sexton. All foundations shall be 2” larger per side of the base of the marker.

SECTION 7. INTERMENT REGULATIONS.

A. Only one person may be buried in a burial space except for a mother or father and infant, two children buried at the same time, or two cremains.

B. A minimum of 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to either the cemetery sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.

SECTION 8. GROUND MAINTENANCE.

A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.

B. No shrubs, trees, or evergreens of any type shall be planted without the approval of the cemetery sexton and the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township of the cemetery sexton.

C. The Township Board reserves the right to authorize the removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are determined to be unsightly, a source of litter, or a maintenance problem.

F. Landscape materials (i.e. bark mulch, stone) other than earth or sod are prohibited unless approved by the sexton and the Township Clerk.

G. All refuse of any kind including dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery.

H. All flower arrangements and other grave decorations shall be removed by October 31, annually. Christmas decorations shall be removed by the following May 1, annually.

I. Lighting of any type is prohibited, except one solar light per monument is allowed year round.

SECTION 9. REPURCHASE OF LOTS OR BURIAL SPACES. Upon approval of the Township Board, the Township may repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

SECTION 10. RECORDS. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

SECTION 11. VAULT. All burials shall be within a standard steel or concrete vault installed or constructed in each burial space before interment.

SECTION 12. CEMETERY HOURS.

A. The cemetery shall be open to the general public during the daylight hours.

B. No person shall be permitted in the Township cemeteries at any time other than daylight hours, except upon permission of the Township Board or the sexton of the cemetery.

SECTION 13. PENALTIES. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses as provided by law. For purposes of this section, a "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was

adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.

SECTION 14. SEVERABILITY. The provisions of the within 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 continue in full force and effect.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect on October 19, 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

HAZARDOUS MATERIALS ORDINANCE

ORDINANCE NO. 96-08

AN ORDINANCE TO ESTABLISH CHARGES FOR TOWNSHIP EMERGENCY SERVICES IN CONNECTION WITH INCIDENTS INVOLVING HAZARDOUS OR TOXIC MATERIALS; TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES; AND TO PROVIDE FOR OTHER AVAILABLE REMEDIES.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. PURPOSE. This Ordinance is adopted in order to provide for the payment or reimbursement to the Township of expenses resulting from the use of Township goods, equipment, monies and other resources in responding or otherwise acting in connection with an incident involving hazardous or toxic materials. In order to implement this Ordinance, and thus to protect the Township in such cases, the Township Board hereby authorizes the imposing of charges so as to recover the reasonable and actual costs incurred by the Township in responding to calls for assistance or otherwise acting in connection with a spill or release of hazardous or toxic materials.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following words and terms are defined as follows:

(a) "Hazardous or Toxic Materials" means any chemicals, gasses, solids, liquids, and any other materials or substances that pose a present or potential hazard to human health or safety or the environment.

(b) "Hazardous Materials Incident" or "Incident" shall mean any accident, emergency, activity, or other occurrence where a release of hazardous materials occurs or where there is a present danger of a release of hazardous materials. For purposes of this definition, "release" shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leeching, dumping, disposing or other spreading of material.

(c) "Recoverable Expenses" shall mean, in connection with an Incident, all actual costs or expenses incurred by the Township, including but not limited to each of the following:

(1) Charges for each fire department vehicle including but not limited to pumpers, water tenders, and other vehicles. Hourly rates for these charges shall be established by resolution of the Township Board.

(2) Replacement costs for equipment that is contaminated beyond reuse or repair (such as self-contained breathing apparatus).

(3) All personnel-related expenses incurred by the Township, including but not limited to wages, salaries, fringe benefits and insurance for full-time and part-time firefighters, overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on call firefighters. These personnel-related expenses will commence when the fire

department has begun responding to the Incident and shall continue until all Township personnel have concluded hazardous materials incident-related responsibilities.

- (4) Expenses of decontaminating and cleaning equipment.
- (5) Technical consulting services specifically required as a result of the Incident, including but not limited to technical experts or specialists not otherwise available to the Township.
- (6) Laboratory costs of analyzing samples taken during the Incident.
- (7) Cost of cleanup, storage or disposal of the released Hazardous Material.
- (8) Medical and hospital expenses incurred as a result of the Incident.
- (9) Legal, engineering, accounting, billing, collection and other administrative expenses incurred as a result of the Incident, including but not limited to efforts to recover expenses pursuant to this Ordinance.

(d) “Responsible Party” in connection with a Hazardous Materials Incident, means any person, firm, corporation, association, partnership, governmental body, or any other legal entity that causes, contributes to, aids in the occurrence of, or is otherwise involved, whether knowingly, accidentally or otherwise, in a release of a hazardous or toxic material, whether actual or threatened.

SECTION 3. RECOVERY OF EXPENSES. Where the Township Fire Department or other parties or agencies of the Township government, or other persons or parties acting in behalf of the Township government, take action in connection with a Hazardous Materials Incident, all Responsible Parties shall be responsible to the Township, and shall pay or reimburse the Township, for the Recoverable Expenses relating to the Hazardous Materials Incident. Such responsibility shall be in addition to any other penalties, obligations or remedies provided by law. The liability of responsible parties under this Ordinance shall be joint and several.

SECTION 4. BILLING AND COLLECTION PROCEDURES. After the conclusion of a Hazardous Materials Incident, the Township Fire Chief (or an agent of the fire Chief) shall submit an itemized list of all known recoverable expenses to the Township Treasurer, who shall prepare and send an invoice to all Responsible Parties for payment. the Township Treasurer’s invoice shall demand full payment within 30 days after receipt of the invoice. Any additional expenses that become known to the Township after mailing of the first invoice shall be billed in the same manner to the Responsible Parties. Any amounts unpaid after 30 days after the due date will bear a late charge of one percent (1%) per month, or fraction of a month, or the highest legal limit of interest permitted by law, whichever is less.

SECTION 5. APPEAL PROCESS. Any Responsible Party may appeal the amounts listed in any invoice to the Township Board. The appeal shall be filed in writing delivered to the Township Supervisor not later than fifteen (15) days after the date the Responsible Party receives the invoice. The Township Board shall give the appealing parties an opportunity to present evidence in support of their position. The appealing parties shall bear the

burden of proof. After receiving all evidence deemed relevant by the Township Board, the Township Board shall make a decision on whether the expenses are properly recoverable under this Ordinance. An appeal to the Township Board will not postpone or delay the applicable time periods for payment of any invoice issued under this Ordinance. The Township Board shall use reasonable efforts to make a decision no later than sixty (60) days after hearing the appeal.

SECTION 6. VIOLATIONS; OTHER REMEDIES. A violation of this Ordinance shall be a municipal civil infraction. The Township Fire Chief and the Township Supervisor shall each have authority to issue municipal civil infraction citations for violations of this Ordinance. The Township may pursue any other remedy or may institute any other appropriate action or proceeding to collect charges imposed under this Ordinance. The recovery of expenses imposed under this Ordinance does not relieve or limit the liability of any person under any other local ordinance or state or federal law, rule or regulation.

SECTION 7. SEVERABILITY. Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the Ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective 30 days after publication of the Ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

BUILDING CODE

ORDINANCE NO. 97-02

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE TOWNSHIP OF CANNON UNDER THE PROVISIONS F THE STATE CONSTRUCTION CODE ACT (ACT NO. 230 OF THE UBLIC ACTS OF 1972, AS AMENDED)

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Building Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Building Inspector of the Township of Cannon is hereby designed as the enforcing agency to discharge the responsibility of the Township of Cannon under Act 230, P.A. 1972, as amended, State of Michigan. The Township of Cannon assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. PENALTY. Failure to comply with a stop work order issued by the Building Inspector shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Building Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 3. FEE SCHEDULE. Fees for examinations, inspections, issuance of permits and all other activities performed by the Building Inspector shall be established by resolution.

SECTION 4. REPEALS. Ordinance No. 95-13, and all other Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed as of the earlier of: (a) its approval by the State Construction Code Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

SECTION 5. SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect upon the earlier of: (a) its approval by the State Construction Code

Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

ELECTRICAL CODE

ORDINANCE NO. 97-03

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE TOWNSHIP OF CANNON UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT (ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED)

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Electrical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Electrical Inspector of the Township of Cannon is hereby designed as the enforcing agency to discharge the responsibility of the Township of Cannon under Act 230, P.A. 1972, as amended, State of Michigan. The Township of Cannon assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. PENALTY. Failure to comply with a stop work order issued by the Electrical Inspector shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Electrical Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 3. FEE SCHEDULE. Fees for examinations, inspections, issuance of permits and all other activities performed by the Electrical Inspector shall be established by resolution.

SECTION 4. REPEALS. Ordinance No. 95-14, and all other Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed as of the earlier of: (a) its approval by the State Construction Code Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

SECTION 5. SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect upon the earlier of: (a) its approval by the State Construction Code

Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

MECHANICAL CODE

ORDINANCE NO. 97-04

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE TOWNSHIP OF CANNON UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT (ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED)

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Building Inspector of the Township of Cannon is hereby designed as the enforcing agency to discharge the responsibility of the Township of Cannon under Act 230, P.A. 1972, as amended, State of Michigan. The Township of Cannon assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. PENALTY. Failure to comply with a stop work order issued by the Building Inspector shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Mechanical Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 3. FEES. Fees for examinations, inspections, issuance of permits and all other activities performed by the Building Inspector shall be established by resolution.

SECTION 4. REPEALS. Ordinance No. 95-16, and all other Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed as of the earlier of: (a) its approval by the State Construction Code Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

SECTION 5. SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect upon the earlier of: (a) its approval by the State Construction Code Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

PLUMBING CODE

ORDINANCE NO. 97-05

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE TOWNSHIP OF CANNON UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT (ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED)

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Building Inspector of the Township of Cannon is hereby designed as the enforcing agency to discharge the responsibility of the Township of Cannon under Act 230, P.A. 1972, as amended, State of Michigan. The Township of Cannon assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. PENALTY. Failure to comply with a stop work order issued by the Building Inspector shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Plumbing Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 3. FEE SCHEDULE. Fees for examinations, inspections, issuance of permits and all other activities performed by the Building Inspector shall be established by resolution.

SECTION 4. REPEALS. Ordinance No. 95-15, and all other Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed as of the earlier of: (a) its approval by the State Construction Code Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

SECTION 5. SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect upon the earlier of: (a) its approval by the State Construction Code

Commission; or (b) 90 days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

OUTDOOR LIGHTING ORDINANCE

ORDINANCE NO. 99-06

AN ORDINANCE TO REGULATE OUTDOOR LIGHTING WITHIN THE TOWNSHIP OF CANNON AND TO PROVIDE PENALTIES OF THE VIOLATION THEREOF

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. PURPOSE. The purpose of this Ordinance is to provide reasonable regulations for the location and use of certain outdoor lighting, so as to accomplish where possible the following benefits for the public health, safety and general welfare, and otherwise in the public interest:

(a) Maintain safe night time driver performance on public roadways by minimizing both brightly lighted surfaces and lighting glare.

(b) Preserve the rural community character of the Township.

(c) Promote lighting which provides security but is not unduly intrusive or a nuisance to nearby residents or drivers.

(d) Eliminate intrusive artificial light and lighting that unnecessarily contributes to sky glow.

(e) Reduce light pollution from outdoor lighting sources and avoid light trespass onto adjacent properties.

SECTION 2. DEFINITIONS.

(a) Cut-off Plane: A horizontal plane around a light source above which light from the light source does not penetrate.

(b) Cut-off Angle: An angle measured upward from a vertical line.

(c) Glare: Light directly visible to a viewer's eye, either directly from a light source, reflected or refracted.

(d) Fixture: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing, and other attached parts.

(e) Illumination: Light directed at a working surface or into a space to be illuminated.

(f) Light Source: A light bulb or other source within a luminaire.

(g) Luminaire: An outdoor lighting fixture including the lamp and the fixture.

(h) Spill Light: Light emitted by a luminaire that falls outside the boundaries of the property on which the luminaire is located.

(i) Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- a. buildings and structures, including canopies and overhangs
- b. recreational areas
- c. parking lot lighting
- d. landscape lighting
- e. billboards and signs
- f. street lighting
- g. display and service areas
- h. oil and/or gas exploration, production and/or recovery uses and activities, including any of the procedures, processes, and operations relating thereto or associated therewith, and the discontinuance or abandonment of such uses and activities.

(j) Shielded or Full Cut-off Fixtures: Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted.

SECTION 3. OUTDOOR LIGHT FIXTURES.

(a) All outdoor light fixtures shall be shielded except those exempted under Section 5 and as otherwise permitted under Section 7. The intensity of light emitted from the fixture at any angle above a cut-off angle of 80 degrees from the vertical must be less than 10% of the peak candle power of the outdoor light fixture, as shown in Figure 1 in Section 13 of this Ordinance. Light shall not be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted, as shown in Figure 1.

(b) All outdoor fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways and does not produce a glare.

(c) Outdoor light fixtures shall not exceed a height of 23 feet above the ground directly below the fixture except for outdoor light fixtures serving those outdoor recreation areas regulated by Section 21.15 of the Township Zoning Ordinance.

(d) An outdoor light fixture shall not have a light source which is greater than 400 watts, except that any light source for a sign shall be limited as stated in Section 6.

SECTION 4. PROHIBITED LIGHTS.

(a) Unshielded dusk to dawn lights are prohibited in all zoning districts, except that such lights shall be permitted in the RR Rural Residential/Agricultural District and other Residential Districts if they comply with other provisions of this Ordinance and if such lights are only for a Township-permitted agricultural use, a Township-permitted residential use or a Township-permitted non-residential use.

(b) The use of search lights except by law enforcement agencies and civil authorities is prohibited.

SECTION 5. EXEMPTIONS. The following outdoor light fixtures are exempt from the provisions of this Ordinance.

(a) Outdoor light fixtures installed prior to the effective date of this Ordinance are exempt from the provisions of this Ordinance; provided, however, that when there is any change in the use, or any replacement, structural alteration or restoration of such outdoor light fixture, then the fixture shall thereafter conform to all provisions of this Ordinance.

(b) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.

(c) Street lights located within a public or private street right-of-way, except that such lights shall be shielded in accordance with Sections 2(j) and 3(a) of this Ordinance and shall also comply with Section 5A of this Ordinance.

(d) Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.

(e) Lighting necessary for road, construction or traffic emergencies or the construction or maintenance of equipment or facilities owned and operated by a State-regulated public utility that provides electricity or natural gas to the public under a Township-approved franchise or other lawful authority.

SECTION 5A. STREET LIGHTS. Types of street lights located in a public or private street right-of-way shall be only those that are listed on the current Cannon Township List of Approved Types of Street Lights, maintained in the Township office.

SECTION 6. LIGHTING FOR SIGNS. Sign lighting shall be subject to applicable provisions of the sign chapter of the Township Zoning Ordinance.

SECTION 7. OUTDOOR RECREATION LIGHTING. An outdoor recreational facility, whether public or private, or any other outdoor recreation activity, shall not be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or activity conducted at an athletic field, outdoor amphitheater, arena or similar facility or area, where the event or activity was in progress prior to 11:00 p.m., and further except that a ski area may be illuminated after 11:00 p.m. in order to provide for the artificial production of snow or other maintenance of the ski area.

SECTION 8. NIGHT LIGHTING. Outdoor light fixtures for off-street parking lots shall be turned off no later than one hour after the ending of the use on the site, except for lights which are necessary for security purposes.

SECTION 9. ADMINISTRATION AND ENFORCEMENT. The Township Zoning Administrator shall administer and enforce this Ordinance.

SECTION 10. INCLUSION OF INFORMATION ON OUTDOOR LIGHTING FIXTURES IN CERTAIN BUILDING PERMIT APPLICATIONS.

(a) Any person applying for a building or electrical permit for a commercial or industrial use which includes the installation of one or more outdoor lighting fixtures shall, as a part of the application for such permit, submit evidence that the proposed outdoor lighting fixtures and the work relating thereto will comply with this Ordinance.

(b) The evidence to be submitted with any such application for a commercial or industrial building or electrical permit shall include but need not be limited to the following, as determined necessary by the Zoning Administrator:

(1) Plans showing the type and location of the lamps, supports and other lighting devices.

(2) A description of the fixtures, lamps, supports and other equipment or devices. The description may include but need not be limited to manufacturer's catalog cuts, luminaire photometric reports, and drawings, including cross sections where required.

(c) The Township shall prepare and keep on file in the Township office a written summary of the principal provisions of this Ordinance that affect outdoor lighting for residential uses, and will make such information available to applicants for residential building permits.

SECTION 11. ENFORCEMENT.

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$1,000 for the first offense and not less than \$500 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense.

(b) The landowner, tenants, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided.

(c) In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this Ordinance or any continuance of such violation. In such case, the person found violating this Ordinance

shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

SECTION 12. VARIANCE. A variance from the terms and provisions of this Ordinance may be granted by the Township Zoning Board of Appeals as follows:

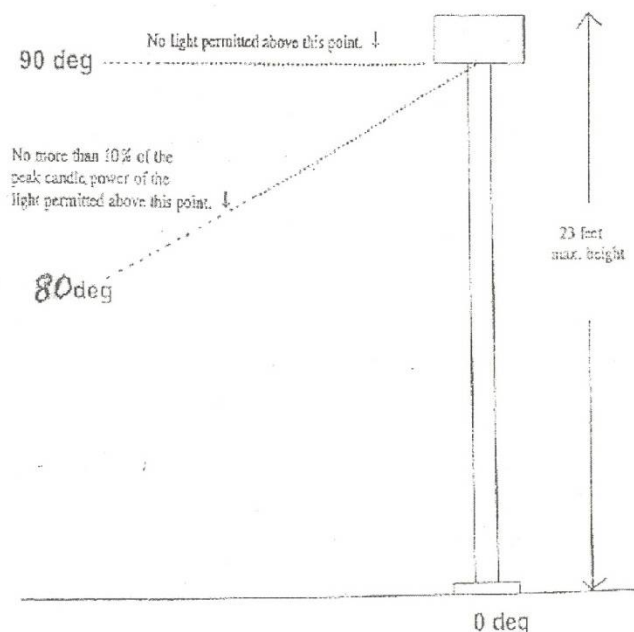
(a) If the applicant demonstrates that literal enforcement of any term or provision of this Ordinance is seriously impractical, or that it will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Township Zoning Board of Appeals may permit a variance from any such term or provision of the Ordinance. In granting any such variance, the Board of Appeals may impose conditions and other requirements.

(b) An applicant seeking a variance shall file an application with the Zoning Administrator, together with written or graphic materials documenting the facts involved and the stated need for the variance. The Zoning Administrator shall forward the application to the Board of Appeals, for the Board's consideration at the next meeting at which the matter can be accommodated on the Commission's agenda.

(c) Any such application for variance shall be considered by the Board of Appeals at a public meeting, but notice of the meeting need not be specially published or mailed, though such publication and/or mailing may be given in the Board's discretion.

SECTION 13. FIGURE 1. The following drawing depicts the minimum light-shielding requirements as stated in Section 3 of this Ordinance.

Figure 1



INTERNATIONAL PROPERTY MAINTENANCE CODE

ORDINANCE NO. 2015-5

AN ORDINANCE TO ADOPT BY REFERENCE THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO PROVIDE FOR CERTAIN MODIFICATIONS THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL CONFLICTING ORDINANCES

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE. The 2015 edition of the International Property Maintenance Code, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the Township of Cannon, for the control of buildings and structures as provided in said Code. All of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby adopted, as fully set forth in this Ordinance, with the additions, insertions, deletions and changes stated in Section 2 of this Ordinance.

SECTION 2. ADDITIONS, CHANGES AND OTHER REFERENCES IN SAID CODE. The International Property Maintenance Code is hereby amended and revised as follows:

(a) Enforcing Jurisdiction. Section 101.1 is hereby amended to insert “Township of Cannon” as the name of jurisdiction.

(b) Fees. Section 103.5 is hereby amended so as to read in its entirety as follows:

“103.5 Fees: Any fees for examinations, inspections, issuance of permits and all other activities under this Code shall be established by resolution of the Cannon Township Board.”

(c) Penalties. Section 106.4 is hereby amended to read in its entirety as follows:

“106.4 Violation penalties: A violation of this Code shall be a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for a first offense and not less than \$200 nor more than \$2,500 for each subsequent offense, in addition to all the costs, damages and expenses, including reasonable attorneys fees, incurred by Cannon Township by reason of the violation, as provided by law. For purposes of this section, a subsequent offense shall mean a violation of this Code occurring within one year after a previous violation. Each day that a violation continues shall be deemed to be a separate offense.”

(d) Penalties; Stop Work Order. Section 112.4 is hereby amended to read in its entirety as follows:

“Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon a finding of responsibility therefor, be responsible for a municipal civil infraction subject to the penalties as provided in Section 106.4 of this Code.”

(e) Weeds. Section 302.4 is hereby amended by inserting “10 inches” therein.

(f) Insect Screens. Section 304.14 is hereby amended by inserting “April 1” as the first specified date therein and “October 31” as the second specified date therein.

(g) Heat Supply; Dwellings. Section 602.3 is hereby amended by inserting “September 1” as the first specified date and “June 15” as the second specified date therein.

(h) Heat Supply; Work Spaces. Section 602.4 is hereby amended by inserting “September 1” as the first specified date and “June 15” as the second specified date therein.

SECTION 3. PENDING PROCEEDINGS. No provision of this Ordinance or in the Property Maintenance Code shall be construed to affect any suit or proceeding pending in any court as of the effective date of this Ordinance.

SECTION 4. SEVERABILITY. The terms and provisions of this Ordinance shall be deemed to be severable, and should any section, clause or provision hereof be declared to be invalid, the same shall not affect the validity of any other section, clause or provision of the Ordinance, if the same may be given effect without the provision thus declared to be invalid.

SECTION 5. REPEAL OF PRIOR ORDINANCE. Cannon Township Ordinance Number 2008-2 adopting the 2006 edition of the International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. COMPILATION OF ORDINANCES. The substantive provisions of this Ordinance shall be inserted in place of Ordinance 2008-2 in the Township Compilation of Ordinances.

SECTION 7. EFFECTIVE DATE. The summary of this Ordinance shall be published in a newspaper of general circulation. This Ordinance shall take effect 30 days following such publication.

Adopted: February 11, 2008

Published: March 4, 2008

Effective: April 3, 2008

LAND DIVISION ORDINANCE

ORDINANCE NO. 2001-06

AN ORDINANCE TO REGULATE THE DIVISION OF PARCELS OR TRACTS OF LAND IN ORDER TO CARRY OUT THE PROVISIONS OF MICHIGAN PUBLIC ACT 288 OF 1967, AS AMENDED, BEING THE LAND DIVISION ACT; TO ESTABLISH MINIMUM REQUIREMENTS AND PROCEDURES FOR THE APPROVAL OF SUCH LAND DIVISIONS AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. TITLE AND PURPOSE.

1.1 This Ordinance shall be known and may be cited as the Cannon Township Land Division Ordinance.

1.2 The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act") in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Township ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the Township by establishing minimum requirements for review and approval of certain land divisions within the Township.

1.3 This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Township.

SECTION 2. DEFINITIONS.

2.1 Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.

2.2 "Administrator" means the Township Zoning Administrator.

2.3 "Division" or "land division" means 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 (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.

2.4 "Exempt split" means 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.

2.5 “Parcel” means a contiguous area of land which can be described as stated in Section 102(g) of the Act.

2.6 “Parent parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.

2.7 “Private road” means a private road which complies with the requirements of the Township Zoning Ordinance or the Township private road ordinance, whichever is applicable.

2.8 “Road authority” means the governmental authority having jurisdiction of a public road or public street.

2.9 “Resulting parcel(s)” means one or more parcels which result from a land division.

2.10 “Tract” means two or more parcels that share a common property line and are under the same ownership

SECTION 3. LAND DIVISION APPROVAL REQUIRED. Any division of land, including any partitioning or splitting of land, within the Township which requires the approval of the Township in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4, 5 and 7 and the other applicable provisions of this Ordinance.

SECTION 4. APPLICATION FOR LAND DIVISION APPROVAL.

4.1. A proposed land division shall be filed with the Zoning Administrator and shall include the following:

(a) A completed application, on such written form as the Township may provide, including any exhibits described therein;

(b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land;

(c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.

(d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.

(e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:

(1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;

(2) Proposed boundary lines and the dimensions of each parcel;

(3) An adequate and accurate legal description of each resulting parcel;

(4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;

(5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets;

(6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application; and

(7) If a resulting parcel is a development site (as defined in the Act), the location of all public utility easements serving the parcel.

(f) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.

(g) Payment of the application fee and other applicable fees and charges to cover the costs of review of the application and administration of this Ordinance and the Act established by resolution of the Township Board.

4.2. A proposed division shall not be considered filed with the Township, nor shall the time period stated in subsection 5.2 commence, until all of the requirements for an application for land division approval have been complied with.

SECTION 5. MINIMUM REQUIREMENTS FOR APPROVAL OF LAND DIVISIONS.

5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:

(a) The application requirements of Section 4.

(b) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Township Zoning Ordinance for the zoning district(s) in which the resulting parcels are located.

(c) Each resulting parcel shall have the depth to width ratio specified by the Township Zoning Ordinance for the zoning district(s) in which the resulting parcel is located. If the Township Zoning Ordinance does not specify a depth to width ratio, each resulting parcel which is 10 acres or less in area shall have a depth which is not more than four

times the width of the parcel. The width and depth of the resulting parcel shall be measured in the same manner provided by the Township Zoning Ordinance for the measuring of the minimum width and maximum depth of parcels.

(d) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street, including all Cannon Township zoning ordinances, private street requirements and other access requirements.

(e) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.

(f) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.

5.2 The Administrator shall approve or disapprove a proposed land division within 45 days after the complete filing of the proposed division with the Administrator, and shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for the disapproval.

5.3 Any notice of approval of a division resulting in a parcel less than 1 acre in size shall contain a statement that the Township, its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109(a) of the Act, including requirements regarding suitability of on-site water supply and on-site sewage disposal, as described in Section 105(g) of the Act.

5.4 An applicant aggrieved by the decision of the Administrator may, within 30 days of the decision, file a written appeal of the decision to the Township Board, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least 10 days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Township Board may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.

5.5 The Administrator shall maintain a record of all land divisions approved by the Township.

SECTION 6. EXEMPT SPLITS AND OTHER DIVISIONS NOT SUBJECT TO APPROVAL.

6.1 An exempt split is not subject to approval by the Township if all resulting parcels are accessible (as defined in the Act) or if either Section 6.3(a) or 6.3(b) of this Ordinance applies.

6.2 The Township shall not permit the creation of an exempt split if one or more of the resulting parcels are not accessible unless either Section 6.3(a) or 6.3(b) of this Ordinance applies to all such inaccessible parcels.

6.3 An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size is not subject to approval by the Township if the parcel or tract is not accessible and either of the following applies:

(a) The parcel or tract was in existence on March 31, 1997; or

(b) The parcel or tract resulted from an exempt split or other partitioning or splitting under Section 109b of the Act.

SECTION 7. APPROVAL OF LAND DIVISIONS

7.1 A decision approving a land division shall be effective for not more than 90 days after such approval by the Administrator or, if appealed, by the Township Board, unless either of the following requirements is satisfied within such 90-day period:

(a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s), shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or

(b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Township, be deemed revoked and of no further effect after the 90th day following such approval by the Administrator or, if appealed, by the Township Board.

7.2 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 7.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this Ordinance. Such documents shall be maintained by the Administrator in the Township record of the approved land division.

7.3 The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.

7.4 Any parcel created inconsistent with or in violation of this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Township

ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

SECTION 8. PENALTIES AND OTHER REMEDIES. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500 for the first offense and not more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this Ordinance committed by the same person or party within one year after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

SECTION 9. SEVERABILITY. The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

STORM WATER ORDINANCE

ORDINANCE NO. 2001-9

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND CONTROL OF STORM WATER RUNOFF; TO PROVIDE FOR STORM WATER PERMITS AND THE PROCEDURES AND STANDARDS FOR THE ISSUANCE THEREOF; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE TOWNSHIP ASSOCIATED WITH STORM WATER PERMITS AND THE CONSIDERATION THEREOF; TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE PROTECTION OF FLOODWAYS AND FOR THE CONTROL OF SOIL EROSION AND SEDIMENTATION; TO ADOPT OTHER PROVISIONS FOR THE ESTABLISHING, MAINTAINING AND PROTECTION OF DRAINS AND DRAINAGEWAYS; TO PROVIDE REGULATIONS FOR THE INSPECTION, SAMPLING AND MONITORING OF STORM WATER AND OTHER DISCHARGES; TO ESTABLISH PERFORMANCE AND DESIGN STANDARDS FOR DETERMINING THE PERMITTED RATE OF STORM WATER RUNOFF FROM DEVELOPMENT SITES AND FOR ACHIEVING OTHER STORM WATER MANAGEMENT CONTROLS IN AND FOR SPECIFIED ZONES OF THE TOWNSHIP; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

WHEREAS, the Township recognizes, in the public interest, the importance of maintaining the quality of the lakes, streams and other water courses of the Township;

WHEREAS, the increasing rate and impact of land development within the Township brings with it the possibility of significant adverse effects upon water resources within the Township;

WHEREAS, the Township has concluded that well-considered storm water regulations are essential in order to maintain the lakes, streams and wetlands of the Township in their natural state and to eliminate adverse environmental impacts associated with land development projects; and

WHEREAS, the Township desires to work actively toward preserving the quality of water resources and, to that end, desires to adopt reasonable regulations on the discharge and control of storm water runoff.

THE TOWNSHIP OF CANNON ORDAINS:

ARTICLE 1
GENERAL

SECTION 1.01. STATUTORY AUTHORITY AND TITLE. This ordinance is adopted in accordance with the Township Ordinance Act, as amended, being MCL 41.181, et seq.; the Township and Village Public Improvement Act, as amended, being MCL 41.721, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et

seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This Ordinance shall be known and may be cited as the Township of Cannon Storm Water Ordinance.

SECTION 1.02. FINDINGS. The Township finds that:

(1) Water bodies, roadways, structures, and other property within, and downstream of the Township are at times subjected to flooding;

(2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Township and the region;

(3) Land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;

(4) Storm water runoff produced by land development contributes to increased quantities of water-borne pollutants;

(5) Increases of storm water runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the Township and downstream municipalities;

(6) Storm water runoff, soil erosion, and non-point source pollution, due to land development within the Township, have resulted in a deterioration of the water resources of the Township and downstream municipalities;

(7) Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the Township will, absent reasonable regulation and control, adversely affect the Township's water bodies and water resources, and those of downstream municipalities;

(8) Storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development;

(9) Adopting the standards, criteria and procedures contained in this Ordinance and implementing the same will address many of the deleterious effects of storm water runoff;

(10) Adopting the standards and requirements stated in this Ordinance, and assuring their implementation, is necessary for the protection of water bodies and other affected natural resources.

(11) Adopting these standards is necessary for the preservation of the public health, safety and welfare.

SECTION 1.03. PURPOSE. It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To reduce artificially induced flood damage;
- (2) To minimize increased storm water runoff rates and volumes from land development;
- (3) To prevent the deterioration of existing watercourses, culverts and bridges, and other structures;
- (4) To encourage water recharge into the ground where geologically favorable conditions exist;
- (5) To prevent non-point source pollution;
- (6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- (7) To eliminate the impact of development upon stream bank and streambed stability;
- (8) To prevent erosion from development or construction projects;
- (9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution; and,
- (10) To reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without storm water management controls meeting the purposes and standards of this Ordinance.
- (11) To regulate the rate and control the impact of storm water runoff from development sites, so as to prevent adverse effects on water bodies by reason of land development.
- (12) To reduce the adverse impact of changing land use on water bodies and, to that end, this Ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls.

SECTION 1.04. APPLICABILITY, EXEMPTIONS AND GENERAL PROVISIONS.

(1) This Ordinance shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter storm water drainage characteristics of the development site, provided, however, that this Ordinance shall not apply to the following:

(a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.

(b) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures.

(c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

SECTION 1.05. DEFINITIONS. For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise:

(1) Base Flood – A flood having a one (1) percent chance of being equaled or exceeded in any given year.

(2) Base Flood Elevation – The high water elevation of the Base Flood, commonly referred to as the “100-year flood elevation”.

(3) Base Flood Plain – The area inundated by the Base Flood.

(4) Best Management Practices (BMPs) – A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality’s Guidebook of BMPs for Michigan Watersheds, or, if required by the Township, equivalent or other practices and equivalent or other design criteria that accomplish the purposes of this Ordinance (including, but not limited to minimizing or preventing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the Township Engineer, and, where appropriate, the standards of the Kent County Drain Commissioner.

(5) Building Opening – Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.

(6) Clean Water Act – The Federal Water Pollution Control Act, 33 USC Sec 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

(7) Construction Site Storm Water Runoff – Storm water runoff from a development site following an earth change.

(8) Design Engineer – Registered and licensed professional engineer responsible for the design of a drainage plan.

(9) Detention – A system which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.

(10) Developed or Development – The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Township’s approval of a site plan, plat, site condominium, special land use, planned unit

development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of Article II only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family detached dwelling if it is located more than 500 feet from a water body or a two-family detached dwelling if it is located more than 500 feet from a water body.

(11) Developer – Any person proposing or implementing the development of land.

(12) Development Site – Any land that is being or has been developed, or that a developer proposes for development or that is the subject of an earth change.

(13) Discharger – Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this Ordinance.

(14) Drain – Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or intercounty drain.

(15) Drainage – The collection, conveyance, or discharge of ground water and/or surface water.

(16) Drainageway – The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

(17) Earth Change – Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

(18) EPA – The United States Environmental Protection Agency.

(19) Erosion – The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

(20) Exempted Discharges – Discharges other than storm water as specified in Section 4.02 of this Ordinance.

(21) Federal Emergency Management Agency (FEMA) – The agency of the federal government charged with emergency management.

(22) Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.

(23) Floodplain – Any land area subject to periodic flooding.

(24) Flood-Proofing – Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements utilities and structures.

(25) Flood Protection Elevation (FPE) – The Base Flood Elevation plus one (1) foot at any given location.

(26) Floodway – The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth (1/10) of a foot due to the loss of flood conveyance or storage.

(27) Grading – Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

(28) Illicit Connection – Any method or means for conveying an illicit discharge into water bodies or the Township’s storm water system.

(29) Illicit Discharge – Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this Ordinance.

(30) Impervious Surface – Surface that does not allow storm water runoff to slowly percolate into the ground.

(31) KCDC – Kent County Drain Commissioner.

(32) Lowest Floor – The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.

(33) MDEQ – Michigan Department of Environmental Quality.

(34) NPDES – National Pollution Discharge Elimination System.

(35) Overland flow-way – Surface area that conveys a concentrated flow of storm water runoff.

(36) Person – An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

(37) Plan – Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

(38) Pollutant – A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or

discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

(39) Property Owner – Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.

(40) Retention – A system which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.

(41) Soil Erosion – The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.

(42) State of Michigan Water Quality Standards – All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

(43) Storm Drain – A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.

(44) Storm Water Permit – A permit issued pursuant to this Ordinance.

(45) Storm Water Runoff – The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

(46) Storm Water Runoff Facility – The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey storm water.

(47) Stream – A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

(48) Township – The Township of Cannon.

(49) Water Body – A river, lake, stream, creek or other watercourse or wetlands.

(50) Watershed – A region draining into a water body.

(51) Wetlands – Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

ARTICLE II
STORM WATER PERMITS

SECTION 2.01. PERMIT REQUIRED.

(1) A developer shall not engage in any development without first receiving a storm water permit from the Township pursuant to Section 2.02.

(2) The granting of a storm water permit shall authorize only such development for which the permit is required, subject to the terms of the permit, and it shall not be deemed to approve other development or other land use activities.

SECTION 2.02. STORM WATER PERMIT REVIEW PROCEDURES. The Township shall grant a storm water permit, which may impose terms and conditions in accordance with Section 2.09, and which shall be granted only upon compliance with each of the following requirements:

(1) The developer has submitted a drainage plan complying with Section 2.03.

(2) The drainage plan contains a description of an adequate, temporary storm water retention system to prevent construction site storm water runoff, satisfying the requirements of Section 2.05, and the developer has obtained a soil erosion permit, if necessary.

(3) One of the following conditions is satisfied:

(a) The developer provides:

(1) A permanent on-site storm water system sufficient to provide, as required in the reasonable discretion of the Township, either on-site detention or on-site retention of storm water runoff in a twenty-five (25) year storm event, and

(2) A direct connection for all storm water runoff that will be discharged from and through the development site in a one hundred (100) year storm event; or

(b) The developer provides a permanent on-site storm water system with a restricted outlet designed to result in no net increase in storm water runoff volume or rate onto any adjacent property in a one hundred (100) year storm event.

(4) The developer has paid or deposited the storm water permit review fee pursuant to Section 2.04.

(5) The developer has paid or posted the applicable financial guarantee pursuant to Section 2.06.

(6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance including, but not limited to, Section 7.02. All easements shall be acceptable to the Township in form and substance and shall be recorded with the Kent County Register of Deeds.

(7) The drainage plan is designed in conformity with the Township's design and performance standards for drains and storm water management systems, as set forth in Article VIII.

(8) All storm water runoff facilities shall be designed in accordance with the then-current BMPs.

(9) The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all storm water runoff facilities and in compliance with the approved drainage plan and this Ordinance including, but not limited to, Section 7.03. The maintenance agreement shall be acceptable to the Township in form and substance and shall be recorded with the Kent County Register of Deeds.

SECTION 2.03. DRAINAGE PLAN. The developer shall provide a drainage plan to the Township for review and approval by the Township. The drainage plan shall identify and contain all of the following:

(1) The location of the development site and water bodies that will receive storm water runoff.

(2) A drawing showing the existing and proposed topography of the development site, including the alignment and boundaries of the current and proposed natural drainage courses; provided, however, that

(a) With respect to only an individual single-family detached dwelling located 500 feet or less from a water body and with respect to only a two-family detached dwelling located 500 feet or less from a water body:

(i) Such drawing shall be sufficiently detailed, and shall depict topographic contours at maximum intervals of two feet (using USGS datum), so as to enable the Township to determine accurately the current and proposed location and elevation of drainage courses on the development site. The method of preparation of the topographic drawing, and the source of the data determining the topographic contours, may vary, but the drawing shall be subject to Township approval as to whether it accurately represents, and effectively depicts, the current and proposed contours and drainage courses. Among other sources and methods, the topographic drawing may be prepared using registered survey information, data compiled in the Grand Valley Regional Geographic Information System (REGIS) or such other source of information or method of depiction that the Township determines to be sufficiently accurate and reliable for the purposes of this Ordinance.

(3) The development tributary area to each point of discharge from the development.

(4) Calculations for the final peak discharge rates.

(5) Calculations for any facility or structure size and configuration.

(6) A drawing showing all proposed storm water runoff facilities with existing and final grades.

(7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.

(8) An implementation plan for construction and inspection of all storm water runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water runoff facilities are constructed in accordance with the approved drainage plan.

(9) A plan to ensure the effective control of construction site storm water runoff and sediment track-out onto roadways.

(10) Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this Ordinance.

(11) A maintenance agreement, in form and substance acceptable to the Township, for ensuring maintenance of any privately-owned storm water runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Township to maintain any on-site storm water runoff facility as reasonably necessary, at the developer's expense.

(12) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities.

(13) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS).

(14) Any other information necessary for the Township to verify that the drainage plan complies with the Township's design and performance standards for drains and storm water management systems.

SECTION 2.04. STORM WATER PERMIT REVIEW FEES.

(1) All expenses and costs incurred by the Township directly associated with processing, reviewing and approving or denying a storm water permit application shall be paid (or reimbursed) to the Township from the funds in a separate escrow account established by the developer, as provided in subsection (2). The Township may draw funds from a developer's escrow account to reimburse the Township for out-of-pocket expenses incurred by the Township relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:

(a) Services of the Township Attorney directly related to the application.

(b) Services of the Township Engineer directly related to the application.

(c) Services of other independent contractors working for the Township which are directly related to the application.

(d) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.

(2) At the time a developer applies for a storm water permit, the developer shall deposit with the Township Clerk, as an escrow deposit, an initial amount as determined by resolution of the Township Board for such matters and shall provide additional amounts as requested by the Township in such increments as are specified in said resolution (if the developer makes an escrow deposit for zoning purposes, any funds deposited for storm water permit purposes may be maintained and accounted for in the zoning escrow account). Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final Township approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the Township's final decision on an application shall the balance in the escrow account fall below the required initial amount. If the funds in the account are reduced to less than the required initial amount, the developer shall deposit into the account an additional amount as determined by the Township Board resolution, before the application review process will be continued. Additional amounts may be required to be placed in the escrow account by the developer, at the discretion of the Township.

SECTION 2.05. CONSTRUCTION SITE RUNOFF CONTROLS. Prior to making any earth change on a development site regulated by this Ordinance, the developer or other person making an earth change shall first obtain a soil erosion permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if one is required. The developer or other person making an earth change shall install storm water runoff facilities and shall phase the development activities so as to prevent construction site storm water runoff and off-site sedimentation. During all construction activities on the development site, the Township Engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

SECTION 2.06. FINANCIAL GUARANTEE.

(1) The Township Engineer shall not approve a storm water permit until the developer submits to the Township, in a form and amount satisfactory to the Township, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water runoff facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 2.03(8), the Township may release the letter of credit, or other financial guarantee subject to final Township acceptance and approval.

(2) Except as provided in subsection (3), the amount of the financial guarantee shall be \$10,000, unless the Township determines that a greater amount is appropriate, in which

case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than \$10,000 is appropriate, the Township shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water runoff facilities the development will utilize.

(3) The Township Supervisor, or such other Township official determined by the Township Board, may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten percent (10%).

(4) This Ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

SECTION 2.07. CERTIFICATE OF OCCUPANCY. No certificate of occupancy shall be issued until storm water runoff facilities have been completed in accordance with the approved drainage plan; provided, however, the Township may issue a certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the Township, for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan.

SECTION 2.08. NO CHANGE IN APPROVED FACILITIES. Storm water runoff facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

SECTION 2.09. TERMS AND CONDITIONS OF PERMITS. In granting a storm water permit, the Township may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this Ordinance. A developer shall comply with such terms and conditions.

ARTICLE III STORM WATER SYSTEM, FLOODPLAINING AND OTHER STANDARDS, SOIL EROSION CONTROL

SECTION 3.01. MANAGEMENT OF AND RESPONSIBILITY FOR STORM WATER SYSTEM. The Township is not responsible for providing drainage facilities on private property for the management of storm water on said property. It shall be the responsibility of the property owner to provide for, and maintain, private storm water runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

SECTION 3.02. STORM WATER SYSTEM. All storm water runoff facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

SECTION 3.03. STORM WATER DISCHARGE RATES AND VOLUMES The Township is authorized to establish minimum design standards for storm water discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the storm water drainage system, in the following circumstances:

(1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or

(2) The discharge exceeds the Township-calculated pre-development discharge characteristics for the subject property, and the Township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this Ordinance.

SECTION 3.04. FLOODPLAIN STANDARDS.

(1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the Flood Protection Elevation (FPE) and shall be in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodway alteration shall be permitted only upon review and approval by the Township, in accordance with an approved drainage plan.

(2) A drainage plan providing for the filling or alteration of a floodway may include provisions for maintaining stability of the banks of streams or other water bodies, by means of the establishing of buffer zones and other means of providing protection of the slopes and banks of water bodies.

(3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

SECTION 3.05. SOIL EROSION AND SEDIMENTATION CONTROL.

(1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a storm water drainage system, a public street or right of way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state and local ordinances, rules and regulations.

(2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:

(a) Comply with the storm water management standards of this Ordinance.

(b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.

(c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.

(d) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.

(e) Prevent damage to adjacent or nearby land.

(f) Apply for all required approvals or permits prior to the commencement of work.

(g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this Ordinance.

(h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this Ordinance.

(i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within twenty-four (24) hours, or immediately following the issuance of all required permits or the granting of other required approvals, shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety. In the event of the deposit of soil, sediment, debris, or other materials on any lands and other specified places, as stated in this subsection, the property owner and other persons causing or participating in the earth change that resulted in the same shall promptly apply to the Department of Environmental Quality, or other agency having jurisdiction, for all required approvals for the removal of any such materials, and promptly upon obtaining such approvals, the property owner or other participating person shall proceed immediately to accomplish such removal.

(j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

(k) Request and obtain inspection of soil erosion and sedimentation control facilities, by the Township at such frequency as required by the Township.

SECTION 3.06. BUILDING OPENINGS.

(1) No building opening shall be constructed below the following elevations:

(a) One foot above the 100-year floodplain.

(b) The building opening established at the time of plat or development approval and on file in the Township Engineering Department.

- (c) Three feet above the top of any downstream culvert.
- (d) Four feet above the bottom of any permanent and defined drain.

(2) A waiver from elevations stated in Section 3.05(1) may be granted by the Township Engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(3) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this Ordinance. This certificate shall attest that the building opening elevation complies with the standards of this Ordinance. The permittee for the building permit shall submit the certificate to the Township Building Inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06(1)(b) or (c), that opening must be raised using a method that meets with the approval of the Township. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this Ordinance prior to the commencement of framing and or structural steel placement.

SECTION 3.07. [RESERVED].

SECTION 3.08. PUBLIC HEALTH, SAFETY AND WELFARE. Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

ARTICLE IV PROHIBITIONS AND EXEMPTIONS

SECTION 4.01. PROHIBITED DISCHARGES.

(1) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.

(2) The Township is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Township's storm water drainage system.

(3) The discharge prohibitions of this section shall not apply to any non-storm water discharge authorized under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided further, that written approval has been granted for any such discharge to storm water runoff facilities, or to a water body.

SECTION 4.02. EXEMPTED DISCHARGES. The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

- Water supply line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration to storm drains
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Non-commercial car washing
- Dechlorinated swimming pool water
- Street washwater
- Discharges or flows from emergency fire fighting activities
- Discharges for which a specific federal or state permit has been issued.

SECTION 4.03. INTERFERENCE WITH NATURAL OR ARTIFICIAL DRAINS.

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the Township and receiving approval of that plan. Any deviation from the approved plan is a violation of this Ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

(2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.

(3) For an overland flow-way:

(a) Silt screen fences shall not be permitted below the top of the bank of a water body.

(b) Chain link fences shall be permitted if the Township determines that the fence will not obstruct or divert the flow of water.

(c) If a fence is removed by the Township for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.

(d) No shrubs or trees shall be planted below the top of the bank of a water body.

(4) Shrubs, trees or other above-ground woody vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

SECTION 4.04. STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGEWAY. Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a drainageway.

SECTION 4.05. PROHIBITION OF ILLICIT CONNECTIONS.

(1) The construction, use, maintenance or continued existence of illicit connections to storm water runoff facilities is prohibited.

(2) This prohibition includes, without limitation, illicit connections made prior to the effective date of this Ordinance, regardless of whether the connection was permitted by law or practices applicable or customary at the time of connection.

(3) A person shall be in violation of this Ordinance if the person connects any sanitary sewer main or pipe, or any other component of a sanitary sewer system, to storm water runoff facilities, or any part thereof, or permits such a connection to continue.

SECTION 4.06. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the Township prior to permitting discharges to storm water runoff facilities, or any part thereof.

ARTICLE V

INSPECTION, MONITORING, REPORTING AND RECORDKEEPING

SECTION 5.01. INSPECTION AND SAMPLING. To assure compliance with the standards in this pervasively regulated area, the Township may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Township's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Township shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Township or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

SECTION 5.02. STORM WATER MONITORING FACILITIES. A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Township. The Township may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances and regulations.

SECTION 5.03. ACCIDENTAL DISCHARGES.

(1) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Township concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Township within five (5) days. The written report shall specify:

- (a) The composition of the discharge and the cause thereof.
- (b) The exact date, time, and estimated volume of the discharge.
- (c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
- (d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.

(2) A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 5.03(1).

SECTION 5.04. RECORD KEEPING REQUIREMENT. Any person subject to this Ordinance shall retain and preserve for no less than three (3) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

ARTICLE VI
ENFORCEMENT

SECTION 6.01. SANCTIONS FOR VIOLATION.

(1) Any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than \$100 nor more than \$2,500 for a first offense, and not less than \$500 nor more than \$5,000 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The Township Supervisor and the Township Zoning Administrator are each authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

(2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(3) Any person who aids or abets a person in a violation of this Ordinance shall be subject to the sanctions provided in this section.

SECTION 6.02. SUSPENSION OF DISCHARGE ACCESS; STOP WORK ORDER.

(1) Suspension Due to Illicit Discharges in Emergency Situations – The Township may, without prior notice, suspend discharge access to storm water runoff facilities, or any part thereof, to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to storm water runoff facilities, or any part thereof, or to a water body. If the violator fails to comply with a suspension order issued in an emergency, the Township may take all measures as necessary to prevent or minimize damage to storm water runoff facilities, or any part thereof, or a water body, or to minimize or prevent other adverse effects.

(2) Suspension Due to the Detection of Illicit Discharge – The Township may terminate discharge access to persons discharging to storm water runoff facilities or water bodies in violation of this Ordinance, if such termination would abate or reduce an illicit discharge. The Township shall notify a violator of the proposed termination of its access to the storm water runoff facility or water body. The violator may petition the Township for a reconsideration and hearing.

(3) Stop Work Order – If there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the Township may issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Township may also undertake, or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

SECTION 6.03. FAILURE TO COMPLY; COMPLETION. In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Township may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Township for all costs of such work.

SECTION 6.04. EMERGENCY MEASURES. When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Township is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Township for all of such costs.

SECTION 6.05. COST RECOVERY FOR DAMAGE TO STORM DRAIN SYSTEM. A discharger shall be liable for all costs incurred by the Township as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

SECTION 6.06. COLLECTION OF COSTS; LIEN. Costs incurred by the Township and the Drain Commissioner pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Township Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Township or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

SECTION 6.07. APPEALS. Any person as to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Township Board the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Township Board shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Township Board may consider the recommendations of the Township Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Township Board may grant a variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(1) The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and

(2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this Ordinance, nor result in less effective management of storm water runoff.

ARTICLE VII STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS

SECTION 7.01. APPLICABILITY OF REQUIREMENTS. The requirements of this article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Township for review and approval.

SECTION 7.02. STORM WATER MANAGEMENT EASEMENTS. The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance required by the Township and shall record such easements as directed by the Township. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

SECTION 7.03. MAINTENANCE AGREEMENTS. The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance as required by the Township, and shall record such agreements as directed by the Township. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of storm water runoff facilities and adequate emergency overland flow-ways.

SECTION 7.04. ESTABLISHMENT OF COUNTY DRAINS. Prior to final approval, all storm water management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

ARTICLE VIII PERFORMANCE AND DESIGN STANDARDS

SECTION 8.01. PERFORMANCE STANDARDS. In order to achieve the goals and purposes of this Ordinance, the following three storm water management zones (Zones A, B and C) are hereby established. The Zones are shown on the map attached as Appendix A and made a part of this Ordinance.

(1) Zone A represents areas which require the most protective storm water management regulations. Generally, lands in Zone A have less than 10% imperviousness. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. Zone A has, in general, little impervious surface area and few storm water facilities. In this zone, where site conditions do not permit infiltration of storm water runoff, detention of storm water runoff, with a restricted outlet, shall be required. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion. Section 8.02 specifies design criteria for Zone A, in order that the volume and rate of storm water runoff are controlled at predevelopment levels.

(2) Zone B represents developed areas that have significant impervious surfaces and storm water runoff facilities in place. Generally, the lands in Zone B have from 10% to 25% imperviousness. The goal of Zone B is the control of storm water runoff in order to prevent further destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified in Section 8.02 for the achieving of the storm water management standards applicable to Zone B. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.

(5)[sic]Zone C consists of (1) highly urbanized areas, (2) areas where there has been significant modification of drainageways or (3) areas located in such proximity to water bodies that detention of storm water runoff would be generally detrimental to such water bodies. The amount of impervious surface area in Zone C is generally greater than 25%. Among the measures required in Zone C, as stated in Section 8.02, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and the reduction of impervious surface areas that are directly connected to water bodies. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

SECTION 8.02. DESIGN STANDARDS. The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	Zone A	Zone B	Zone C
Storm Water Management Standards	Use infiltration basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area.	Use sediment basins, maintain and enhance buffer strips, and reduce directly connected impervious area.
Water Quality Control	Detain the first 0.5” of runoff from the contributing watershed, with detention per Zone B and infiltration where conditions permit, or provide equivalent treatment.	Detain the first 0.5” of runoff from the contributing watershed for 24 hours or provide equivalent treatment, and infiltration when conditions permit.	Provide sedimentation control within the drainage system, and infiltration when conditions permit.
Bank Erosion Control	Rate of release shall be limited to 0.025 cfs/acre for a 2-year storm event.	Release rate of .13 cfs/acre per Kent County Drain Commissioner rules.	Provide sedimentation control within the drainage system and infiltration when conditions permit.

Flood Control	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per KCDC rules.	Release rate of 0.13 cfs/acre per Kent County Drain Commissioner rules.	Direct conveyance of storm water runoff within the capacity of downstream system.
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SECTION 8.03. RESOLUTION TO IMPLEMENT PERFORMANCE AND DESIGN STANDARDS. The Township Board of the Township may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this Ordinance, and in order to further implement its goals and purposes.

ARTICLE IX
OTHER MATTERS

SECTION 9.01. INTERPRETATION. Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

SECTION 9.02. CATCH-LINE HEADINGS. The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

SECTION 9.03. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

SECTION 9.04. OTHER ORDINANCES. This Ordinance shall be in addition to other ordinances of the Township, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this article.

SECTION 9.05. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

PUBLIC NUDITY ORDINANCE

ORDINANCE NO. 2003-6

WHEREAS, the Township Board of the Township of Cannon has determined that it is in the best interest of the public safety and welfare of the Township and its residents to prohibit public nudity within the Township;

WHEREAS, Section 1 of Public Act 246 of 1945, as amended, being section 41.181 of Michigan Compiled Laws, authorizes the Township Board to adopt an ordinance prohibiting public nudity within the Township; and

WHEREAS, the Township Board recognizes the deleterious secondary effects of business activities that utilize or emphasize public nudity, for such effects have been experienced in other communities, and have been documented in studies and reports.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. PUBLIC NUDITY PROHIBITED. No person shall engage in public nudity. No business establishment shall permit persons to engage in public nudity. For purposes of this Ordinance, the term "business establishment" shall include, but not be limited to, owners, officers, employees, and other persons in charge of or in control of a business premises or any part thereof.

SECTION 2. PUBLIC NUDITY DEFINED. As used herein "public nudity" means knowingly or intentionally displaying to another person(s) any individual's genitals, pubic area or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple or areola: (1) in a public place; or (2) for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee. Public nudity does not include a woman's breast feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the breast feeding.

SECTION 3. PUBLIC PLACE DEFINED. As used herein, "public place" means any premises which are open to the general public or any business, club, association, lodge, fraternal organization or other association, group or entity.

SECTION 4. PUBLIC NUDITY DECLARED A NUISANCE. Any premises in which public nudity is offered, promoted, allowed or encouraged shall constitute a public nuisance, and shall be subject to abatement proceedings.

SECTION 5. ENFORCEMENT BY ALL LEGAL MEANS. The Township may in its discretion enforce the terms of this Ordinance by any and all available remedies. Such remedies may include legal proceedings for the enjoining or prevention of violations, the issuance of municipal civil infractions and other enforcement means.

SECTION 6. PENALTIES. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$500 for the first offense, and not less than \$750 nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages and expenses. For purposes of this section,

“subsequent offense” means a violation of a provision of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

SECTION 7. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 8. SEVERABILITY. In the event that any section, term or provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except insofar as the section, term or provision thus declared invalid shall be inseparable from the remainder of the ordinance or any part thereof.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective thirty days after its publication or thirty days after the publication of a summary of its provisions in a local newspaper of general circulation.

Adopted June 23, 2003

GREASE TRAP ORDINANCE

ORDINANCE NO. 2004-8

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE MAINTENANCE AND INSPECTION OF GREASE TRAPS WITHIN THE TOWNSHIP OF CANNON AND TO PROVIDE PENALTIES OF THE VIOLATION THEREOF

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITIONS. For purposes of this Ordinance,

(a) Grease Trap means a device designed to intercept, separate and retain fats, oils, and grease from liquid waste and permit the liquid waste to discharge into the sewer system.

(b) Customer means the owner of the premises and/or the person or entity having possession of the premises served by public sanitary sewer, that is required by health code provisions to keep and maintain a grease trap.

SECTION 2. GREASE TRAPS.

(a) Grease Traps shall be installed at the sole expense of the Customer

(i) if the Township determines they are necessary for the proper handling of liquid wastes containing grease in excessive amounts;

(ii) if the Township, State of Michigan, or County of Kent regulations or plumbing codes require such installation; or

(iii) if any regulatory agency having jurisdiction determines that existing installations are inadequate to protect the sewer system. All grease traps shall be of a type and capacity approved by the Township or by other regulatory agencies having jurisdiction and shall be located so as to be readily accessible for cleaning and inspection.

(b) Grease Traps shall be constructed by impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight. Grease Traps shall be installed in compliance with current plumbing codes adopted by the Township or other regulatory agency. There shall be ample room and reasonable access to interceptors to allow accurate sampling and preparation of samples for transport and analysis. After the effective date of this Ordinance, all newly constructed grease traps shall be accessible for maintenance and cleaning outside of enclosed buildings in a place that is easily accessible for that purpose.

(c) After a newly constructed grease trap has been inspected by the plumbing inspector, the Customer responsible for maintaining the grease trap shall contact the Township or its designee to arrange for an initial inspection and registration to facilitate the administration of the requirements of this Ordinance.

(d) The Customer shall maintain Grease Traps at his expense, in continuously efficient operation at all times. Grease shall be removed from a Grease Trap in a manner in accordance with the requirements of the United States Environmental Protection Agency, the Michigan Department of Environmental Quality, and this Ordinance. The Township and its agents shall have the right to require evidence of records of maintenance and disposal related to the operation of Grease Traps and oil and sand interceptors or to inspect said records without prior notification.

(e) No later than the ninety (90) days following the effective date of this Ordinance, the Customer served by a Grease Trap shall arrange for and carry out the inspection, cleaning and maintenance of the device by a licensed qualified contractor and shall submit to the Township or its designee, within ten (10) days of the inspection, cleaning, and maintenance, a report of such inspection, cleaning and maintenance on a form approved by or acceptable to the Township, and signed by the contractor and thereafter repeat this inspection, cleaning, maintenance and reporting every sixty (60) days. The Customer shall accomplish said reporting by requiring the contractor to forward a copy of his receipt and statement of services rendered directly to the Township or its designee. The receipt and statement must state

- (i) the condition of the operation (“adequate” or “inadequate”),
- (ii) whether the inlet and outlet of the trap was open or closed;
- (iii) whether the trap and appurtenances require jetting and whether this service was refused, and
- (iv) what services were rendered.

(f) The Township or its designee, in its sole discretion, may determine that conditions on the premises of a user require cleaning and/or maintenance more often or less often than every sixty (60) days. Said determination shall be in writing and signed by the Township or its designee.

(g) Regular grease trap pumping and cleaning requires pumping out all liquids and solids and not leaving any pumpable material remaining in the trap.

(h) No decanted liquid from the pumped trap shall be returned to the trap.

(i) An Administrative Charge, in an amount established by resolution of the Township Board, shall be levied against a Customer for each month or portion of a month following the date by which the required report is not submitted. Failure to provide the report shall be grounds for disconnection of the premises by turning off the public water supply or other means, in addition to all other remedies provided by law and ordinance.

(j) In the event that the licensed contractor fails to provide the required report, and notice of said failure is provided to the owner of the premises, the Township or its designee shall accept written evidence of the services provided from the owner, in the form of a copy of the inspection and report of services provided by the licensed contractor. Said written evidence must be provided within ten (10) business days of the first class mailing of the notice.

SECTION 3. PENALTY – MUNICIPAL CIVIL INFRACTION. Any customer who shall violate any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of up to Five Hundred Dollars (\$500) plus any costs, damages, expenses, and other sanctions as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws. Each day a violation occurs or continues shall constitute a separate offense and shall make the violator liable for the imposition of a fine for each day.

SECTION 4. SEVERABILITY. If any section, phrase, or portion of this Ordinance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 5. CONFLICT. Any portion of any ordinance inconsistent with this Ordinance is hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

WETLANDS PROTECTION ORDINANCE

ORDINANCE NO. 2005-1

AN ORDINANCE TO REGULATE AND PROTECT WETLANDS IN THE TOWNSHIP OF CANNON, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known and may be cited as the “Cannon Township Wetlands Protection Ordinance.”

SECTION 2. DEFINITIONS. The following words and phrases in this Ordinance shall have the following respective meanings.

(a) “Contiguous” means any of the following:

(1) A permanent surface water connection or other direct physical contact with an inland lake, a stream, a pond or a river.

(2) A seasonal or intermittent direct surface water connection to an inland lake or stream, a pond or a river.

(3) A wetland that is partially or entirely located within 500 feet of the ordinary high watermark of an inland lake or stream, a pond, or a river.

(b) “Feasible and Prudent Alternative.” An alternative is feasible and prudent if both of the following provisions apply:

(1) The alternative is available and capable of being accomplished after taking into consideration cost, existing technology, and logistics; and

(2) The alternative would have less adverse impact on wetlands, watercourses or waterbodies and the aquatic life associated therewith. A feasible and prudent alternative may include any or all of the following:

(i) Use of a location other than the proposed location;

(ii) A different configuration;

(iii) A different size; or

(iv) A different method that will accomplish the proposed purpose or goal.

(c) “Fill Material” means soil, rocks, sand, pilings, waste of any kind, or any other material which displaces soil or water, reduces water retention potential or reduces ability for wetland vegetation growth.

(d) “Inland Lake or Stream” means a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. An inland lake or stream does not include a lake or pond that has a surface area of less than five acres.

Part 303 of the NREPA defines “Inland lake or pond, a river or stream” as meaning any of the following:

(1) A river or stream which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

(2) A natural or permanent artificial inland lake or impoundment that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is more than 5 acres. This does not include lakes constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

(3) A natural or permanent artificial pond that has permanent open water with a surface area that is more than 1 acre, but less than 5 acres. This does not include ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

(e) “MDEQ” means the State of Michigan Department of Environmental Quality.

(f) “Minor Drainage” includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering.

(g) “Non-Contiguous Wetlands” are isolated wetlands surrounded by upland and that are at least 500 feet from the ordinary high watermark of a defined watercourse or waterbody. These wetlands do not have a direct connection to an inland lake or stream.

(h) “Non-Regulated Wetlands” are wetlands that the Township has determined not to regulate, based on their size, vegetative composition, physical features, and relatively minimal resource value, as compared to wetlands that the Township has determined to regulate.

(i) “NREPA” means the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

(j) “Ordinary High Watermark” means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinctly different from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, the ordinary high watermark means the high established level.

(k) “Person” means an individual, sole proprietorship, partnership, limited liability company, corporation, association, or municipality; the State of Michigan; an instrumentality or agency of the State of Michigan; the federal government, an instrumentality or agency of the federal government; or other legal entity.

(l) “Structure” means any assembly of materials above or below the surface of the land or water, including but not limited to buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roadways, poles, fences, towers, cables, pipelines, drainage tiles, and other underground installations.

(m) “Township Wetland Officer” means the Township’s initial enforcement agent for this Ordinance.

(n) “Waterbody” means any body of water that has definite banks, a bed, and visible evidence of a continued occurrence of water. Waterbodies include both large and small lakes and ponds.

(o) “Watercourse” means any body of water that has definite banks, a bed, and visible evidence of a continued flow. The flow may be visible throughout the year or intermittent and only visible during certain seasons of the year.

(p) “Wetland” means (1) land that is five acres or less in area and that is not subject to regulation by the Michigan Department of Environmental Quality (MDEQ), or successor agency, under Part 303 of the Michigan Natural Resources and Environmental Protection Act (NREPA) of 1994, as amended; and (2) 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. Wetland is sometimes commonly referred to as a bog, swamp or marsh.

A wetland need not have standing water for support of vegetation, inasmuch as saturation of the soils below the surface of the ground may be sufficient for the support of wetland vegetation.

(q) “Wetland Assessment” means an evaluation of wetland functions, values, benefits, and/or physical features. A wetland assessment may also include those services and evaluations provided by a wetland identification.

(r) “Wetland Mitigation (or mitigation)” is the creation of wetland from upland to compensate for permitted impacts to wetland.

SECTION 3. FINDINGS OF FACT.

(a) The Township Board determines that wetlands are valuable resources that provide a multitude of benefits and values, including the following:

(1) Flood and storm control by the hydrologic absorption and storage capacity of the wetland;

(2) Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife and waterfowl;

(3) Protection of subsurface water resources and providing watersheds for recharging ground water supplies;

(4) Erosion control by serving as a sedimentation area and filtering basin, for the absorbing of silt and organic matter;

(5) Providing areas for passive and non-passive forms of recreation;

(6) Maintaining the overall quality of life for persons residing within the Township and also those who visit the Township to engage in recreation and for other purposes.

(b) The Township Board further determines that the conservation and development of natural resources is a matter of paramount public concern in the interest of the health, safety, and general welfare of the Township.

SECTION 4. PURPOSES. The purposes of this Ordinance include, but are not limited to, the following.

(a) To provide for the protection and preservation of wetlands that are not regulated under state law.

(b) To provide greater protection and preservation of all wetlands within the Township to better maintain their hydrological, biological, recreational, and aesthetic natural resource values.

(c) To protect the many functions and benefits that wetlands provide, including the following:

(1) Flood and storm water control; recharging of ground water supplies;

(2) Filtering of sediment;

(3) Reducing the forces of erosion, specifically along watercourses and water bodies;

(4) Wildlife and fish habitat;

(5) Protection of subsurface water resources and watersheds;

(6) Treatment of pollutants by serving as biological and chemical oxidation basins;

(7) Places for passive and non-passive recreational activities.

SECTION 5. STATUTORY BASIS. This Ordinance is adopted pursuant to Part 303, Wetland Protection, of the NREPA, P.A. 451 of 1994, as amended; and Part 17, Michigan Environmental Protection Act (“MEPA”), of the NREPA.

SECTION 6. ACTIVITIES REQUIRING A WETLAND USE PERMIT. It shall be unlawful for any person to conduct any activity listed below, within a wetland, without first obtaining a wetland use permit in accordance with the requirements of this Ordinance.

- (a) Depositing or permitting the placement of fill material;
- (b) Grading of the surface profile of the land;
- (c) Dredging, removing, or permitting the removal of soil, vegetation or minerals;
- (d) Draining, or causing to be drained through artificial means, any water into or from a wetland;
- (e) Constructing, operating, or maintaining any use, activity or development that occupies space within a wetland and/or diminishes the ability of the wetland to function, but is not exempt under Section 7; any use, activity or development in a wetland that requires a building permit, sanitary sewage disposal permit or any other required state, county or Township permit.

SECTION 7. ACTIVITIES NOT REQUIRING A WETLAND USE PERMIT. The following uses and activities are permitted in a wetland without a wetland use permit, subject to laws of the state and applicable Township ordinances:

- (a) Fishing, trapping, or hunting.
- (b) Swimming or boating.
- (c) Hiking.
- (d) Grazing of animals.
- (e) Farming, horticulture, silviculture and lumbering, including plowing; irrigation; irrigation ditching; seeding; cultivating; minor drainage; harvesting for the production of food, fiber, and forest products; or upland soil and water conservation practices. Wetland altered under this subsection (e) shall not be used for a purpose other than a purpose described in this subsection without a permit obtained under the terms of this Ordinance.
- (f) Maintenance or operation of a serviceable structure in existence or under construction on October 1, 1980 pursuant to Part 303 of NREPA.
- (g) The construction or maintenance of farm or stock ponds.

(h) Maintenance, operation, or improvement, that includes straightening, widening or deepening, of the following, where necessary for the commercial production or harvesting of agricultural products:

(1) An existing, private agricultural drain;

(2) That portion of a drain legally established pursuant to the Drain Code of 1956, which has been constructed or improved for drainage purposes;

(3) A drain constructed pursuant to other provisions of Part 303 of the NREPA.

(i) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment if the roads are constructed and maintained in a manner to assure that adverse effects on the wetland will be otherwise minimized.

(j) Drainage necessary for the production and harvesting of agricultural products, if the wetland is owned by a person who is engaged in commercial farming and if the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in Part 303 of the NREPA, wetland areas improved under this subsection after October 1, 1980, shall not be used for non-farming purposes without a permit from the MDEQ. This subsection shall not apply to a wetland that is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the MDEQ has determined to be necessary to be preserved for the public interest, in which case a permit shall be required.

(k) Maintenance or improvement of public streets, highways or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the width of the right-of-way; or deviating from the existing location of the street, highway, or road. Any new construction of public streets, highways or roads shall require the necessary permits, which may include a wetland use permit.

(l) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(m) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(n) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980, or constructed pursuant to Part 303 of the NREPA or former Act No. 203 of the Public Acts of 1979.

(o) An activity in a wetland that was effectively drained for farming before October 1, 1980 and that on and after October 1, 1980 has continued to be effectively drained as part of an ongoing, bona fide farming operation.

(p) Incidental creation of a wetland as a result of one or more of the following activities:

(1) Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of one acre or more in size.

(2) Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations.

(3) A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.

SECTION 8. ADDITIONAL ACTIVITIES NOT REQUIRING A WETLAND USE PERMIT. The following uses are permitted in a wetland without a wetland use permit subject to laws of the state and applicable Township ordinances:

(a) Any structure lawfully existing prior to the effective date of this Ordinance that is damaged by fire, explosion, act of God, or other causes beyond the control of the owner. Such a structure may be restored, rebuilt, or repaired, but only to the size, extent and area that existed prior to such damage. Reconstruction shall commence within two years from the date the structure was damaged and all other necessary Township, state and federal permits shall be obtained and complied with.

(b) Any use, activity or development approved by the Township after January 1, 2003 and prior to the effective date of this Ordinance.

(c) The cutting of vegetation within the right-of-way of maintained public streets, highways or roads for the purpose of vehicular safety.

(d) Dredging, placement of fill material or structures, cutting of vegetation, draining, and/or maintained use or development within a non-regulated wetland or a wetland created as part of a storm water detention/retention basin or landscaping project approved by the Township.

(e) A use, activity or development in a wetland, where the wetland is less than one-quarter acre in area, unless Section 14(b) applies.

SECTION 9. TOWNSHIP WETLAND INVENTORY MAP.

(a) A Township wetland inventory map shall be prepared by the Wetland Review Board, assisted by the Township wetland officer; the inventory map shall be subject to approval and adoption by the Township Board. The map shall be used in the administration of this Ordinance, but shall serve only as a guide to the general location of wetlands and potential wetlands in the Township.

(b) The wetland inventory map shall be based on the best information then available to the Township.

(c) The wetland inventory map shall be on file in the Township office and be available for review during normal business hours. Copies of the wetland inventory map shall be made available to the public at a reasonable cost.

(d) The Township shall provide for public notice and public comment prior to finalizing the wetland inventory map, and shall respond in writing to written comments received regarding the contents of the inventory.

(e) The Township shall notify each record owner of property on the property tax roll that the inventory map exists (or has been amended), where the map may be reviewed, that the owner's property may be designated as a wetland on the inventory map, and that the Township has an ordinance regulating wetlands. The notice shall also inform the property owner that the inventory map does not necessarily include all of the wetlands within the Township that may be subject to the wetlands ordinance. The notice may be given by including the required information with the annual notice of the property owner's property tax assessment.

(f) The Township wetland inventory map shall be amended from time to time, in the following manner:

(1) Proposed amendments in the wetland inventory map shall be prepared by the Wetland Review Board, assisted by the Township wetland officer.

(2) Such proposed amendments in the wetland inventory map shall be submitted by the Wetland Review Board to the Township Board, and shall be subject to the Board's approval and adoption. Upon such approval and adoption, the amendments shall be incorporated into the wetland inventory map.

SECTION 10. WETLAND IDENTIFICATION. The wetland identification process, as set forth herein, may be used to determine whether a parcel of land contains or does not contain wetland. This process can be used to assist property owners in identifying whether or not they need to obtain a wetland use permit. This process can also be used to identify whether a property shown as wetland on the Township wetland inventory map contains or does not contain a wetland.

(a) An applicant may choose to have any of the following entities perform a wetland identification:

(1) MDEQ staff in accordance with the MDEQ's program.

(2) A qualified wetland consultant experienced with the MDEQ's wetland identification procedures.

(3) The Township wetland officer. If this option is chosen, the applicant shall submit a request for a wetland identification, on a form supplied by the Township, and shall pay any required application fee.

(b) The wetland identification shall include a brief report explaining the methods used in identifying whether the property contains or does not contain wetland

(c) A wetland identification performed by the MDEQ or the applicant's wetland consultant shall be subject to the review and approval of the Township wetland officer. If not approved by the wetland officer, it shall have no further effect under the terms hereof.

(d) If the Township wetland officer conducts the wetland identification, the Township shall provide a response to the applicant within 30 days of receipt of a complete application, except when a greater period of time is permitted under subsection (f). The letter shall identify whether or not a wetland exists on the property, and whether a permit will be required.

(e) The findings of the wetland identification process, if different than those shown on the Township wetland inventory maps, shall be reflected in the next subsequent amendment of the Township wetland inventory map.

(f) The Township may defer completion of a wetland identification beyond the 30-day period stated in subsection (d), if snow cover, frozen ground or other weather conditions inhibit or prevent the wetland identification. A letter shall be sent to the applicant explaining the delay. The Township shall continue processing the application, as soon as site conditions permit, as determined by the Township.

SECTION 11. WETLAND USE PERMIT APPLICATIONS.

(a) An application for a wetland use permit shall be submitted prior to any use, activity or development that, under the terms of Section 6, is subject to the issuance of the permit. The application shall be similar in format to the MDEQ's joint permit application pursuant to Part 303 of the NREPA.

(b) Property owners of properties shown on the Township wetland inventory map as containing wetland shall submit a wetland use permit application for any of the uses or activities, described in Section 6. Properties shown as not having wetland on the Township wetland inventory map may or may not contain wetland. The wetland identification process may be used at any time in order to determine whether a wetland use permit is required for a proposed use, activity or development. An application is not required for those properties that are defined as non-regulated wetland, or are included in one of the exemptions listed in Section 7 or Section 8 of this Ordinance.

(c) An applicant for a wetland use permit shall submit the following to the Township Wetland Review Board:

(1) An application completed in full, on a form provided by the Township, and including the following information and any other information required by the Wetland Review Board:

(i) The applicant's and property owner's full legal name, mailing address, and telephone number.

(ii) A statement of the location of the subject property.

(iii) The legal description of the property on which any wetland or development is to be made, and the property tax identification numbers of such properties.

(iv) A statement and appropriate drawings describing the proposed wetland development (e.g., top view, side view, and cross-sectional drawings that show length, width, and height, and the square footage of area to be impacted).

(v) Written authorization for the Township and its agents to enter upon the property for the purpose of evaluating the application.

(vi) A written explanation, including alternative site plans, showing that the proposed land use or development is the least environmentally damaging alternative available.

(vii) Copies of all wetland assessments, applications, permits, and correspondence with the MDEQ and other relevant documents pertaining to the subject property.

(2) A wetland assessment of the proposed land use, activity or development. The wetland assessment shall be prepared by a qualified wetland expert and, among other matters, it shall identify the effects of the proposed uses and activities upon the wetland functions and benefits. The wetland assessment shall include, though it is not limited to the following:

(i) Dominant vegetation in the tree, shrub, and herb layers.

(ii) Presence or lack of wetland hydrology indicators.

(iii) Analysis of soil, including a description of the soil profile to at least 12 inches and comparison to the Kent County Soil Survey.

(iv) A discussion and summary of the effects of the proposed use or activity on water quality, wildlife and fish habitat, threatened and endangered species, flood storage, nutrient uptake and other functions and benefits of the wetland.

(v) Maps of the wetland area(s). Mapped data shall be represented in a manner that allows comparison to the Township wetland inventory map. Direction, section number, township, parcel number, and tax identification number shall also be included.

(3) A wetland assessment shall not be required for the proposed construction and use of a single-family detached dwelling on a lot or parcel on which such use is permitted under the terms of the Township Zoning Ordinance.

(d) Mitigation plans, if the proposed activity will result in the loss of wetland resources.

(e) Payment of the fee or other Township charges for conducting the review of the wetland use permit application, and otherwise responding to the application, including

reimbursement of Township expenses for the same, if such reimbursement is authorized by Township Board resolution. Further, the Township Board may implement this subsection by adopting, from time to time, resolutions establishing fees, charges, reimbursement procedures, establishment of escrow accounts by applicants and other requirements pertaining to fees, charges and expenses.

SECTION 12. REVIEW OF WETLAND USE PERMIT APPLICATIONS.

(a) Members of the Wetland Review Board and the wetland officer and, if a permit denial is appealed, members of the Township Board, may make reasonable entry upon the subject lands and waters for the purposes of making any investigation, inventory, or study necessary to evaluate a wetland use permit application.

(b) The Township wetland officer shall determine that all required information and the application fee have been submitted. The submission of the application shall constitute permission from the owner for the Wetland Review Board and the wetland officer, and, if a permit denial is appealed, the members of the Township Board, to conduct an on-site investigation.

(c) Upon receipt of a complete permit application, the Wetland Review Board shall:

(1) Transmit one copy of the application to the MDEQ.

(2) Perform or arrange for the performance of any one or all of the following tasks:

(i) Review the wetland land use permit application with respect to all applicable sections of this Ordinance.

(ii) Take photographs of the proposed development area and wetland that may be impacted by the proposed activities.

(iii) Prepare a report and map of the wetland on the property. The report may include recommendations or comments, for consideration by the applicant with respect to the following:

(A) Suggested alternative locations, configurations, and methods that could minimize impacts on the aquatic and natural resources of the land while still accomplishing the apparent goals of the proposed use, activity or development.

(B) Other suggested actions that may benefit the wetland resources.

(3) Approve, approve with conditions, or deny a wetland use permit application within 90 days after receipt of a complete permit application, except when a greater period of time is permitted under subsection (e). Applications involving wetlands of two acres or more shall be reviewed according to the criteria stated in Section 13. Applications involving wetlands of less than two acres shall be reviewed according to the criteria stated in Section 14.

When a wetland use permit is approved, approved with conditions, or denied, a written notice thereof shall be sent to the applicant. The denial of a permit shall be accompanied by a statement of the reasons for denial.

(4) Send a copy of the decision, including any maps showing the wetlands on the property, to the applicant.

(d) If the Wetland Review Board does not approve, approve with conditions, or deny the permit application within the 90-day time period provided in subsection (c)(3), or within the greater period of time permitted by subsection (e), the permit application shall then be considered approved, but with a permit condition requiring that each acre of wetland impacted shall be mitigated by the establishment of 1.5 acres of new wetland. The Wetland Review Board may waive mitigation requirements for a use, activity or development approved under this subsection if the impact area is less than 11,000 square feet (.25 acre).

(e) The Wetland Review Board may defer the review of and decision on a wetland use permit application, without regard to the 90-day time limit, if there is a significant amount of snow cover or frozen ground which limits the ability of the wetland officer to accurately assess proposed activities on the property. A notice of such deferral shall be sent to the applicant. The Wetland Review Board shall continue reviewing the application and the proposed use, activity or development, as soon as site conditions permit, as determined by the Wetland Review Board.

SECTION 13. REVIEW OF APPLICATIONS INVOLVING WETLAND AREAS OF TWO ACRES OR MORE.

(a) A permit for any activity listed in Section 6 shall not be approved unless the proposed activity is in the public interest and is lawful in all respects. The reasonable use of the property involved, in accordance with applicable local ordinances and state law, shall also be considered.

(b) In determining whether the activity is in the public interest, the benefit that reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, including potential harm to natural resources from pollution, impairment, or destruction. The following general criteria shall be considered:

(1) The relative extent of the public and private need for the proposed activity.

(2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

(3) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetlands provide.

(4) The probable impact of the activity in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

(5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, on the public health, welfare, and safety, and on fish and/or wildlife, including the probable impact on the wetland functions, values and benefits stated in Section 4(c) of this Ordinance.

(6) Economic value, both public and private, of the proposed land change to the general area.

(7) Findings of necessity for the proposed activity which may have been made by other agencies.

(8) Amount and quality of wetland remaining in the general area and proximity to a waterway.

(9) The size of the wetland in question.

(c) A wetland use permit shall not be issued if the Wetland Review Board determines that the proposed use, activity or development would result in an unacceptable disruption or degradation of the wetland, watercourses or waterbodies or the aquatic life dependent thereon or associated therewith. In making such determination, the Wetland Review Board shall consider, among other factors, the criteria stated in subsection (b) of this section and the purposes of this Ordinance, as stated in Section 4.

(d) A wetland use permit shall not be issued unless the applicant demonstrates either of the following:

(1) That the proposed use or activity is primarily dependent upon being located in the wetland. For purposes of this subsection (d) a proposed use or activity shall be determined as primarily dependent upon being located in the wetland only if the use or activity, by its type or nature, requires that it be located within the wetland in order to substantially achieve its proposed purpose or result.

(i) An application for a wetland use permit shall include sufficient information with respect to the proposed use or activity so as to enable the Township to analyze and consider the relevant facts bearing upon a determination whether the use or activity is primarily dependent upon being located in the wetland.

(ii) An applicant shall not so narrowly define or explain the purpose or scope of the use or activity so as to limit the Township in a complete analysis of whether the activity is primarily dependent upon being located in the wetland. Accordingly, the application shall fully describe the purposes for which the permit is sought, including associated uses and activities.

(iii) In its review of the application, the Township shall evaluate and determine whether the purpose and scope of the proposed use or activity have been adequately described by the applicant, and the Township shall then further consider the application based on such determination.

(2) That a feasible and prudent alternative does not exist.

(i) An alternative is feasible and prudent if both of the following apply:

(A) The alternative is available and capable of being accomplished, after taking into consideration the costs thereof, the available technology and the logistics likely to be involved in accomplishing the alternative; and

(B) The alternative would have less adverse impact on aquatic resources, as compared to the proposed use or activity.

(ii) A feasible and prudent alternative may include any or all of the following:

(A) The use of location other than the proposed location;

(B) The use of a different configuration, arrangement, design or type of construction as compared to the proposed configuration arrangement, design or construction of the proposed use or activity.

(C) A different size, area or scope of the proposed use or activity.

(D) The use of a different method or manner of proceeding that will nevertheless accomplish the basic purpose of the proposed use or activity.

(iii) The applicant shall demonstrate that, given all pertinent information, there is no feasible and prudent alternative that has less impact on aquatic resources. In this regard, the applicant may provide information regarding such factors as alternative construction technologies; alternative project layout and design; the effect of Township zoning provisions; and environmental and natural resource issues, among other matters.

(iv) An alternative may be considered feasible and prudent even if it does not accommodate every element or component of a proposed use or activity that is incident to or severable from the basic purpose of the proposed use or activity.

(v) An alternative may be considered feasible and prudent even if it may involve greater cost, but the Township shall consider the amount and reasonableness of the higher cost in making its determination.

SECTION 14. REVIEW OF APPLICATIONS INVOLVING WETLAND AREAS OF LESS THAN TWO ACRES.

(a) Where a person proposes to perform a regulated use or activity in a wetland of less than two acres, and if the wetland is not exempt from regulation under the terms of Section 8, a wetland use permit shall be applied for and a permit for such use or activity shall be required; provided, however, that this section shall not apply to wetlands of less than one-quarter acre unless subsection (b) applies; and also provided that the Wetland Review Board shall approve the wetland use permit unless the Wetland Review Board determines that the

wetland is essential to the preservation of the natural resources of the Township and provides findings thereon in writing to the applicant, stating the reasons for the determination. In making the determination, the Wetland Review Board shall find that one or more of the following factors exist at the site of the wetland:

(1) The site supports state or federal endangered or threatened plants, birds, fish, or wildlife appearing on the list specified in MCL 324.36505 of the NREPA, as amended.

(2) The site represents what is identified as a locally rare or unique ecosystem.

(3) The site supports plants or animals of an identified local importance.

(4) The site provides groundwater recharge documented by a public agency.

(5) The site provides flood and storm water control by the hydrologic absorption and storage capacity of the wetland.

(6) The site provides habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife.

(7) The site provides wildlife habitat by providing breeding, nesting or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.

(8) The site provides protection of subsurface water resources and valuable watersheds, for recharging groundwater supplies and for other purposes.

(9) The site provides pollution treatment by serving as a biological and chemical oxidation basin.

(10) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

(11) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(b) With respect to a use or activity in a wetland that is less than one-quarter acre in area and that is not subject to regulation by MDEQ, the Wetland Review Board may determine that the wetland is not exempt from regulation under Section 8 and that a wetland use permit shall be applied for and a permit for the use or activity shall be required. In making the determination, the Wetland Review Board shall find that all of the following factors exist at the site of the wetland:

(1) That the wetland is essential to the preservation of natural resources of the Township (and the Wetland Review Board shall provide findings thereon in writing to the applicant);

(2) That one or more of sub-paragraphs (1) through (11) of subsection (a) apply; and

(3) That the wetland is of such overriding importance in the preservation of the natural resources of the Township that its small size should not constitute a basis for the use or activity in the wetland to be exempt from regulation by the Township under the terms of this Ordinance.

SECTION 15. CONDITIONS INCLUDED IN WETLAND USE PERMITS.

(a) The Wetland Review Board or Township Board, as applicable, shall include in any wetland use permit such reasonable conditions to ensure that the permitted use or activity will be consistent with the intent and purposes of this Ordinance. Such conditions may include required methods, construction work sequence, and other measures necessary to ensure the permitted activities are carried out in a manner that will minimize damage to or impairment of wetlands, or that will ensure that such damage or impairment will be sufficiently mitigated.

(b) A permit shall be issued upon a determination that all requirements of this Ordinance and the law have been complied with, including issuance of all other required permits by the Township, the MDEQ and other governmental agencies.

(c) A wetland use permit may include a required performance bond or letter of credit sufficient to assure that the permitted activities, wetland mitigation, or other permit conditions are completed in full and timely compliance with the permit.

(d) If an applicant engages in any activity or makes any change that might affect the criteria for approval of the wetland use permit, the applicant shall notify the Township wetland officer of that activity or change. Any use or activity that increases the size or scope of permitted activities or adversely affects the criteria considered in approving the permit shall require the filing and consideration of a new wetland use permit application.

(e) A permit shall include provisions for required inspections by the Township at appropriate stages of the construction or installation of the permitted use or activity, including provisions requiring that the applicant notify the Township at such time as specified stages of construction or installation are ready for inspection. Such inspections shall include a final inspection and approval by the Township, after the use or activity has been constructed or installed. A subsequent stage of construction shall not be commenced until after Township approval of the previous stage.

SECTION 16. REVOCATION OF PERMITS; DURATION OF APPROVAL.

(a) Any permit granted under this Ordinance may be revoked or suspended by the Township wetland officer after notice and an opportunity for a hearing, for any of the following:

(1) A violation of a condition of the permit.

(2) Misrepresentation or failure to fully disclose relevant facts in the application that the Wetland Review Board, or the Township Board in the case of an appeal, concludes may have resulted in the approval of the permit, or approval of the permit with less than all appropriate conditions, where the permit may have been denied or may have been approved with other or more stringent conditions, if the applicant had not misrepresented or failed to fully disclose such facts.

(b) An applicant who has received a wetland use permit shall comply with the following in connection with any construction or other activity on the property:

(1) Maintain soil erosion control structures and measures to minimize impacts to wetlands as approved by the Kent County Soil Erosion and Sedimentation Control Agent for the MDEQ, pursuant to Part 91 of the NREPA.

(2) Maintain flagging or staking of the protected wetland.

(3) Post a copy of the wetland use permit on-site in a conspicuous manner prior to commencement of the permitted work until completion thereof.

(c) A wetland use permit shall be valid for a period of two years unless otherwise extended by the Wetland Review Board. A permit may be extended for not more than three years in addition to the original two years.

SECTION 17. WETLAND MITIGATION.

(a) A wetland use permit may include requirements for wetland mitigation, and the preparation and submission of a mitigation plan.

(b) The Township wetland officer shall review an Applicant's mitigation plan. Mitigation shall not, however, be considered a substitute for the applicant demonstrating that no other feasible and prudent alternatives exist to otherwise minimize wetland impacts.

(c) A wetland mitigation plan shall include all reasonable attempts to replace all of the wetland resource functions, values, or benefits that will be impacted by the use, activity or development.

(d) Wetland mitigation shall be provided on-site where practical and beneficial to the wetland resources. If wetland mitigation on-site is not practical and beneficial, then wetland mitigation in the immediate vicinity may be considered for approval. If neither option is practical, mitigation elsewhere may be considered under subparagraph (e).

(e) Wetland mitigation shall be located in the Township, if practical and beneficial, but in any event, mitigation shall be located within the same watershed as the affected wetland, unless some other location is specifically approved by the Wetland Review Board, upon a determination that a location within the same watershed is not reasonably available or would not be practical or beneficial.

(f) The wetland mitigation plan shall comply with all applicable federal, state, and local laws.

(g) The wetland mitigation plan shall require monitoring and corrective actions be taken for a period of five years to assure that the wetland mitigation will be successful. If the wetland mitigation is demonstrated to be successful before the end of the five-year time period, the remaining monitoring of the site may be waived by the Wetland Review Board. The applicant shall submit monitoring reports to the Wetland Review Board by August 1 of each year, unless otherwise specified.

(h) Wetland mitigation and monitoring plans shall be a condition of the wetland use permit.

(i) Wetland mitigation shall be completed before commencement of other permitted activities unless a phased concurrent schedule is authorized by the terms of the permit. The terms of and schedule for completion of required mitigation shall be included as conditions of the permit.

(j) Wetlands impacted by a proposed use or activity and that are at least 11,000 square feet in size shall be mitigated at a ratio of 1.5 acres of newly established wetland for each one acre of existing wetland impacted by the use or activity.

SECTION 18. PENALTIES; STOP WORK ORDERS; ENFORCEMENT.

(a) A violation of this Ordinance or a violation of any permit granted hereunder is a municipal civil infraction, for which the fine shall be not be less than Two Hundred Fifty Dollars (\$250) nor more than Five Hundred Dollars (\$500) for the first offense and not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1,000) for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and actual attorneys fees incurred by the Township in enforcing the ordinance and/or remedying the violation of the ordinance. For purposes of this section, subsequent offense means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months after a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

(b) A violation of this Ordinance or a violation of any permit granted hereunder is hereby declared to be a nuisance per se. In addition to other penalties and remedies, the Township may seek injunctive relief against the violator, in addition to other relief provided by law.

SECTION 19. APPEALS PROCESS.

(a) A landowner may request the Township to reevaluate the affected property, for property tax assessment purposes, to determine its then fair market value if a wetland use permit application is denied by the Township.

(b) An applicant may appeal to the Township Board a wetland use permit application decision made by the Wetland Review Board, or a wetland identification decision made by the wetland officer.

(1) The appeal shall be commenced by filing with the Township Board a written statement containing the specific reasons for the appeal within 30 days following the date of the decision being appealed. The timely filing of an appeal shall have the effect of staying any permit issued under this Ordinance pending the outcome of the appeal.

(2) After review and study of the application materials, comments and recommendations, the Township Board shall consider the same at a public meeting of the Board.

(3) After completing the review and considering the appeal at a public hearing, the Township Board shall affirm, affirm with conditions, or reverse the original decision, action or inaction, in accordance with this Ordinance.

(4) The Township Board shall make its decision on the appeal in writing and shall send a copy thereof to the applicant. If the appeal is denied, the decision shall include the reasons for the denial.

(c) An applicant may appeal the decision to Kent County Circuit Court, if such appeal is permitted by law. Any such appeal shall be filed not later than the period of time specified by law and court rule.

SECTION 20. WETLAND REVIEW BOARD.

(a) The Township Board hereby establishes the Wetland Review Board.

(1) The Wetland Review Board shall consist of three persons, one of whom shall be a member of the Township Planning Commission, one of whom shall be a member of the Township Board of Zoning Appeals, and one of whom shall be a Township resident who is not a member of either of the above-stated bodies or of the Township Board. The members shall be appointed by the Township Board. Any vacancies shall be filled by appointment by the Township Board, for the remainder of the unexpired term.

(2) The members of the Wetland Review Board shall serve three-year terms, except that the terms of the persons first appointed shall be staggered, so as to permit differing expiration dates of terms. Of the persons first appointed, two shall be appointed for three years each, two shall be appointed for two years each and one shall be appointed for one year. The terms of the persons appointed from the Planning Commission and the Board of Zoning Appeals shall terminate when their respective terms on those bodies terminate.

(3) The member of the Wetland Review Board who is not a member of the Planning Commission or the Zoning Board of Appeals shall, insofar as practicable, have background, experience or expertise in matters pertaining to wetlands. Accordingly, in considering appointments of such members, the Township Board shall give particular consideration to persons who have experience or expertise in any one or more of the following categories:

(i) Education in the natural resources field or in comparable fields;

(ii) Employment in the area of natural resource management, or a comparable field, either currently or previously;

(iii) Volunteer service or other participation in environmental and/or conservation groups or projects;

(iv) A demonstrated interest in wetlands, natural resources, environmental protection or comparable fields;

(v) An understanding of the functions and value of wetlands as a part of the natural ecosystem; and

(vi) Other background, experience or knowledge of particular value or usefulness for the work and responsibilities of the Wetland Review Board.

(b) The Wetland Review Board shall have the following duties and responsibilities:

(1) Approve, approve with conditions or deny applications for wetland use permits;

(2) Annually review the performance of the Township wetland officer;

(3) Provide recommendations to the Township Board concerning the appointment, continued service, or other actions of the Township wetland officer;

(4) Serve an advisory role in setting policy guidelines on wetland issues in the Township;

(5) Identify conflicts between wetland protection efforts and present Township ordinances, operating procedures, and activities within the Township; and

(6) Identify and propose solutions to problems associated with wetland management.

(c) The Wetland Review Board shall adopt rules of procedure for its meetings. It shall elect from its membership a chairperson and secretary. It shall convene meetings at such times as it may determine. The presence of two members shall constitute a quorum. The Board shall keep and maintain minutes of its proceedings.

(d) Decisions by the Wetland Review Board shall be made by a majority of the members of the Board.

SECTION 21. AMENDMENTS.

(a) The Township Board may amend this Ordinance at any time, in its discretion.

(b) The Township wetland officer and the Wetland Review Board may review this Ordinance periodically and, in their discretion or in the discretion of either of them, may recommend amendments for consideration by the Township Board. Any such proposed amendments may be forwarded to the Township Board for its review.

SECTION 22. NOTICE TO THE MDEQ.

(a) The Township shall notify the MDEQ of the adoption of this Ordinance. The Township shall cooperate with the MDEQ in the enforcement of the NREPA as to wetlands under the jurisdiction of the MDEQ, as defined under this Ordinance.

(b) The Township wetland officer shall notify the MDEQ of its decisions on all wetland use permit applications.

SECTION 23. ABROGATION AND CONFLICT OF AUTHORITY. Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes on the same subject matter; conflicting provisions of this Ordinance shall be abrogated only to the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with and in addition to relevant state regulations and statutes.

SECTION 24. OTHER FEDERAL, STATE, AND LOCAL PERMITS. Issuance of a wetland use permit by the Township does not obviate the need of the property owner or applicant to obtain other state, federal, and local permits that may be required by other statutes, ordinances, or regulations.

SECTION 25. DISCLAIMER OF LIABILITY. This Ordinance shall not be construed to abrogate rights or authority otherwise provided by law. No officer, agent or employee of the Township shall be personally liable for any damage that may occur to any person as a result of any act required or permitted in the discharge of duties in the enforcement of this Ordinance.

SECTION 26. SEVERABILITY. This Ordinance and its various provisions are 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.

SECTION 27. EFFECTIVE DATE. A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township. The ordinance shall become effective 30 days after such publication.

ORDINANCE TO REGULATE FERTILIZERS

ORDINANCE NO. 2005-6

AN ORDINANCE TO REGULATE THE APPLICATION OF CERTAIN MANUFACTURED FERTILIZERS IN SPECIFIED LAKE DRAINAGE DISTRICTS IN THE TOWNSHIP; TO REQUIRE LICENSURE OF CERTAIN APPLICATORS OF MANUFACTURED FERTILIZERS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. SHORT TITLE. This Ordinance shall be known and may be cited as the Cannon Township Fertilizer

SECTION 2. INTENT AND PURPOSE.

(a) Based upon scientific studies and general knowledge, the Township Board has determined that phosphorus, which is contained in most manufactured fertilizers, when used within the Township, enters into the Township's water resources, resulting in excessive and accelerated growth of algae and aquatic plants. The Township Board has therefore determined that it is necessary and in the public interest to regulate the application of manufactured fertilizers containing phosphorous within those districts where storm water drains into the Township's primary lakes, these being Lake Bella Vista, Bostwick Lake, Silver Lake, and Sunfish Lake.

(b) The Township Board further determines that storm water flowing through an over-fertilized area of turf is likely to carry portions of fertilizer with it. If such storm water, carrying all or some of the elements from the fertilizer, should ultimately drain into a lake or other body of water, there are likely to be adverse impacts upon the lake or other body of water. Such impacts include the excessive growth or spreading of aquatic plants. Accordingly, it is a further intent of this Ordinance to provide regulations that will promote the public health, safety and general welfare by tending to reduce the adverse impacts resulting from fertilizer flowing into or otherwise reaching lakes and other bodies of water in the Township.

(c) It is the also the purpose and intent of this Ordinance to require licensure of commercial and institutional applicators of manufactured fertilizes within the Township.

SECTION 3. DEFINITIONS. The following words and phrases, as used in this Ordinance, shall have the meanings stated respectively in this section:

(a) "Commercial applicator" means any individual or entity that applies manufactured fertilizer in the Township in exchange for money or other valuable consideration.

(b) "Institutional applicator" means any individual or entity that applies manufactured fertilizers for the purpose of maintaining turf areas. Institutional applicators shall include, but are not be limited to, owners of lands, schools, parks, religious institutions, utilities, industrial or business properties and residential properties maintained in condominium and/or common ownership; provided, however, that an institutional applicator shall not include an

owner of individual parcels of land used for single family dwelling or agricultural purposes in any agricultural or residential district under the terms of the Township Zoning Ordinance, nor shall institutional applicator include the owner or operator of a golf course.

(c) “Manufactured fertilizer” means a commercially manufactured substance which enriches the soil and contains elements desirable for turf growth.

(d) “Turf” means a covering of grass vegetation which has both aesthetic and functional benefits maintained at a given level of management.

SECTION 4. PROHIBITION ON PHOSPHOROUS FERTILIZERS IN LAKE DRAINAGE DISTRICTS. No manufactured fertilizer containing any amount of anhydric phosphoric acid shall be applied on lawns or other turf areas within the drainage districts of Lake Bella Vista, Bostwick Lake, Silver Lake and Sunfish Lake as shown on the Cannon Township Lake Drainage Districts map adopted under section 7 of this Ordinance and maintained on file in the Township office; provided, however, that the provisions of this section shall not apply to the application of fertilizer for the purpose of improving the yield of crops on a bona fide farm or for other purposes pertaining to agricultural production on bona fide farms.

SECTION 5. EXCEPTIONS.

(a) The prohibition of phosphorous fertilizers shall not apply to any lots or parcels of land as to which the Michigan Department of Agriculture has determined, based on tests and soil samples, that anhydric phosphoric acid is required to maintain a lawn in a healthy condition. Any commercial or institutional applicator or homeowner who claims this exception shall submit a copy of the determination made by the Department of Agriculture to the Township clerk.

(b) Notwithstanding any other provision in this Ordinance to the contrary, a homeowner, or a commercial applicator working for a homeowner, may obtain approval to use phosphorous fertilizer on the homeowner’s property, provided the homeowner or applicator submits to the Township clerk, and the Township clerk approves, a laboratory analysis of the soil on the property indicating that the soil requires phosphorous fertilizer in order to be usable for turf-growing purposes.

(1) Lab analyses conducted for this purpose shall be performed by an independent source, such as but not limited to the Michigan State University Extension Service.

(2) If the use of phosphorous fertilizer is approved under this subsection, the resulting application of the phosphorous fertilizer shall be conducted so as to use only that amount of phosphorous fertilizer indicated in the lab analysis as being sufficient to render the soil usable for turf-growing purposes.

(3) Approvals granted under this section shall be valid for one growing season only.

SECTION 6. COMMERCIAL AND INSTITUTIONAL APPLICATOR OF MANUFACTURED FERTILIZER LICENSURE REQUIREMENT AND PROCEDURE.

(a) All commercial and institutional applicators shall be licensed in good standing by the Township prior to their applying manufactured fertilizers on any lands in the Township.

(b) A license issued under this Ordinance shall be valid until expiration, suspension or revocation. Licenses shall expire two years from the date of issuance but may be renewed for additional two-year periods.

(c) To secure a license, a commercial and/or institutional applicator shall complete and submit to the Township Clerk a license application. Applications shall be submitted by January 31 of the year for which a license is requested. The license application shall include the following:

(1) Legal and business name(s), address, telephone number and contact person of applicant.

(2) Name (if application), address and description of institutional applicator property, including the use, area and dimensions of the property.

(3) A copy of the applicant's material safety data sheet (MSDS) may also be required as part of the license application.

(d) The applicant shall sign the application where indicated, and the signature shall serve as an attestation that the applicant has read this Ordinance in its entirety and agrees to comply with all of its provisions.

(e) Upon submission of an application, the applicant shall pay the fee established by the Township Board.

(f) The Township Clerk shall review the completed application and determine whether the manufactured fertilizers to be used comply with the provisions of this Ordinance.

(g) If the application is complete, and if the proposed use of manufactured fertilizer would comply with the terms of this Ordinance, a numbered license shall be issued. The license shall expire two years from the date of issuance.

(h) The Township Clerk shall maintain a list of all currently-licensed commercial and institutional applicators.

SECTION 7. LAKE DRAINAGE DISTRICTS. For purposes of this Ordinance, the following lake drainage districts are hereby established: Lake Bella Vista, Bostwick Lake, Silver Lake and Sunfish Lake. The lands comprising each lake drainage district shall be those shown on the Cannon Township Lake Drainage Districts map, which shall be maintained on file in the Township office.

SECTION 8. FERTILIZING OF GOLF COURSE LANDS.

(a) Because of the unique nature of golf courses, it is recognized that the application of fertilizers containing some quantity of phosphorus, to lands comprising golf courses, may be needed in order to promote the growth of grass and to maintain it in a healthy condition.

(b) Accordingly, as stated in section 3(b), the owner or operator of a golf course shall not be deemed an institutional applicator and shall not be subject to the licensing requirements of section 6. However, the owner or operator of a golf course shall not apply phosphorous fertilizer to golf course lands to such extent that storm water runoff from such lands results in a detectible level of phosphorus in the storm water runoff from the golf course lands. Any such application of phosphorus fertilizer on the part of a golf course owner or operator that results in such detectible level of phosphorus in storm water runoff shall be a violation of this Ordinance.

SECTION 9. VIOLATION; PENALTIES; ENFORCEMENT.

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not be less than \$250 nor more than \$500 for the first offense and not less than \$500, nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and actual attorneys fees incurred by the Township in enforcing the Ordinance and/or remedying the violation of the Ordinance. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve months after a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

(b) A violation of this Ordinance is hereby declared to be a nuisance per se. In addition to other penalties and remedies, the Township may seek injunctive relief against the violator, in addition to other relief provided by law.

(c) Should a commercial or institutional applicator be found to be in violation of this Ordinance, the Township Board, following notice and an opportunity of the licensee to be heard, may revoke a license for such period of time as the Board may determine. If a commercial or institutional applicator is found to be in violation of this Ordinance on more than one occasion in any one calendar year, the Township Board shall revoke the license of such applicator for a period of not less than one calendar year, and for such greater period of time as the Board may determine.

SECTION 10. APPEALS. Any homeowner or applicator of manufactured fertilizer aggrieved by a decision or determination made by the Township Clerk under this Ordinance shall have a right to appeal such determination to the Township Board.

(a) The appeal shall be commenced by filing with the Township Board a written statement containing the specific reasons for the appeal within 30 days following the date of the decision being appealed. The timely filing of an appeal shall have the effect of staying any license issued under this Ordinance pending the outcome of the appeal.

(b) The Township Board shall consider the appeal at a public meeting. The Board shall affirm, affirm with conditions or reverse the decision or determination being appealed, consistent with the terms of this Ordinance.

(c) The decision of the Township Board on the appeal shall be set forth in writing, and a copy thereof shall be given to the party appealing. If the appeal is denied, the written decision shall include the reasons for the denial.

SECTION 11. SEVERABILITY. The various parts, sections and clauses of this Ordinance are 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.

SECTION 12. ADOPTING AND EFFECTIVE DATE. This Ordinance shall become effective 30 days after its publication, or 30 days after the publication of a summary of its provisions, in a local newspaper of general circulation.

ORDINANCE TO REGULATE SOLICITORS,
PEDDLERS AND TRANSIENT MERCHANTS

ORDINANCE NO. 2009-6

SECTION 1. PURPOSE. The purpose of this Ordinance is to protect the public health, safety and welfare of the citizens of Cannon Township by the regulation, licensing and control of solicitors, peddlers transient merchants and similar sales persons conducting business within the Township.

SECTION 2. DEFINITIONS. As used in this Ordinance:

“Solicitor” shall mean any person traveling from place to place, who solicits, asks for or invites donations of money or goods, or who takes or attempts to take orders for the sale of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future. The term solicitor also includes the driver of any conveyance used for or associated with soliciting.

“Peddler” shall mean any person traveling from place to place, carrying goods, wares or merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services either immediately or in the future. Peddler also includes the driver of any conveyance used for or associated with peddling.

“Transient merchant” shall mean any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the Township, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure. This definition shall not include merchants having regularly established places of business within the Township if they are operating from their established place of business, persons making sales at any annual fair, street fair, festival, annual celebration or observance, or regularly employed route salespeople.

SECTION 3. PERMIT REQUIRED. Except as otherwise provided in this Ordinance, it shall be unlawful for any solicitor, peddler or transient merchant whether a person, firm or corporation to solicit, peddle or engage in business within Cannon Township without first having secured a permit to conduct such business from the Township. The agents or other representatives of an applicant doing business in the Township shall be responsible for compliance with this Ordinance by their principals and by the businesses they represent.

SECTION 4. EXEMPTIONS FROM PERMIT.

(a) Any person 18 years of age or younger, when engaged in soliciting or selling on foot under the direct supervision of a school or a recognized charitable, religious organization, or 501(c)3 non-profit group, when such soliciting is solely for the benefit of their respective school, classes, activity groups or athletic teams.

(b) Members of churches, synagogues, mosques and other religious organizations when such soliciting is solely for the benefit of the respective religious organization.

(c) Persons or their agents engaged in farming that are selling or offering for sale agricultural products grown and harvested on their own farmlands, if such activity is otherwise in compliance with Township ordinances.

(d) Persons or their agents who display and sell used household goods at their own dwelling (garage/yard sales) if such activity is in compliance with the Township Zoning Ordinance.

(e) Persons soliciting at private homes to obtain orders for the sale of goods or merchandise, if such persons are on the premises of such homes because of prior invitation by the owner or resident.

(f) Any person who is exempt from such license under the terms of state or federal law. These persons shall remain subject to the other provisions of this Ordinance except as to those provisions, which may be preempted by state or federal law.

(g) A person soliciting exclusively to canvass or petition for a public official, political candidate, public policy or initiative being promoted for purposes of public referendum, initiative, or election, or a person canvassing solely for the limited purpose of distributing religious, political or other noncommercial information.

SECTION 5. PERMIT APPLICATION AND FEES.

(1) An application for a permit under this division shall be filed with the clerk, upon forms provided for that purpose, and shall contain the following information:

(a) Name and description of the applicant (nature of the organization and business, and the goods or services to be sold or solicited), and names of those persons soliciting for the applicant. The driver's license number or other form of personal identification shall be provided for each individual who will be soliciting on behalf of the applicant.

(b) The permanent home address and local address, if different, of all persons soliciting on behalf of the applicant.

(c) At a minimum, the applicant shall provide a complete description for each vehicle to be used by or on behalf of the applicant; license plate numbers, make, model, and year.

(d) A photograph of each person who will be soliciting on behalf of the applicant. Photographs shall have been taken no more than 60 days prior to the date of the filing of the application, and shall clearly depict the head and face of the person.

(e) A full disclosure of criminal background of each person who will be associated with the solicitation on behalf of the applicant.

(f) If the applicant proposes to handle or sell food or other item for human consumption, the applicant shall provide proof of all required health permit issued by the Kent County Health Department or Michigan Department of Agriculture.

(g) The applicant shall provide the address of the place at which any proposed transient merchant sales are to be conducted. If the property owner is different from the transient merchant, written permission of the property owner shall be provided.

(h) The hours of the day and the days of the week during which the applicant and all employees, agents and independent contractors will be engaging the proposed soliciting, peddling or other sales activities. (No person shall travel from place to place, street to street or door to door, within the boundaries of Cannon Township, for purposes of soliciting, peddling or other sales activity, not operate a transient business from any location within the Township except; Monday through Saturday not before the hour of 9:00 a.m., and no later than 6:00 p.m.)

(i) Any other information the Township Clerk may reasonably determine is necessary to verify the character and nature of the proposed soliciting, peddling or other sales activity.

(2) A non-refundable permit fee of \$25 for the first solicitor and \$20 for each individual thereafter shall accompany the application. Each permit shall allow up to a maximum of four persons to engage in soliciting, peddling or other sales activity within the Township.

(3) A permit issued under the terms of the Ordinance shall be valid for no longer than 45 days from the date of issue. No more than four permits per calendar year shall be issued to the same applicant.

SECTION 6. REVIEW OF APPLICATION.

(1) Upon receipt of a completed application, the Township Clerk shall determine whether all requirements of the application have been submitted. If all required contents of the application have been submitted and the application fee has been paid, the Clerk will determine, in his/her discretion whether to investigate the applicant, the applicant's business and other matters as the Clerk deems necessary for the protection of the public with respect to soliciting, peddling and any other sales activity governed by this Ordinance.

(2) If as a result of such investigation the applicant and application are found to be in compliance for purposes of issuing a permit under the provisions of this Ordinance, such approval shall be endorsed on the application by the Township Clerk. Permits issued shall be subject to all terms and conditions contained in this Ordinance. The Clerk shall then issue the permit on the prescribed form and forward it to the applicant.

(3) Upon issuance of a permit, each person actively soliciting, peddling or engaging in sales activity shall have a copy of the endorsed permit in their possession and readily available for inspection, if required to do so by law enforcement, township enforcement officers, or the resident.

SECTION 7. CONDUCT BY SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS.

(1) No solicitor, peddler or transient merchant shall enter a dwelling or place of business under false pretenses or remain upon the premises of a private residence or place of

business after the owner or occupant has requested the solicitor, peddler or transient merchant to leave.

(2) No solicitor, peddler or transient merchant shall call upon, without an appointment, at any dwelling or place of business where the owner or resident has displayed signage indicating the owner's or resident's desire not to be solicited.

(3) No solicitor, peddler or transient merchant shall, while conducting their business, obstruct any street, alley, sidewalk or driveway.

(4) Permit shall not be assigned or transferred.

SECTION 8. PENALTIES AND ENFORCEMENT.

(1) This Ordinance shall be enforced by the Township Enforcement Official.

(2) Any person, firm or corporation who violates any provision of this Ordinance shall be responsible for a civil infraction to be fined as listed.

(a) 1st offense not less than \$100, plus court costs.

(b) 2nd offense not less than \$250, plus court costs.

(c) 3rd offense not less than \$500, plus court costs.

(3) Each day that an offense continues to occur shall constitute a separate offense and be subject to the repeat offense civil fines defined in section (1)(b) and 8(1)(c).

(4) The Township may suspend or revoke any permit upon finding of any violation of this Ordinance by any applicant or any agent or representative thereof.

Adopted: December 14, 2009

Published: _____, 2009

Effective: January 28, 2010

Permit for Solicitation in Cannon Township

Photo of Solicitor	Name of Solicitor: _____
	Company they are representing: _____
	Goods/Services: _____
	Vehicle Information: Plate number: _____ State: _____ Make: _____ Model: _____ Color: _____
<p>The above named person has applied and been approved by Cannon Township to solicit in this area, between the hours of 9:00AM-6:00PM, Monday-Saturday; through the following dates: _____ to _____.</p>	
_____	_____
Cannon Township Clerk	Date of Issuance

NON-MOTORIZED PATHWAYS ORDINANCE

ORDINANCE NO. 2010-3

AN ORDINANCE TO REGULATE THE USE OF NON-MOTORIZED PATHWAYS WITHIN THE TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

SECTION 1. DEFINITIONS. The following words and terms in this ordinance are defined as follows:

(a) “Bicycle” means a device propelled exclusively by human power upon which a person may ride, having either two, three, or four wheels arranged in a tandem or tricycle fashion.

(b) “Motor vehicle” means a vehicle which is self-propelled including, but not limited to motorized scooters, all terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts and Segway Personal Transporters.

(c) “Motorcycle” means a motor vehicle having a saddle or seat for use of a rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(d) “Non-motorized pathway” shall mean any public way operated and maintained by the Township or the road authority having jurisdiction, for bicycle and pedestrian use.

(e) “Person” shall mean any person, or any firm, corporation (profit or non-profit), or any association (incorporated or unincorporated), or any other type of business entity.

(f) “Sign” shall have the same meaning as provided in the Township Zoning Ordinance.

(g) “Snowmobile” means a motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or a revolving belt tread, or any combination of these or similar means of contact with the surface upon which is operated.

(h) “Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved exclusively by human power.

SECTION 2. PROHIBITION OF MOTOR VEHICLE USE. No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle or any other type of motor vehicle or golf cart upon any non-motorized pathway within the Township, except directly to enter or depart from adjacent property; provided, however, this section shall not prohibit the use of sidewalks and pedestrian pathways by persons using motorized wheelchairs or similar devices used to facilitate access and travel by handicapped persons.

SECTION 3. SAFE BICYCLE OPERATION. No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-motorized pathway, and also shall yield the right-of-way to pedestrians who are using or are on the non-motorized pathway.

SECTION 4. PROHIBITION OF HORSE RIDING. No person shall ride or walk a horse, or lead a horse, on a non-motorized pathway or within the designated easement for the non-motorized pathway.

SECTION 5. TOWNSHIP POLICIES REGULATING PATHWAY USE. The Township Board may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance. Such policies may include provisions regulating the occurrence and scope of gatherings and events on, near or associated with a non-motorized pathway, including but not limited to a Township Events Policy.

SECTION 6. DAMAGE.

(a) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, on any part thereof, or any sign, or part thereof, relating thereto.

(b) At the Township's option, the Township may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the Township for such repair work, or alternatively, the Township may require the person who caused the damage to repair the non-motorized pathway to its prior state within thirty days of the date of the damage. All such repair work shall be performed in accordance with the standards of Section 13(d) of this Ordinance.

SECTION 7. NON-MOTORIZED PATHWAY OBSTRUCTION.

(a) Parking. No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle, trailer, mobile home, motor home, camper or boat upon a non-motorized pathway so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.

(b) Debris. No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.

(c) Deposit of Ice and Snow. No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Cannon Township official.

SECTION 8. FISHING PROHIBITION. No person shall fish or otherwise attempt to catch fish or other aquatic animals while on a non-motorized pathway, or the appurtenances of a non-motorized pathway. Appurtenances of a non-motorized pathway shall include, but are not limited to, any bridges or other structures which touch, adjoin or abut a non-motorized pathway or within the designated easement for the non-motorized pathway.

SECTION 9. ANIMALS.

(a) Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance.

(b) Pets must be leashed and under the control of the owner at all times so as not to interfere with other pathway users.

SECTION 10. VEGETATION. No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway. No person shall allow trees, shrubs or other vegetation to grow to a size that obscures view or obstructs passage along a non-motorized pathway. Cannon Township reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

SECTION 11. IRRIGATION. No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway.

(a) CONSTRUCTION PROJECTS. If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within 10 days after the damage occurs, unless otherwise authorized by Cannon Township; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such 10-day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skaters and pedestrians, and full repair and restoration shall then be completed as soon as weather permits.

(b) An occupancy permit shall not be granted under the Township zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit reasonable use by bicycles and pedestrians, and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.

(c) Repair of all damage, as required by this Section, shall be performed in compliance with Section 13(c) of this Ordinance.

SECTION 12. CUTS OR OPENINGS IN SIDEWALK OR PEDESTRIAN PATHWAY.

(a) All persons shall complete a Non-motorized Pathway Opening Permit if it is necessary to make a cut or opening in a non-motorized pathway. Such cut or opening shall not be made until a Non-motorized Pathway Opening Permit has been completed and returned to the Township, with payment of any required fee.

(b) If an emergency requires an immediate utility cut or opening to be made, the Township shall be notified, the permit completed and the applicable fee paid on the next business day during which the Township office is open.

(c) When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the Township Engineer.

SECTION 13. SIGNS.

(a) No person shall suspend any sign, banner, printed leaflet or similar object above a non-motorized pathway or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the Township Zoning Administrator or other Township official authorized by ordinance or Township policy to grant such approval.

(b) The provisions of this Section shall not prohibit the Township from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

SECTION 14. EXEMPTION. This ordinance shall not apply to work being done by an authorized Township official or employee on a non-motorized pathway, and this ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

SECTION 15. VIOLATIONS AND PENALTIES.

(a) A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purpose of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the ordinance for which such person admitted responsibility

or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense.

(b) The following persons are authorized to issue municipal civil infraction citations for violation of provisions of this ordinance. If such persons or any of them have reasonable cause to believe that a violation or infraction has occurred, based on personal observation or on the report of a person who has allegedly witnessed the violation or infraction:

- (1) The Township Supervisor.
- (2) A Township ordinance enforcement official appointed by the Township Board.
- (3) The Township Zoning Administrator.
- (4) A law enforcement officer of the Kent County Sheriff's Department.

(c) If a citation for violation of this ordinance is based solely upon the complaint of a person who allegedly witnessed the violation, and not upon the personal observation of any of the persons authorized to issue municipal civil infraction citations hereunder, then such citation shall be approved in writing by the Township Supervisor prior to its issuance.

(d) Municipal civil infraction citations for violations of this ordinance shall be served upon the alleged violator as provided by law and Township ordinance.

(e) The issuance of a municipal civil infraction citation shall not be an exclusive remedy, but may be undertaken by the Township in addition to other means of enforcement, as provided by law, including, but not limited to, the seeking of injunctive and other relief.

SECTION 16. SEVERABILITY. This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 17. REPEAL. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 18. PUBLICATION AND EFFECTIVE DATE. This ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.

NOXIOUS WEEDS ORDINANCE

ORDINANCE NO. 2010-4

AN ORDINANCE TO PROHIBIT THE EXISTENCE OF TALL GRASS AND WEEDS, TO PROVIDE FOR THE ABATEMENT THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE FOR SUBDIVISION PLATS IN THE R-1, R-2, R-3 AND LR DISTRICTS

CANNON TOWNSHIP ORDAINS:

SECTION 1. PROPERTY CONDITIONS DECLARED A PUBLIC NUISANCE. Weeds, grasses and undergrowth higher than ten inches are declared to be a public nuisance. Noxious weeds, as defined by State law (MCL 247.64a, et. seq.)

SECTION 2. NUISANCES PROHIBITED. This Ordinance is not intended to prohibit or discourage the practice of developing natural groundcover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques. It 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.

SECTION 3. EXCEPTIONS.

- A. Parcels without a structure.
- B. Properties zoned Rural Residential and Agricultural in accordance with the Cannon Township Zoning Ordinance.
- C. Planned Unit Developments and Site Condominiums.

SECTION 4. RESPONSIBILITY FOR ROAD RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS. The property owner shall also be responsible for maintaining, free of the nuisances describe in Section 1 and all public ways abutting the property as follows:

- A. The Kent county right-of-way between the roadway and the property owners' front property line or front right-of-way easement line.
- B. Any private road right-of-way which provides access to the property owner between the private road and the property owners' front property line or right-of-way easement line.

SECTION 5. NOTICE OF VIOLATION. In the event that a property owner fails to comply with this Ordinance, the township is hereby authorized and empowered to notify the property owner of the violation and to direct the property owner to remove the nuisance. Such notice shall be in writing, addressed to the property owner as appears on the latest ad valorem property tax assessment roll, and shall inform the property owner:

- A. The nature of the violation.
- B. The time 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 shall be assessed as a lien against the property until paid.
- E. That refusal of the property owner to abate the nuisance or to allow the Township to abate a violation or nuisance shall result in prosecution.

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.

SECTION 6. ABATEMENT. Upon failure, neglect, or refusal of any property 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 his property to abate the nuisance or to provide and to make payment for the abatement of the nuisance not more than six times in a growing season between May and October.

SECTION 7. VIOLATION AND PENALTIES. Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof by any court of competent jurisdiction, be punished by a civil fine of fifty dollars (\$50) for a first violation, two hundred fifty dollars (\$250) for a second violation, and five hundred dollars (\$500) for a third or subsequent violation. Each act of violation and every day upon which any such violation shall occur or continue shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day. Any actions by the property owner or the Township to bring the property into compliance after the issuance of a citation shall not constitute a defense to a prosecution for violation of the Ordinance.

SECTION 8. ADMINISTRATIVE FEE. An administrative fee, set by Township resolution, shall be added to any costs charged by the Township to the property owner whenever the Township abates a nuisance under this Ordinance.

SECTION 9. CHARGE TO OWNER. When the Township abates a nuisance as provided hereunder, the cost of the abatement and the authorized administrative fee shall be billed to the property owner. The cost and fee shall be a debt of the property 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.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective seven days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

Adopted: June 28, 2010

Published: July 13, 2010

Effective: August 12, 2010

MICHIGAN MEDICAL MARIHUANA ACT IMPLEMENTATION ORDINANCE

ORDINANCE NO. 2011-1

A GENERAL ORDINANCE UNDER THE AUTHORITY OF MCL §41.181 ET SEQ. TO FACILITATE THE IMPLEMENTATION OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL §333.26421 ET SEQ., WITHIN THE BORDERS OF CANNON TOWNSHIP, KENT COUNTY, MICHIGAN

CANNON TOWNSHIP, KENT COUNTY, MICHIGAN, ORDAINS:

SECTION 1. PURPOSE. In 2008, the voters of the State of Michigan, by initiative, adopted the Michigan Medical Marihuana Act (“Act”) in order to authorize under state law the growing and use of marihuana for medicinal purposes only by certain persons under certain controlled circumstances. The Act contains restrictions on who may consume medical marihuana and who may grow medical marihuana. The purpose of this Ordinance is to implement the Act in a manner that promotes its objectives and goals in a manner that is consistent with the health, safety and general welfare of the people of Cannon Township.

IT SHOULD BE EXPRESSLY NOTED THAT THE GROWING AND USE OF MARIHUANA REMAINS ILLEGAL UNDER THE LAWS OF THE UNITED STATES OF AMERICA, AND NOTHING IN THE ADOPTION OF THIS ORDINANCE OR THE PERMITTING BY CANNON TOWNSHIP OF “QUALIFYING PATIENTS” OR “PRIMARY CAREGIVERS” OR A “GROWING FACILITIES” SHALL BE CONSTRUED OR CONSIDERED IN WHOLE OR IN PART TO BE AN ENDORSEMENT OF THE GROWING OR USE OF MARIHUANA FOR ANY PURPOSE OR A REPRESENTATION, EXPLICIT OR TACIT, THAT SUCH GROWING OR USE IS PERMISSIBLE UNDER FEDERAL OR STATE LAW.

SECTION 2. DEFINITIONS. The following terms have the following meanings in this Ordinance:

2.1 “Dispensary” means any operation where marijuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.

2.2 “Growing Facility” means an enclosed, locked closet, room or other enclosed area with solid walls in which marihuana is grown by a primary care giver or qualifying patient and that is equipped with locks or other security devices that permit access only a registered primary care giver or qualifying patient for whom the marihuana is being grown as defined under MCL §333.2643(c).

2.3 “Home” means the primary residence of the qualifying patient or primary caregiver and includes a single family, duplex, apartment or condominium units.

2.4 “Marijuana” or “Marihuana” means all parts of the plant Cannabis sativa L. growing or not: the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, slat, derivative, mixture or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fibers produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative,

mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plan which is incapable of germination.

2.5 “Michigan Medical Marijuana Act” or “Act” means the Michigan Initiated Law 1 of 2008, MCL §333.26421, et seq., the provisions of which are incorporated by reference as if fully set forth herein.

2.6 “Primary Caregiver” means a person as defined under MCL §333.26423(g) of the Act, who is at least 21 years old and who has agreed to assist with a patient’s medical use of marijuana and who has never been convicted of a felony involving illegal drugs and who has been issued and possesses registry identification card under the Act.

2.7 “Qualifying Patient” means a person as defined under MCL §333.26423(h) of the Act, who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a registry identification card under the Act.

2.8 “Registry Identification Card” means the document defined as such under MCL §333.26423(i) of the Act and which is issued by the Michigan Department of Community Health to identify a person as a registered qualifying patient or registered primary caregiver.

2.9 “Smoke house” means a facility that allows multiple qualifying patients to consume or ingest medical marijuana upon the premises. This term does not encompass (1) a primary caregiver facility at which medical marijuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s) operating within the facility or (2) the consumption or ingestion of medical marijuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

2.10 “Zoning Officer” shall mean the Township Supervisor.

2.11 All other definitions in the Act are expressly incorporated by reference and have the same meaning prescribed in the Act.

SECTION 3. QUALIFYING PATIENT/PROPERTY OWNERS.

3.1 Provided that a qualifying patient strictly adheres to the provisions of the Act, he or she may medically use marihuana within the interior of his or her home or the interior of the home of his or her permitted primary caregiver with windows and doors to the outside closed in either instance so as to eliminate secondary effects. The right recognized in a qualifying patient under this Ordinance shall take precedence over any conflicting zoning or other ordinance restriction or permit.

3.2 A qualifying patient shall not cultivate or grow marihuana on his property if he or she has designated a primary caregiver.

3.3. A qualifying patient shall only cultivate or grow marihuana on the property on which the patient resides and within a growing facility therein or within in a growing facility in an industrial zone after obtaining a permit as provided under Section 4. A qualifying patient’s cultivation or growing of marihuana shall only be for his or her own use as provided for

and restricted in the Act, including but not limited to the restrictions on the number of plants and incidental seeds, stalks, and unusable roots.

3.4 No property owner shall knowingly permit a qualifying patient to violate this Ordinance by permitting the latter to use marihuana on the property owner's property.

Finding: Based on the California White Paper¹, the finding of which are adopted and incorporated by reference herein, the Township finds that the use of marihuana outside of the premises or in a dispensary or smoke house would encourage dangerous criminal activity and expose children and others to harmful secondary effects. In addition, the cultivation of marihuana in nonindustrial areas presents a clear and present danger of violence and so should be limited to qualifying patients who are growing marihuana only for their own use.

SECTION 4. PRIMARY CAREGIVER.

4.1 Provided that a primary caregiver obtains a permit as provided in this Ordinance and strictly adheres to the provisions of the Act, he or she may cultivate or grow marihuana for the medical use of not more than five qualifying patients who have identified the primary caregiver to state officials.

4.2 A primary caregiver shall not cultivate or grow marihuana except in a growing facility within the industrial zones of the Township and after acquisition of a permit.

4.3 A primary caregiver shall not sell, deliver or distribute marihuana to any person, including qualifying patients at the location of the growing facility or at any other location within the Township except the residence of the qualifying patient or the primary caregiver's residence and after acquisition of a permit.

4.4 Upon issuance of a permit, a primary caregiver may sell, deliver or distribute marihuana grown at a growing facility to his or her qualifying patients at such patients' residences within the Township.

4.5 A growing facility shall be established and operated in accordance with all applicable provisions of the Michigan Construction Code and the Cannon Township Uniform Fire Code Ordinance and Township building and zoning codes as they may from time-to-time be amended and/or updated. Prior to commencing operations the growing facility shall be subject to inspection for compliance with those codes. The growing facility shall also comply with all other applicable Township ordinances.

4.6 The growing facility shall be established and operated by the primary caregiver(s) in compliance with the Act and the administrative rules promulgated by the Michigan Department of Community Health pursuant to the Act.

4.7 The growing facility shall require facility plan review and approval. In order to protect the confidentiality of primary caregivers, facility plan review shall be conducted by the zoning officer (not the Zoning Board of Appeals) and there shall be no public hearing on the site plan. Further, the number of copies of (1) the completed application form for facility

¹ http://www.californiapolicechiefs.org/nav_files/marijuana_files/files/MarijuanaDispensariesWhitePaper_042209.pdf

plan review and (2) the facility plan required to be filed with the Township shall be reduced from seven to three. The facility plan application, facility plan, and approval shall be confidential and only accessed by the Township's zoning officer and zoning inspector, and law enforcement, prosecutor and the Circuit Court, if necessary. Other electrical, plumbing or mechanical inspectors will be advised that the purpose of the activity is "agricultural."

4.8 A growing facility may be grouped in the same building as other growing facilities provided that each growing facility is separately enclosed and is owned and operated by different primary caregivers.

4.9 The permit give to a primary caregiver under this Ordinance shall take precedence over any conflicting zoning or other ordinance permit or restriction. Notwithstanding the above, the facility plan review under this section shall not supersede or replace the need for site plan approval and/or building permits under the Township's zoning and building codes. However, to preserve the confidentiality of the primary caregiver's use under the Act, the primary caregiver may advise the Planning Commission and other Township officials operating under the zoning and building codes that the purpose of the building or construction will be "agricultural."

Finding: Based on the California White Paper, the Township finds that the cultivation and growing of marihuana by primary caregivers outside of a growing facility in an industrial zone or the sale, distribution of delivery of marihuana at a growing facility, dispensary or smoke house would encourage dangerous criminal activity and expose children and others to harmful secondary effects.

SECTION 5. PERMITS.

5.1 Upon application duly made by a primary caregiver, the zoning officer shall issue permits under this Ordinance provided that the applicant is in compliance with this Ordinance and Act.

5.2 The application for a permit, the permit itself, and the name of any primary caregiver on a growing facility plan shall be treated as confidential under this Ordinance and under all provisions of Michigan law, including but not limited to Michigan's Freedom of Information Act. Confidential information under this Ordinance shall only be accessible by the zoning officer, zoning inspector, law enforcement personnel and the courts.

5.3 A permit issued under this Ordinance shall be effective indefinitely, as long as the primary caregiver is compliant with all provisions of this Ordinance and the Act.

5.4 The zoning officer and/or zoning inspector may inspect a growing facility at any time in order to ensure compliance with this Ordinance.

5.5 A decision of the zoning officer denying a permit shall be appealable to Circuit Court.

5.6 No fee shall be required for a permit issued under this Ordinance.

SECTION 6. VIOLATION.

6.1 Violation of this Ordinance is a municipal civil infraction for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the court and in addition to all of the costs, damages and expenses provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within 12 months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsive, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

6.2 In addition to any other remedy provided herein, the violation of the terms of this Ordinance is declared to be a public nuisance.

6.3 The zoning officer or a duly appointed officer of any law enforcement agency authorized to enforce Township ordinances may issue a citation under this Ordinance.

6.4 In addition to any other remedy provided herein or under the law, the court may revoke the permit of any primary caregiver in the court’s discretion for a violation of this Ordinance and/or the Act.

SECTION 7. INTERPRETATION/SEVERABILITY.

7.1 Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

7.2 Nothing in this Ordinance shall be construed as allowing the use, cultivation, distribution or possession of marijuana not in strict compliance with the express authorizations of the Act and this Ordinance. Further, nothing in this Ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marijuana or to prevent prosecution thereunder.

7.3 This Ordinance adds to, modifies, amends and/or other takes precedence over any inconsistent provision in any other Township ordinance, including but not limited to the Cannon Township Zoning Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective 30 days after publication in the newspaper. All ordinances or parts of ordinances in conflict are hereby repealed.

Adopted May 23, 2011

PLANNING COMMISSION ORDINANCE

ORDINANCE NO. 2011-2

AN ORDINANCE TO CONTINUE THE TOWNSHIP PLANNING COMMISSION, IN COMPLIANCE WITH THE MICHIGAN PLANNING ENABLING ACT, ACT 33 OF THE PUBLIC ACTS OF MICHIGAN OF 2008, AND TO PROVIDE FOR THE MEMBERSHIP, OFFICERS, DUTIES AND MEETINGS OF THE PLANNING COMMISSION, AND OTHER MATTERS RELATING THERETO.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. GENERAL PROVISIONS.

(a) Short Title. This Ordinance shall be known and may be cited as the Cannon Township Planning Commission Ordinance.

(b) Statutory Authority. This Ordinance is authorized by Public Act 33 of 2008, as amended. MCL 125.3801 et seq.

(c) Continuation of Planning Commission. The existence and status of the Township Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.

(d) Repeal. Any prior resolution establishing the Township Planning Commission is repealed.

(e) Definitions. Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

SECTION 2. TRANSITION. All actions taken by the Township Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue, but shall be subject to the terms hereof.

SECTION 3. MEMBERSHIP AND OFFICERS.

(a) Composition. The Planning Commission shall consist of seven members.

(b) Appointment. The Township Supervisor shall appoint each Planning Commission member, subject to the approval of the Township Board, by majority vote of the Board members elected and serving.

(1) Qualifications for Members. The members of the Planning Commission shall be qualified electors of the township. To be and remain qualified as a member, an elector need not be registered to vote, but shall reside and be eligible to register to vote in the Township.

(2) Representation. To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Township.

(3) Township Board Member. One member of the Planning Commission shall be a member of the Township Board. The term of a Township Board member on the Planning Commission shall be the same as the member's Township Board term. A Township Board member may not serve as chairperson of the Planning Commission.

(4) Township Employees. Township employees shall not be eligible for membership on the Planning Commission.

(c) Officers. At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the commission shall also elect a secretary from among the remaining members. The secretary shall have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each such officer shall be one year; an officer may be re-elected.

(d) Term of Office. Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A member's term commences on the date of appointment and terminates three years from the date of appointment, except that a member shall continue to serve until his or her successor is appointed.

(e) Vacancies. The Township Board shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term, and may be re-appointed to a full term.

(f) Removal. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.

(g) Compensation. Planning Commissioners may receive such compensation and expense reimbursement as the Township Board may determine.

(h) Zoning Board of Appeals. One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

SECTION 4. POWERS AND DUTIES.

(a) In General. Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended, and applicable township ordinances.

(b) Duties and Responsibilities. The Planning Commission shall perform the following duties and responsibilities, among others:

(1) Bylaws and Other Matters. The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Township Board.

(2) Master Plan. To guide the development of the Township, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.

(3) Zoning Ordinance. The Planning Commission shall administer the Township zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Township ordinances and state law.

(c) Reservations. The Township Board retains the responsibility of adopting a capital improvements program for the Township.

SECTION 5. MEETINGS. The Planning Commission may hold meetings as frequently as it determines, subject to Township Board oversight, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

SECTION 6. ENACTING SECTION 1. This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Township.

Adopted June 13, 2011

BOSTWICK LAKE PARK ORDINANCE

ORDINANCE NO. 2011-4

AN ORDINANCE TO ESTABLISH REASONABLE RULES AND REGULATIONS FOR THE USE AND ENJOYMENT OF BOSTWICK LAKE PARK, AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the “Bostwick Lake Park Ordinance.”

SECTION 2. APPLICABILITY. The provisions of this Ordinance apply only to Bostwick Lake Park, located within the Township of Cannon, at and around 6746 Kitson Drive.

SECTION 3. DEFINITIONS. For the purposes of this Ordinance, the following words and phrases shall be defined as follows:

(a) “Alcoholic Beverage” means any intoxicating beverage, as defined by Michigan statute.

(b) “Camping” means the overnight lodging or sleeping of any person on the ground or in a sleeping bag, tent, tent-trailer, trailer coach, vehicle camper, recreational vehicle or similar type of enclosure.

(c) “Controlled Substance” means any substance or its immediate precursor, as identified and defined by and in MCL 333.7211-7220.

(d) “Domestic Animal” means a dog, cat, horse, fowl, tamed bird or other living creature carried, led, ridden or otherwise capable of being transported into the Park from another location by any person.

(e) “Park” means Bostwick Lake Park, including the waters and bottomlands within the designated swimming area boundaries, as marked by buoys, subject to applicable provisions of Part 301 of the Natural Resources and Environmental Protection Act and other applicable state laws.

(f) “Watercraft, Motorized,” means any motorized contrivance used or designed for navigation in or on water or ice, including, but not limited to, motorboats, personal watercraft, jet skis, sea doos, wave runners and similar watercraft.

SECTION 4. REGULATIONS. The following are the regulations that shall apply to any person entering, using or being present in the Park:

(a) Park Hours. The Park hours shall be from dawn to dusk, daily. Outside the hours of dawn to dusk, it shall be unlawful for any person to enter upon or occupy the Park.

(b) Dumping/Trash. No person shall deposit or permit to be deposited in the Park, any garbage, ashes, sewage, refuse, waste or other noxious material, other than in receptacles or pits provided by the Township for such purposes; nor dump any earthen materials within the Park without specific written permission from the Township Board. Trash or other refuse generated outside of the Park shall not be brought into the Park for deposit.

(c) Motorized Watercraft. It shall be unlawful for any person to moor, dock, launch or otherwise enter the Park with a Motorized Watercraft.

(d) Alcoholic Beverages/Controlled Substances. The possession, use, dispensing and consumption, or any of them, of Alcoholic Beverages or a Controlled Substance, is prohibited in the Park.

(e) Open Fires. No person shall start or maintain an open fire in the Park, except small fires for cooking purposes and then only in designated receptacles as might be provided by the Township for this purpose. All fires shall be put out by the person starting or using the fire before leaving the immediate vicinity of the fire.

(f) Domesticated Animals. Except as provided by law (e.g., seeing eye dogs for the blind), no domesticated animals shall be permitted within the Park.

(g) Vehicle Parking. It shall be unlawful for any person to park or store a vehicle, or any part thereof, whether operable or inoperable, within the Park at any time when said person is not present in the Park, or during hours when the Park is closed. A vehicle left in the Park in violation of these requirements may be removed from the Park at any time by a law enforcement officer.

(h) Camping. No person shall engage in camping in the Park.

(i) Defacing or Disturbing Park Property. No person shall injure, deface, disturb or befoul any part of the Park or any building, sign, equipment or other property found therein; nor shall any tree, shrub, rock or other mineral be removed, injured or destroyed. In addition to the other penalties prescribed by this Ordinance, a person who violates this provision shall be liable to the Township for any repair costs to Park property resulting from the violation.

(j) Hunting and Molesting Wildlife. No person within the confines of the Park, shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines the Park.

(k) Fishing. Fishing shall not be permitted from dry lands or upon any open waters within the Park; provided, however, that ice fishing may be conducted in the Park when the surface of Bostwick Lake is frozen.

(l) Weapons/Firearms.

(1) No person, except law enforcement officers, shall carry or use a slingshot, bow and arrow, crossbow, a missile throwing device, or any similar type of non-firearm weapon within the Park, or discharge any fireworks or explosive substances therein, without a specific permit from the Township.

(2) No person other than a law enforcement officer or other person authorized by state law shall possess, carry or transport any firearm within the Park. Furthermore, no firearm shall be discharged in the Park. This prohibition on discharge of a firearm shall not apply to any firearm discharge that is performed in lawful self-defense as defined by the laws of the State of Michigan, nor shall it apply to any law enforcement officer or Township official who is authorized to possess, carry or discharge a firearm in carrying out their authorized law enforcement duties.

(m) Disorderly Conduct. No person shall, either by word or act, indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the community within the Park.

(n) Refusal to Leave Park. No person shall remain within the Park who does not abide by the instructions and directions of a duly authorized law enforcement officer or agent of the Township, in the lawful performance of their duties. Any person directed by a law enforcement officer or agent of the Township to leave the Park shall do so promptly and peaceably.

(o) Use of Sound Amplifying Equipment. The use of loudspeakers, public address systems or sound amplifying equipment is prohibited without written permit from the Township. Excessively loud radios, televisions or similar devices are prohibited.

(p) Commercial Activities. No person shall sell or offer for sale any article, thing, privilege or service within the Park without a permit from the Township, and no person shall do any begging, peddling or soliciting therein. Further, no person shall expose, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design, within the Park, without a permit from the Township.

(q) Permit Compliance. Violation of a permit issued under Section 5 of this Ordinance, or of any condition thereof, shall be deemed a violation of this Ordinance.

SECTION 5. TEMPORARY PERMITS. The Township Board may grant temporary permits to engage in certain activities within the Park that would otherwise be prohibited by Section 4 of this Ordinance. Application for such a permit shall be submitted to the Township Clerk, at least 45 days in advance of the activity for which the permit is sought. In its sole discretion, the Township Board may grant, deny, or grant with conditions a permit sought under this section. A permit granted under this section shall specify the date when it commences and ends.

SECTION 6. PENALTIES AND ENFORCEMENT.

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purpose of this section, a “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the ordinance for which such person admitted responsibility

or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense.

(b) In addition to paying the above-stated fines and costs, if a violator is issued a municipal civil infraction citation, the violator shall be responsible for all costs, damages, expenses, and attorney fees incurred by the Township, and shall also be subject to all other remedies provided to the Township by law.

SECTION 7. SEVERABILITY. This Ordinance and the sections and subsections thereof are severable. If any portion of this Ordinance is adjudged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. REPEAL. This Ordinance repeals, replaces and supersedes any ordinance in conflict with the terms hereof, to the extent of such conflict.

SECTION 9. PUBLICATION/EFFECTIVE DATE. This Ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.

Adopted August 22, 2011

FIREWORKS ORDINANCE

ORDINANCE NO. 2014-4

AN ORDINANCE TO REGULATE THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS; TO AUTHORIZE PERMITS FOR THE USE OF DISPLAY FIREWORKS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITIONS. The following words and terms used in this Ordinance are defined as follows:

(a) “Act 256” means the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.

(b) “Consumer fireworks” means that term as defined in Act 256.

(c) “Display fireworks” means that term as defined in Act 256.

(d) “National holiday” means the following public holidays established by U.S. law:

(1) New Year’s Day

(2) Birthday of Martin Luther King

(3) Washington’s Birthday

(4) Memorial Day

(5) Independence Day

(6) Labor Day

(7) Columbus Day

(8) Veterans Day

(9) Thanksgiving Day

(10) Christmas Day

(e) “Person” means that term as defined in Act 256.

SECTION 2. USE OF CONSUMER FIREWORKS.

(a) A person may not ignite, discharge, or use consumer fireworks in the Township on the day preceding, the day of, or the day after a national holiday between the hours

of 1:00 a.m. and 8:00 a.m. On any other day, no person may ignite, discharge or use consumer fireworks in the Township between the hours of 11:00 p.m. and 11:00 a.m.

(b) Consumer fireworks shall not be used if a burn ban is in effect.

(c) No person shall endanger the life, health or safety of any other person by displaying or discharging of any fireworks.

(d) On land, no person shall, at any time, ignite, discharge, use or display, any fireworks upon or within 15 feet of another person's property without such property owner's permission. If offshore, no person shall, at any time, ignite, discharge, use or display, any fireworks within 15 feet of the shoreline at the ordinary high water mark of another person's property, without such property owner's permission.

(e) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person, without that person's or organization's express permission to use the consumer fireworks on those premises. No person shall ignite, discharge, or use consumer fireworks on Township property.

(f) A person shall not use consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

SECTION 3. PERMIT TO USE DISPLAY FIREWORKS; APPLICATION; INSURANCE. No person shall use display fireworks within the Township for public or private display without first obtaining a permit from the Township. A person who desires such a permit shall complete an application on a form provided by the state department of licensing and regulatory affairs. The applicant shall furnish proof of financial responsibility by a bond or insurance policy in an amount, character, and form necessary to satisfy claims for damages to persons or property in connection with the use of display fireworks, as determined by the Township Board.

SECTION 4. PENALTY.

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100, and not more than \$500, in the discretion of the court, and in addition to all other costs, damages, and expenses (including actual attorney fees) incurred in enforcing the Ordinance.

(b) The following persons may issue a municipal civil infraction citation for a violation of this Ordinance:

- (1) Township Supervisor.
- (2) Township Code Enforcement Officer.
- (3) Township Fire Chief.
- (4) Township Deputy Fire Chief.

(5) A law enforcement officer of the Kent County Sheriff's Department or the Michigan State Police.

SECTION 5. SEVERABILITY. This Ordinance and the sections and subsections thereof are severable. If any portion of this Ordinance is adjudged invalid, the remainder of the Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.

Adopted June 23, 2014

ORDINANCE REGARDING GATES AND OTHER DEVICES

ORDINANCE NO. 2015-6

AN ORDINANCE TO PROHIBIT GATES AND OTHER DEVICES
WHICH BLOCK ACCESS TO RESIDENCES

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. FINDINGS; INTENT AND PURPOSE.

(a) Effective fire, police, medical and other emergency response depends on unimpeded vehicular access to residences.

(b) Gates which do, or which are capable of, blocking or delaying emergency access to residences pose a risk to property owners and other persons due to delay in response.

(c) Gates also pose a risk of injury to personnel and of damage to emergency response equipment in an emergency situation which may require forced entry through a gate.

(d) Provision of keys, access codes, remote openers, and similar measures to emergency responders is an unsatisfactory means to address this risk because the possibility of malfunction, the wide variety of personnel and departments who may respond to an emergency incident, including responders from other jurisdictions, and because emergency response can occur in conditions of darkness or bad weather.

SECTION 2. DEFINITIONS.

(a) "Access route to residential property" includes all or any part of any public or private road, shared driveway or access, single use driveway, or other route which provides the primary means of access for motor vehicles from a public street to a single family residence, duplex, multi-family residence, camp, school, hotel or other place where persons reside on a permanent or temporary basis.

(b) "Gate" includes any moveable or immovable fence, gate, chain, rope, pole, post, barrier or any device whatsoever that is, or is capable of, being used to block vehicular access. The term does not include ornamental pillars or other landscaping features which are not capable of blocking vehicular access.

(c) "Person" includes any individual or group of individuals, company, homeowners association, condominium association, or any other legal entity.

SECTION 3. PROHIBITION.

(a) No person shall install, permit to be installed, maintain or permit to be continued in existence any gate which does, or is capable of, blocking the access route to residential property.

(b) This ordinance is declared to be a police power measure necessary to promote the public health, safety and welfare, and accordingly shall apply to any existing gate, as well as to any gate which may be installed in the future.

(c) Other than as provided in (a) above, this ordinance does not prohibit gates which otherwise comply with applicable law or ordinance.

SECTION 4. EFFECT ON OTHER ORDINANCES AND APPROVALS. This Ordinance shall override any other Township ordinance, regulation, land use decision or other law or ordinance contrary to the provisions of this Ordinance.

SECTION 5. ENFORCEMENT; PENALTIES.

(a) In addition to the penalties provided for herein, the Township may, in its discretion, enforce this Ordinance by any and all available remedies. Any violation of this Ordinance is determined to be a nuisance per se and an immediate public health, safety and welfare hazard, and shall be subject to abatement proceedings.

(b) In addition to other penalties provided for herein, any person who violates this Ordinance shall be liable to the Township, Kent County Sheriff Department, or any other emergency responder in appropriate court proceedings for injury or damage to a person or equipment resulting from violation of this Ordinance.

(c) In addition to all other available penalties, a violation of this Ordinance is a municipal civil infraction, of which the fine shall be not less than \$250 nor more than \$500 for the first offense, and not less than \$750 nor more than \$1,000 for a subsequent offense, in the discretion of the court and in addition to all other costs, damages, expenses and all other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that if an offense is committed on subsequent days within a period of one week following the issuance of a citation for a first offense, those offenses shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

SECTION 6. SEVERABILITY. Any section, term or provision of this Ordinance held invalid by a court shall not affect any other provision of this Ordinance, unless the section, term or provision declared invalid shall be inseparable from the remainder of the Ordinance or any part thereof.

SECTION 7. EFFECTIVE DATE. A summary of this Ordinance shall be published in a newspaper of general circulation. This Ordinance shall take effect 30 days following such publication.